Clark County
Air Pollution Control
Hearing Board

Clark County Building Services

Presentation Room

January 28, 2025 @ 9:00 a.m.

Annotated Agenda

Clark County Air Pollution Control Hearing Board

Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

January 28, 2025 – 9:00 A.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 Donald Bordelove - Absent Troy Hildreth Amy Lahav
Hearing Board Counsel	Nichole Kazimirovicz
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 9:11 a.m.

2. PUBLIC COMMENT
NONE

3. APPROVAL OF MINUTES
Approval of December 4, 2024, meeting minutes.
(For possible action)

ACTION: APPROVED MINUTES OF DECEMBER 4, 2024, MEETING AS RECOMMENDED
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

4. APPEAL OF HEARING OFFICER DECISION

MR. JOSEPH YAKUBIK (YAKUBIK), REPRESENTATIVE FOR APPELLANTS WAS NOT IN ATTENDANCE WHEN THE ITEMS WERE CALLED. THE BOARD AGREED TO TAKE A 15 MINUTE RECESS TO ALLOW TIME FOR MR. YAKUBIK TO ARRIVE.

RECESS: 9:15 a.m.
RECONVENE: 9:30 a.m.

MR. YAKUBIK ARRIVED AT 9:30 A.M., STATING HE HAD BEEN INFORMED BY MS. ROGGE THAT THE MEETING STARTED AT 10:00 A.M.

MR. YAKUBIK MADE AN ORAL MOTION THAT ALL FIVE CASES BE DISMISSED OR CONTINUED BASED ON ARGUMENTS OF DUE PROCESS.

ACTION: DENIED APPELLANTS' ORAL MOTION TO DISMISS OR, IN THE ALTERNATIVE, CONTINUE NOVS #9907, #9946, #9979, #10008 , AND #9981 TO A FUTURE DATE.
BY: Board Member Dennett
SECOND: Board Member Lahav
VOTE: 5-0
VOTING AYE: Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav
VOTING NOE: None
ABSTAINING: None
ABSENT: Donald Bordelove

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice (BMP) 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during

a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $5,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION:	**DENIED REQUEST TO EXCLUDE ANNA SUTOWSKA FROM SEGREGATION OF WITNESSES FOR NOVS #9907, #9946, #9979, #10008, AND #9981.**
BY:	**Board Member Lahav**
SECOND:	**Board Member Dennett**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

RECESS: 12:02 p.m.
RECONVENE: 12:45 p.m.

ACTION:	**DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9907.**
BY:	**Board Member Dennett**
SECOND:	**Board Member Lahav**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

ACTION:	**AFFIRMED THE HEARING OFFICER ORDER FOR ASSESSMENT OF ADMINISTRATIVE PENALTY IN THE AMOUNT OF $5,000.00 IN THE MATTER OF NOV #9907.**
BY:	**Board Member Sanders**
SECOND:	**Board Member Hildreth**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

ACTION:	**ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9907: THE BOARD FINDS THAT ON JULY 13, 2023, AUGUST 2, 2023, AUGUST 9, 2023, AUGUST 11, 2023, AND AUGUST 17, 2023, AIR**

QUALITY STAFF VISITED THE PERMITTED LOCATION IN RESPONSE TO NOTIFICATION FROM ASSURED DEVELOPMENT, INC. (ASSURED) AND YAKUBIK THAT THEY WERE PREPARED FOR A CLOSE OUT OF THE OUTSTANDING DCOP. ON EACH OF THOSE OCCASIONS, STAFF FOR AIR QUALITY RECOGNIZED AND DETERMINED THAT THE STANDARDS FOR CLOSURE OF THE OUTSTANDING DCOP HAD NOT BEEN MET. SPECIFICALLY, THE BOARD FINDS THAT THE DUST MITIGATION EFFORT HAD NOT BEEN APPLIED TO THE DISTURBED SOILS, AND THE PROJECT WAS NOT IN COMPLIANCE WITH BMP 11.

THE BOARD CONCLUDES THAT ASSURED AND YAKUBIK VIOLATED AQRS, SPECIFICALLY THAT SOIL WAS DISTURBED AT THE SUBJECT CONSTRUCTION SITE AND THAT ASSURED AND YAKUBIK FAILED TO STABILIZE SOILS AS REQUIRED BY BMP 11.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ASSURED AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ASSURED AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ASSURED AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ASSURED AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED A MOTION PRESENTING ALL THEIR ARGUMENTS TO WHICH AIR QUALITY COULD HAVE RESPONDED AND ASSURED AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ASSURED AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND

THAT ASSURED AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.
THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) ASSESSED AGAINST ASSURED AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY:	**Board Member Dennett**
SECOND:	**Board Member Sanders**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $5,937.50. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION:	**DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9946 INCLUDING THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF $5,937.50.**
BY:	**Board Member Sanders**
SECOND:	**Board Member Bartlett**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

ACTION: **ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9946: THE BOARD FINDS THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK VIOLATED AQRS FOR NOT APPLYING BEST AVAILABLE CONTROL MEASURES FOR DUST AS DOCUMENTED BY INSPECTIONS THAT WERE PERFORMED BY AIR QUALITY STAFF ON NOVEMBER 8, 2023, NOVEMBER 15, 2023, NOVEMBER 20, 2023, AND DECEMBER 11, 2023, AT 732 NORTH NAPLES STREET, 729 NORTH MILAN STREET, AND 724 NORTH NAPLES STREET IN HENDERSON, CLARK COUNTY, NEVADA.**

THE BOARD FINDS THAT ATLAS HOLDINGS AND YAKUBIK ATTEMPTED TO APPLY FOR A DUST PERMIT, BUT ONE WAS NOT IN PLACE AT THE TIME. DESPITE THAT, ATLAS HOLDINGS AND YAKUBIK WERE REQUIRED TO APPLY BEST AVAILABLE CONTROL MEASURES FOR DUST AND FAILED TO DO SO.

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.
THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FIVE THOUSAND NINE HUNDRED THIRTY-SEVEN AND 50/100 DOLLARS ($5,937.50) ASSESSED AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY: **Board Member Dennett**
SECOND: **Board Member Sanders**
VOTE: **5-0**
VOTING AYE: **Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE: **None**
ABSTAINING: **None**
ABSENT: **Donald Bordelove**

C. **ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979 –** On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit (DCOP) prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $4,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION: **DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #9979 INCLUDING THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF $4,000.00.**
BY: **Board Member Dennett**
SECOND: **Board Member Lahav**
VOTE: **5-0**
VOTING AYE: **Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE: **None**
ABSTAINING: **None**

ABSENT: **Donald Bordelove**

ACTION: **ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #9979: THE BOARD FINDS THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK WERE REQUIRED TO OBTAIN A DCOP AND FAILED TO DO SO. THE BOARD FINDS THAT ON JANUARY 10 AND 17, 2024, AT THE SUBJECT CONSTRUCTION SITE, ATLAS HOLDINGS AND YAKUBIK FAILED TO USE BEST AVAILABLE CONTROL MEASURES AS DEMONSTRATED THROUGH DOCUMENTATION OR INSPECTIONS BY AIR QUALITY STAFF ON THOSE DATES.**

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.

THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION,

THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.
THE BOARD FINDS THAT THE ADMINISTRATIVE PENALTY OF FOUR THOUSAND AND NO/100 DOLLARS ($4,000.00) ASSESSED AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY:	**Board Member Dennett**
SECOND:	**Board Member Sanders**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

RECESS: **3:10 p.m.**
RECONVENE: **3:20 p.m.**

D. **JOSEPH YAKUBIK AND DARCIE YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981** – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

AIR QUALITY WITHDREW THEIR APPEAL OF NOV #9981.

E. **ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008 –** On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $1,250.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

ACTION:	**DENIED THE APPEAL. AFFIRMED THE HEARING OFFICER ORDER IN THE MATTER OF NOV #10008 AS IT RELATES TO THE FINDING OF VIOLATION AND MODIFIED THE ASSESSMENT OF AN ADMINISTRATIVE PENALTY FROM $1,250.00 TO $1,750.00.**
BY:	**Board Member Lahav**
SECOND:	**Board Member Bartlett**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

ACTION: **ACCEPTED THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE MATTER OF NOV #10008: THE BOARD FINDS THAT AIR QUALITY HAS DEMONSTRATED THAT ATLAS HOLDINGS INTERNATIONAL LLC (ATLAS HOLDINGS) AND YAKUBIK, INDIVIDUALLY, FAILED TO EMPLOY BEST AVAILABLE CONTROL MEASURES FOR DUST AT THE SUBJECT CONSTRUCTION SITE.**

THE BOARD FINDS AND DETERMINES, AS DISCUSSED THROUGHOUT THE HEARING, THAT THE FOLLOWING APPLIES IN THE MATTER OF ALL FOUR ITEMS (NOVS #9907, #9946, #9979, AND #10008):

1. ATLAS HOLDINGS AND YAKUBIK ARGUED UNDER BOTH THE UNITED STATES CONSTITUTION 14TH AMENDMENT AND NEVADA STATE LAW THAT DUE PROCESS WAS NOT AFFORDED BECAUSE OF THE ALLEGED FAILURE OF AIR QUALITY TO PROVIDE REQUESTED DOCUMENTS THROUGH SUBPOENA OR PUBLIC RECORDS REQUESTS, BECAUSE OF A PERCEIVED FAILURE OF AIR QUALITY TO GIVE TIMELY NOTICE OF THE DECEMBER 4, 2024, BOARD MEETING, AND THE INABILITY OF ATLAS HOLDINGS AND YAKUBIK TO THEN PREPARE AND PROVIDE DOCUMENTS AND ARGUMENT AT THIS PROCEEDING.

2. AIR QUALITY ARGUED THAT ATLAS HOLDINGS AND YAKUBIK HAD AMPLE NOTICE AND OPPORTUNITY TO PRESENT EVIDENCE, A WITNESS LIST, AND MOTION PRIOR TO THE JANUARY 28, 2025 HEARING. AIR QUALITY ARGUED IF ATLAS HOLDINGS AND YAKUBIK TRULY WANTED THEIR ARGUMENTS CONSIDERED BY THE BOARD, THEY WOULD HAVE SUBMITTED THE MOTION TO WHICH AIR QUALITY COULD HAVE RESPONDED, AND ATLAS HOLDINGS AND YAKUBIK THEN COULD HAVE

REPLIED. IN ADDITION, AIR QUALITY PRESENTED EVIDENCE THAT IT HAD PRODUCED ALL THE DOCUMENTS IN ITS POSSESSION TO ATLAS HOLDINGS AND YAKUBIK IN ACCORDANCE WITH THE SUBPOENA AUTHORIZED BY THE BOARD AT THE OCTOBER 2, 2024, BOARD MEETING.
THE BOARD, HAVING CONSIDERED THOSE ISSUES OF POTENTIAL VIOLATION OF DUE PROCESS, FINDS AND CONCLUDES THAT THEY ARE WITHOUT MERIT AND THAT ATLAS HOLDINGS AND YAKUBIK HAVE FAILED TO MEET THEIR BURDEN OF PROOF WITH REGARD TO AN ALLEGED VIOLATION OF DUE PROCESS. IN ADDITION, THE BOARD CONCLUDES THAT THE MEETING WAS PROPERLY NOTICED.
THE BOARD FINDS THAT AN ADMINISTRATIVE PENALTY OF ONE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS ($1,750.00) AGAINST ATLAS HOLDINGS AND YAKUBIK FOR ITS VIOLATION OF THE AQRS IS REASONABLE AND APPROPRIATE.

BY:	**Board Member Dennett**
SECOND:	**Board Member Sanders**
VOTE:	**5-0**
VOTING AYE:	**Daniel Sanders, Ryan Dennett, Troy Hildreth, Daniel Bartlett, Amy Lahav**
VOTING NOE:	**None**
ABSTAINING:	**None**
ABSENT:	**Donald Bordelove**

5. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY THE BOARD AT A FUTURE MEETING
NONE

6. PUBLIC COMMENT
NONE

7. ADJOURNMENT **3:39 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)

Additional material entered into the record at the

1/28/2025 Hearing Board Meeting:

Item 4 – Appeal of Hearing Officer Decision

Letter from Joe Yakubik dated January 22, 2025 -
Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008

Received via email on 1/22/2025 @ 8:28 AM
From: Joe Yakubik
S. Rogge, Admin Secretary

Joe Yakubik
P.O. Box 530778
Henderson, Nevada 89053
Telephone: (702) 241-4040
Facsimile: (866) 248-6564

January 22, 2025

VIA E-MAIL

Department of Air Quality
Via Email

RE: ***Appeal of Notice of Violations #9907, 9946, 9979, 9981 and 10008***

I am requesting the following items be placed on the agenda with the respective Notice of Violations:

#9907 – Assured Development, Inc; Joseph Yakubik, Individually:

1. Motion to Continue: Pending Outcome Attorney General Complaint Open Meeting Violation
2. Motion to Continue: Pending Outcome Writ of Mandamus District Court
3. Motion to Continue: Violations of Due Process
4. Motion to Issue Subpoenas
5. Motion to Set Hearing Schedule

#9946, #9979, #10081 – Atlas Holdings International, LLC and Joseph Yakubik, Individually:

1. Motion to Dismiss
2. Motion to Continue: Pending Outcome Attorney General Complaint Open Meeting Violation
3. Motion to Continue: Pending Outcome Writ of Mandamus District Court
4. Motion to Continue: Violations of Due Process
5. Motion to Issue Subpoenas
6. Motion to Set Hearing Schedule

#9981 –Joseph Yakubik, Individually:

1. Motion to Continue: Pending Outcome Attorney General Complaint Open Meeting Violation
2. Motion to Continue: Pending Outcome Writ of Mandamus District Court
3. Motion to Continue: Violations of Due Process
4. Motion to Stike Evidence
5. Motion to Issue Subpoenas
6. Motion to Set Hearing Schedule

CERTIFICATE OF POSTING

I, the undersigned, do hereby certify that on this date, 01/22/2025, at 07:45am (time), I posted in the Clark County Building Services Building, located at 4701 W. Russell Rd., Las Vegas, NV, the agenda for the Open Meeting of:

PUBLIC BODY NAME: **AIR POLLUTION CONTROL HEARING BOARD** **PUBLIC BODY LOCATION:** **Presentation Room, 4701 W. Russell Rd.,** **Las Vegas NV 89118**	**MEETING DATE:** **January 28, 2025** **MEETING TIME:** **9:00 a.m.**

NAME: Sandy K Miller

TITLE: Executive Assistant

SIGNATURE: Sandy K Miller

Please post the attached agenda in a public area of your building. NRS 241.020 (4), as amended by Assembly Bill 253 of the 2021 Legislative Session, mandates a written notice of all public meetings be posted no later than 9 a.m. three (3) working days before the meeting in the principal office of the public body. NRS 241.020 (5) mandates that a certificate of posting be completed by each individual posting a copy of the public notice. The certificate of posting must include: (1) date and time of posting, (2) address of the location of posting, and (3) name, title, and signature of person who posts the public notice.

Please return this signed Certificate of Posting to: **Sherrie Rogge, Department of Environmental and Sustainability, Division of Air Quality, Fax: (702) 383-9994 or Email: Sherrie.Rogge@ClarkCountyNV.gov.**

Attendance Form

Clark County Air Pollution Control Hearing Board

2025

MEMBER ATTENDANCE SHEET

P = Present
A = Absent
E = Excused
X = Resigned Member
NM = No Meeting

	NAME	JAN 28	MAR	APR 8	MAY	JUN 4	JUL	AUG 6	SEP	OCT 1	NOV	DEC 3
1.	**Danny Sanders**	P										
2.	**Ryan Dennett**	P										
3.	**Daniel Bartlett**	P										
4.	**Donald Bordelove**	A										
5.	**Troy Hildreth**	P										
6.	**Amy Lahav**	P										
7.												
8.												
9.												
10.												
	QUORUM - Yes or No	**Y**										

Clark County Air Pollution Control Hearing Board

Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV 89118

January 28, 2025 – 9:00 A.M.

Agenda

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 Donald Bordelove Troy Hildreth Amy Lahav
Hearing Board Counsel	Nichole Kazimirovicz
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

2. PUBLIC COMMENT

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

3. APPROVAL OF MINUTES

Approval of December 4, 2024 meeting minutes.
(For possible action)

4. APPEAL OF HEARING OFFICER DECISION

A. ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY (DCOP #50962) – NOV #9907 – On June 17, 2024, the Hearing Officer found Assured Development, Inc. and Joseph Yakubik in violation of Sections 94.5(n)(1) and (2), and 94.13(b) of the AQRs for failure to implement control measures for long-term stabilization, as described in Best Management Practice 11 at permit closure, as identified by Air Quality Specialist Nahulu Kahananui and Senior Air Quality Specialist Katrinka Byers during a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up inspections on August 9, 11 and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $5,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

B. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9946 – On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11, 2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $5,937.50. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

C. **ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) – NOV #9979 –** On June 17, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b), and 94.4.1(a) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $4,000.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

D. JOSEPH YAKUBIK AND DARCIE YAKUBIK, INDIVIDUALLY (Construction Project #57592) – NOV #9981 – On June 17, 2024, the Hearing Officer dismissed the violations alleged in NOV #9981 finding Joseph Yakubik and Darcie Yakubik not in violation of Sections 94.13(a) and (b) and 94.4.1(a) of the AQRs for failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week; and for failing to obtain a Dust Control Operating Permit prior to commencing construction activities, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk, and Air Quality Supervisor David Dean during a routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

E. ATLAS HOLDINGS INTERNATIONAL LLC AND JOSEPH YAKUBIK, INDIVIDUALLY (Construction Project #57391) - NOV #10008 – On May 23, 2024, the Hearing Officer found Atlas Holdings International LLC and Joseph Yakubik in violation of Sections 94.13(a) and (b) of the AQRs for failure to fully implement Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, as identified by Senior Air Quality Specialists Katrinka Byers and Andrew Kirk during a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023), located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The Hearing Officer assessed a penalty amount of $1,250.00. This appeal is continued from the August 7, 2024, October 2, 2024, and December 4, 2024 Hearing Board meetings.

Conduct Hearing and Render Decision
(For possible action)

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

6. PUBLIC COMMENT

A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell y**our last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

7. ADJOURNMENT

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)

Minutes

Regular Meeting of the Clark County Air Pollution Control Hearing Board

December 4, 2024

Clark County Building Services
Presentation Room
4701 West Russell Road
Las Vegas, NV

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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 Donald Bordelove (Joined via MS Teams) Troy Hildreth Amy Lahav
ABSENT:	Daniel Bartlett
HEARING BOARD COUNSEL:	Nichole Kazimirovicz, Deputy District Attorney Tyler T. Smith, Deputy District Attorney
DAQ STAFF:	Marci Henson, Director Shibi Paul, Compliance and Enforcement Manager Anna Sutowska, Air Quality Supervisor Sheenaleigh Lucas, Senior Air Quality Specialist
DEPARTMENT COUNSEL:	Catherine Jorgenson, 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 SEPTEMBER 16, 2024, AND OCTOBER 2, 2024, MEETINGS (For possible action)

Chair Sanders called for comments, changes, or corrections to the September 16, 2024, and October 2, 2024, 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

The Board took item 7.B out of order and heard it after item 3. Counsel for Holcim – SWR, Inc. and representatives for Holcim were in attendance. No one was required to appear for items 4, 5, 6, or 7.A.

RECESSED: 3:29 p.m.
RECONVENED: 3:51 p.m.

Chair Sanders called the meeting back to order.

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.

Catherine Jorgenson, Deputy District Attorney, State Bar No. 006700, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Division of Air Quality (Air Quality), provided the Board with an update. There has been difficulty in setting a date with Mr. Yakubik for the appeals hearing in January. Administrative Secretary Sherrie Rogge contacted Mr. Yakubik and Mr. Rocheleau, Attorney for Appellants Assured Development Inc., Atlas Holdings International

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LLC, Joseph Yakubik, and Darcie Yakubik, notifying them that the Board would have a quorum for January 21st. Mr. Rocheleau notified her on October 22nd that he was not available on that date. Ms. Rogge responded with additional dates: January 23rd, 27th, and 28th. In addition, Ms. Jorgenson offered January 16th as a possible date. On November 6th, Ms. Rogge followed back up with Mr. Rocheleau and Mr. Yakubik about their availability on January 16th, 23rd, 27th, and 28th. On November 14th, Mr. Yakubik sent Ms. Rogge an email that Mr. Rocheleau is no longer representing the appellants on the appeals of NOVs #9907, #9946, #9979, #9981, and #10008 and that he is available on January 28th. That same day, Ms. Jorgenson requested for Ms. Rogge to add a status check to the December 4th Hearing Board agenda to address the scheduling issues. Mr. Yakubik replied to the email that he was not available on December 4th and asked about the procedure to engage Mr. Dennett to discuss the items that he agreed to review and weigh in on. Ms. Jorgenson replied to Mr. Yakubik that the deadline to request additional documents was November 15th as per the Board's direction from the October 2nd meeting. Also, since he wasn't going to be available for the status check, Ms. Jorgenson offered to discuss what the status check would entail if they agreed upon it beforehand. Mr. Yakubik did not respond.

Mr. Yakubik submitted a document to the Board the evening of December 3rd addressing the four points to be discussed at the meeting. Mr. Yakubik requested a separate hearing for each of the NOVs, itemized how much time he needed to present each case, a proposed schedule for pre-hearing briefs and exhibits, and an update on additional records requests. In addition, he updated the Board on appellants' representation.

Ms. Jorgenson notified the Board that the records request to which Mr. Yakubik was referring to in his letter was submitted by him on August 19th and 20th, and according to his email at the time, did not have anything to do with the appeals of the NOVs.

Ms. Jorgenson submitted four emails into evidence: August 20, 2024 @ 3:04 p.m. Email, August 21, 2024 @ 8:07 a.m. Email, November 14, 2024 @ 10:58 a.m. Email, and November 14, 2024 @ 12:24 p.m. Email.

DISCUSSION: Discussion ensued amongst the Board and Ms. Jorgenson regarding the scheduling of the Hearing Board meeting to address the five appeals.

FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Lahav, to continue 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.

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

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FINAL ACTION: It was moved by Board Member Dennett, seconded by Board Member Lahav, to approve the deadline for parties to submit pre-hearing briefs, witness lists, and exhibits to Board Secretary no later than close of business January 17, 2025.

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

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)

Chair Sanders announced items 5 and 6.

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.

Ms. Jorgenson notified the Board that the appellants are represented by Russell G. Gubler of Johnson & Gubler, P.C. She has spoken to Mr. Gubler who informed her that he and his client are available on February 5, 2025, at 10:00 a.m. for a Hearing Board meeting on the appeals of NOVs #9994 and #10078. They also agreed that January 22, 2025, would be a suitable date for the submission of pre-hearing briefs, exhibits, and witness lists.

FINAL ACTION: It was moved by Board Member Sanders, seconded by Board Member Lahav, to approve 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.

Motion carried by the following vote:

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

Vice-Chair Dennett returned to the meeting.

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** (For possible action)

A. **GYPSUM 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

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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. (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.

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Bordelove to approve 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.

Motion carried by the following vote:

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

Chair Sanders, Vice-Chair Dennett, and Board Member Hildreth returned to the meeting.

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. (For possible action.)

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

Vice-Chair Dennett announced the item.

Monique S. Jammer, Esq., Nevada Bar No. 15420, 9555 Hillwood Drive, Second Floor, Las Vegas NV 89134, Attorney for Appellant, Holcim-SWR, Inc. (Holcim).

Catherine Jorgenson, Deputy District Attorney, State Bar No. 006700, 500 South Grand Central Parkway, Las Vegas NV 89155, Attorney for Clark County Division of Air Quality (Air Quality).

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During the presentation of the case, Vice-Chair Dennett swore the following people in for questioning:

Michael Newell, Senior Air Quality Specialist, Stationary Source Section
Scott Jelinek, Air Quality Supervisor, Stationary Source Section
Anna Sutowska, Air Quality Supervisor, Enforcement Section

Ms. Jammer and Ms. Jorgenson both made opening statements.

Holcim's arguments in regard to NOV #10048 are: that the type of controllable particulate matter that permit condition III.B.31 contemplates is not emissions from the haul road itself, but the emissions from the materials in the truck; Air Quality failed to follow required procedures to establish that the dust emissions observed on June 22, 2024, exceeded opacity limits as set by AQR 26 or Holcim's permit; permit condition III.B.31 does not allow Holcim the opportunity to self-regulate and is a catch-all provision that allows Air Quality unfettered discretion to assess any dust emissions as a violation. In addition, Holcim requested that the Board overturn the Hearing Officer Order from September 25, 2024.

Ms. Jorgenson presented the facts of Air Quality's case pertaining to the appeal of NOV #10048. Ms. Jorgenson called Mr. Newell and Mr. Jelinek to testify.

Ms. Jammer cross examined Mr. Newell and Mr. Jelinek.

The Board asked Mr. Newell and Mr. Jelinek follow-up questions.

Ms. Jammer made a closing statement. Holcim's position is that permit condition III.B.31 is a catch-all provision that does not take into account AQR 26 for opacity which makes it a subjective permit condition. It renders Holcim powerless in policing itself in regard to dust emissions from the haul road. Holcim does not agree that the fugitive dust observed was significant. There are standards, clear procedures, clear policies in place that allow Air Quality to confirm that a violation has occurred before they assess a violation and penalty against Holcim. Air Quality failed to do so.

Ms. Jorgenson made a closing statement. The dust emissions observed in Mr. Newell's video are not subjective. The dust emissions are observable. The fact that there were dust emissions is not subjective. Permit condition III.B.31 is one of the conditions cited in the NOV. It originates from a State Implementation Plan (SIP)-approved rule that is enforceable and has been in Holcim's permit for many years. The haul road on June 22, 2024, was observed to be dry, loose, and powdery soil. That was also an objective observation. In addition, Mr. Newell did not observe any application of any type of control measures. Holcim chooses to apply water to the haul road to mitigate dust, but other control measures can be applied such as pavement, surfactant, dust palliative, or crushed asphalt. Permit condition III.D.42 states that if there is inconsistency between standards and requirements, the most stringent standard or requirement shall apply which, in this case, is permit condition III.B.31.

The Board discussed the arguments made by both parties.

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Ms. Jorgenson questioned Air Quality Supervisor Anna Sutowska in regard to the recommended penalty.

General discussion ensued between the Board.

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Hildreth, to affirm the Hearing Officer Order in the matter of NOV #10048 finding the violation did occur.

Motion carried by the following vote:

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

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Hildreth, to affirm the Hearing Officer Order in the matter of NOV #10048 assessing a $1,875 penalty, $375 of which 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 will be waived.

Motion carried by the following vote:

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

FINAL ACTION: It was moved by Board Member Lahav, seconded by Board Member Hildreth to accept the following findings of fact and conclusions of law: the Board heard an appeal of the Hearing Officer's decision with regard to 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.

Motion carried by the following vote:

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

DRAFT

Absent: Daniel Bartlett

Chair Sanders returned to the meeting at 3:29 p.m.

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

There were no emerging issues 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 4:43 p.m.

Approved:

_____
Daniel Sanders, Chair

_____
Date

DRAFT

Received via email on 1/16/2025 @ 3:44 PM
From: Catherine Jorgenson, Deputy District Attorney
S. Rogge, Admin. Secretary

From: Catherine Jorgenson
To: Sherrie Rogge; Joe Yakubik
Subject: DAQ Submittal for 1.28.2025 HB Meeting
Date: Thursday, January 16, 2025 3:44:19 PM

DAQ Submittal for 1.28.2025 HB Mtg.pdf HHH, 1214160_24-01257_Phone_Call.wav JJJ, HPD_DR24_01257_Giordano_BWC[REDACTED].v3.mp4 KKK, HPD_DR24_01257_Stier_BWC[REDACTED].mp4 MMM, HPD_DR24_01257_Stier_BWC2[REDACTED].mp4 OOO, HPD_DR24_01257_Travers_BWC[REDACTED].v4.mp4

Ms. Roggie and Mr. Yakubik,

Please find attached the Division of Air Quality's (DAQ) submittal for NOVs 9907, 9946, 9979, 9981, 10008 scheduled to be heard at the January 28, 2025 Air Pollution Control Hearing Board Meeting. The submittal includes DAQ's witness list, exhibit list, and exhibits. DAQ has chosen not to submit a pre-hearing brief.

Please contact me if you have any issues with opening the attachments.

Thank you,

Catherine Jorgenson
Deputy District Attorney
Office of the District Attorney|Civil Division
Clark County, Nevada
702.455.4761
Catherine.Jorgenson@ClarkCountydanv.gov

Received via email on 1/16/2025 @ 3:44 PM
From: Catherine Jorgenson, Deputy District Attorney
S. Rogge, Admin. Secretary

Before the Air Pollution Control Hearing Board - January 28, 2025

Appeals of Notices of Violation:

1. No. 9907 Issued to Assured Development, Inc. and Joseph Yakubik;
2. Nos. 9946, 9979, and 10008 Issued to Atlas Holdings International LLC and Joseph Yakubik; and
3. No. 9981 Issued to Joseph Yakubik and Darcie Yakubik

List of Witnesses

1. Senior Air Quality Specialist Katrinka Byers
2. Air Quality Supervisor David Dean
3. Air Quality Specialist Nahulu Kahananui
4. Senior Air Quality Specialist Andrew Kirk
5. Air Quality Specialist Damon Lindsay
6. Air Quality Specialist Canduella Rowsell
7. Air Quality Supervisor Anna Sutowska

If warranted, DAQ may call additional witnesses for the purpose of rebuttal or to address questions from the Hearing Board.

Before the Air Pollution Control Hearing Board - January 28, 2025

Appeals of Notices of Violation:

1. No. 9907 Issued to Assured Development, Inc. and Joseph Yakubik;
2. Nos. 9946, 9979, and 10008 Issued to Atlas Holdings International LLC and Joseph Yakubik; and
3. No. 9981 Issued to Joseph Yakubik and Darcie Yakubik

List of Additional Exhibits

Exhibit A – DCOP #50962 Mod 3 issued to Assured Development, Inc. on 9/12/2022, Renewal **(DAQ_007)**

Exhibit B– Email communication with Chris Craig and Steven Yarmy for DCOP Application Nos. 20766 and 20767 dated 11/16/2023 **(DAQ_031)**

Exhibit C – DCOP #57391 Mod 0 issued 3/27/2024 to Atlas Holdings International LLC (Previously submitted for 10/2/2024 HB Meeting, EXH P) **(DAQ_035)**

Exhibit D – Parcel #179-04-799-012, DCOP #57090 Mod 0 issued to Clover Cable Construction on 8/21/2023, New (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.A) **(DAQ_053)**

Exhibit E – Parcel #179-04-799-012, DCOP #57090, BMP-11 Noncompliance Photographs taken on 1/18/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.B) **(DAQ_071)**

Exhibit F – Parcel #179-04-799-012, DCOP #57090, Notice of Noncompliance issued on 1/23/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.C) **(DAQ_074)**

Exhibit G – Parcel #179-04-799-012, DCOP #57090, Internal Notes created on 1/26/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.D) **(DAQ_076)**

Exhibit H – Parcel #179-04-799-012, DCOP #57090, BMP-11 Compliance Photographs taken on 2/9/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.E) **(DAQ_078)**

Exhibit I – Parcel #179-04-799-012, DCOP #57090, Permit closed on 2/9/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.F) **(DAQ_081)**

Exhibit J – Parcel #179-04-303-001, DCOP #53657, DCOP Mod 2 issued to Jag Development on 3/9/2023, Renewal (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.C) **(DAQ_083)**

Exhibit K – Parcel #179-04-303-001, DCOP #53657, Notice of Noncompliance issued on 8/23/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.D) **(DAQ_101)**

Exhibit L – Parcel #179-04-303-001, DCOP #53657, Notice of Noncompliance issued on 10/4/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.E) **(DAQ_103)**

Exhibit M – Parcel #179-04-303-001, DCOP #53657, Notice of Noncompliance issued on 3/1/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.F) **(DAQ_105)**

Exhibit N – Parcel #179-04-303-001, DCOP #53657, Internal Notes created on 8/30 and 10/5/2023, and 3/1/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.G) **(DAQ_107)**

Exhibit O – Parcel #179-04-303-001, DCOP #53657, BMP-11 Noncompliance Photographs taken on 3/19/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.H) **(DAQ_109)**

Exhibit P – Parcel #179-04-303-001, DCOP #53657, BMP-11 Compliance Photographs taken on 4/16/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.I) **(DAQ_112)**

Exhibit Q – Parcel #179-04-303-001, DCOP #53657, Permit closed on 4/25/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.J) **(DAQ_114)**

Exhibit R – Parcel #179-04-303-001, DCOP #53657, BMP-11 Compliance Photographs taken on 6/18/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.K) **(DAQ_116)**

Exhibit S – Parcel #126-25-812-002, DCOP #56096, DCOP Mod 0 issued to Eagle Valley on 11/17/2022, New (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.A) **(DAQ_119)**

Exhibit T – Parcel #126-25-812-002, DCOP #56096, DCOP Mod 1 issued 7/10/2023, Revision (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.B) **(DAQ_141)**

Exhibit U – Parcel #126-25-812-002, DCOP #56096, DCOP application Mod 2 communication with inspector on 11/7/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.C) **(DAQ_165)**

Exhibit V – Parcel #126-25-812-002, DCOP #56096, DCOP application Mod 2 communication with inspector on 11/21/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.D) **(DAQ_169)**

Exhibit W – Parcel #126-25-812-002, DCOP #56096, DCOP Mod 2 issued 12/4/2023, Renewal (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.E) **(DAQ_172)**

Exhibit X – Parcel #126-25-812-002, DCOP #56096, Notice of Noncompliance issued on 12/27/2022 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.F) **(DAQ_203)**

Exhibit Y – Parcel #126-25-812-002, DCOP #56096, Notice of Noncompliance issued on 7/13/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.G) **(DAQ_205)**

Exhibit Z – Parcel #126-25-812-002, DCOP #56096, Permit closed on 5/30/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.H) **(DAQ_207)**

Exhibit AA – Parcel #126-25-812-002, DCOP #56096, Notice of Violation #9813 issued 2/28/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.I) **(DAQ_209)**

Exhibit BB – Parcel #125-09-603-014, DCOP #50689, DCOP Mod 4 issued to Meridian Construction Company, Inc. on 5/2/2023, Renewal (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.E) **(DAQ_250)**

Exhibit CC – Parcel #125-09-603-014, DCOP #50689, Notice of Noncompliance issued on 4/29/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.F) **(DAQ_268)**

Exhibit DD – Parcel #125-09-603-014, DCOP #50689, Internal Notes created on 4/30/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.G) **(DAQ_270)**

Exhibit EE – Parcel #125-09-603-014, DCOP #50689, BMP-11 Noncompliance Photographs taken on 5/20/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.H) **(DAQ_272)**

Exhibit FF – Parcel #125-09-603-014, DCOP #50689, Permit closure record of communication dated 6/28/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.I) **(DAQ_275)**

Exhibit GG – Parcel #125-09-603-014, DCOP #50689, Permit closed on 7/2/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.J) **(DAQ_279)**

Exhibit HH – Parcel #179-04-505-013, DCOP #49334, DCOP Mod 4 issued to John Gondini on 6/21/2022, Renewal (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.E) **(DAQ_281)**

Exhibit II – Parcel #179-04-505-013, DCOP #49334, DCOP Mod 5 issued 7/5/2023, Renewal (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.F) **(DAQ_302)**

Exhibit JJ – Parcel #179-04-505-013, DCOP #49334, Notice of Noncompliance issued on 6/14/2023 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.G) **(DAQ_320)**

Exhibit KK – Parcel #179-04-505-013, DCOP #49334, Notice of Noncompliance issued on 5/1/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.H) **(DAQ_322)**

Exhibit LL – Parcel #179-04-505-013, DCOP #49334, Internal Notes created on 5/2/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.I) **(DAQ_324)**

Exhibit MM – Parcel #179-04-505-013, DCOP #49334, BMP-11 Compliance Photographs taken on 5/15/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.J) **(DAQ_326)**

Exhibit NN – Parcel #179-04-505-013, DCOP #49334, Permit closed on 5/16/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.K) **(DAQ_329)**

Exhibit OO – Nevada Secretary of State Information for Assured Development, Inc. (Previously submitted for 10/2/2024 HB Meeting, EXH B) **(DAQ_331)**

Exhibit PP – Nevada Secretary of State Information for Atlas Holdings International LLC (Previously submitted for 10/2/2024 HB Meeting, EXH C) **(DAQ_335)**

Exhibit QQ – Nevada Secretary of State Information for Milan Customs LLC (Previously submitted for 10/2/2024 HB Meeting, EXH D) **(DAQ_339)**

Exhibit RR – Nevada Secretary of State Information for Global Equity Holdings, Inc. (Domestic Corporation) (Previously submitted for 10/2/2024 HB Meeting, EXH E) **(DAQ_342)**

Exhibit SS – Nevada Secretary of State Information for Global Equity Holdings, Inc. (Commercial Registered Agent) (Previously submitted for 10/2/2024 HB Meeting, EXH F) **(DAQ_346)**

Exhibit TT – Nevada Secretary of State Information for Southwest Enterprise Holdings LLC (Previously submitted for 10/2/2024 HB Meeting, EXH G) **(DAQ_349)**

Exhibit UU – Additional photographs from inspection on 1/19/2024 (NOV #9981) (Previously submitted for 10/2/2024 HB Meeting, EXH Q) **(DAQ_352)**

Exhibit VV – DCOP #49811 Mod 2 issued to Athens Customs on 12/15/2020 (Previously submitted for 10/2/2024 HB Meeting, EXH T) **(DAQ_368)**

Exhibit WW – DCOP #49811 Permit closure disapproved on 9/23/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH U) **(DAQ_406)**

Exhibit XX – DCOP #49811 Permit closure record of communication dated 9/23/2021 through 10/25/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH V) **(DAQ_408)**

Exhibit YY – DCOP #49811 Notice of Noncompliance issued 10/14/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH W) **(DAQ_413)**

Exhibit ZZ – DCOP #49811 Letter from Assured Development to withdraw application for renewal dated 11/22/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH X) **(DAQ_415)**

Exhibit AAA – DCOP #49811 Photographs from inspection on 11/23/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH Y) **(DAQ_417)**

Exhibit BBB – DCOP #49811 application communication with inspector on 11/23/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH Z) **(DAQ_426)**

Exhibit CCC – DCOP #49811 application for renewal email communication dated 11/23/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH AA) **(DAQ_428)**

Exhibit DDD – DCOP #49811 closed on 11/29/2021 (Previously submitted for 10/2/2024 HB Meeting, EXH BB) **(DAQ_437)**

Exhibit EEE – DCOP #54772 Mod 0 issued to Joe Yakubik on 11/29/2021, NEW (Previously submitted for 10/2/2024 HB Meeting, EXH CC) **(DAQ_439)**

Exhibit FFF – DCOP #54772 Notice of Noncompliance issued 12/6/2022 (Previously submitted for 10/2/2024 HB Meeting, EXH DD) **(DAQ_457)**

Exhibit GGG – DCOP #54772 closed on 12/13/2022 (Previously submitted for 10/2/2024 HB Meeting, EXH EE) **(DAQ_459)**

Exhibit HHH –911 audio recording from 1/19/2024 (Previously submitted for 10/2/2024 HB Meeting, EXH FF) **(DAQ_461)**

Exhibit III – City of Henderson Incident Report for 1/19/2024 **(DAQ_463)**

Exhibit JJJ – Henderson Police bodycam video footage on 1/19/2024, Giordano BWC (Previously submitted for 10/2/2024 HB Meeting, EXH GG) **(DAQ_469)**

Exhibit KKK – Henderson Police bodycam video footage on 1/19/2024, Stier BWC (Previously submitted for 10/2/2024 HB Meeting, EXH HH) **(DAQ_471)**

Exhibit LLL – Henderson Police bodycam script from video footage 01:00 – 02:50 on 1/19/2024, Stier BWC **(DAQ_473)**

Exhibit MMM – Henderson Police bodycam video footage on 1/19/2024, Stier BWC2 (Previously submitted for 10/2/2024 HB Meeting, EXH II) **(DAQ_476)**

Exhibit NNN – Henderson Police bodycam script from video footage 09:20 – 09:45 on 1/19/2024, Stier BWC2 **(DAQ_478)**

Exhibit OOO – Henderson Police bodycam video footage on 1/19/2024, Travers BWC (Previously submitted for 10/2/2024 HB Meeting, EXH JJ) **(DAQ_480)**

Exhibit PPP – Henderson Police bodycam script from video footage 45:50 – 46:25 on 1/19/2024, Travers BWC **(DAQ_482)**

Exhibit QQQ – Henderson Police bodycam script from video footage 52:40 – 53:10 on 1/19/2024, Travers **(DAQ_484)**

If warranted, DAQ will introduce additional exhibits for the purpose of rebuttal or to address questions from the Hearing Board.

Exhibit A – DCOP #50962 Mod 3 issued to Assured Development, Inc. on 9/12/2022, Renewal

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 50962

Version No: 3

Permittee: Assured Development, Inc.

Project: Milan Customs (50962)

Physical Location: NEC of Milan Street and Berlin Ave., Henderson

Cross Streets: Lake Mead Pkwy/Athens Ave, SE

Effective Date: Jul 9, 2022

Expiration Date: Jul 8, 2023

Revision Date: N/A

Revision Type: N/A

Project Acreage: 7

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions
RENEWAL

Designated Onsite Representative	Responsible Official
Name: Dave Reynolds	Name: Joe Yakubik
Company: Assured Development, Inc.	Company: Assured Development, Inc.
Mobile Number: 702-499-3283	Office Number: 702-868-0900
Email: info@assurednv.com	Mobile Number: 702-241-4040
Dust Card No.: DC 84119 Expires: Feb 28, 2025	Email: joe@assurednv.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Assured Development, Inc.

Mailing Address: P O Box 530778

City/State/Zip Code: Henderson, NV 89053

Office Number: 702-868-0900

Fax Number: 866-248-2564

Additional Project Information

Project Description: Renewal- Custom Homes

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-510-001

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Fire Hose, Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

50962 mod 00 = 7.0
01 = ren @ 7.0
02 = ren @ 7.0
179 04 510 001
AS-7/25/21
Milan St.

DAQ_012

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Sheenaleigh Lucas

From: Sheenaleigh Lucas
Sent: Monday, August 8, 2022 11:20 AM
To: info@assurednv.com
Subject: RE: [Assured Companies] Re: Renewal DCOP 50962- Assured Development, Inc.- Milan Customs

Good morning,

Dave Reynolds is listed as the on-site contact. The certification has expired on 02/05/2022. Is Dave Reynolds going to sign up for and attend the Dust Class or will the on-site contact be updated to a certified individual?

Regards,

Sheenaleigh Lucas
Air Quality Specialist I
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

From: Help Desk Support - Level 2 (Assured Companies) [mailto:support@assurednv.zendesk.com]
Sent: Friday, August 5, 2022 10:07 AM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: [Assured Companies] Re: Renewal DCOP 50962- Assured Development, Inc.- Milan Customs

##- Please type your reply above this line -##

Your Help Case (88007) has been updated. To add additional comments, reply to this email.

Help Desk Support - Level 2 (Assured Companies)
Aug 5, 2022, 10:06 AM PDT

See attached map update per your request.

Attachment(s)
Map Revised.pdf

Sheenaleigh Lucas
Aug 4, 2022, 7:27 AM PDT

Greetings,

I have not been contacted or received the information requested as of today. Please reply so all the informatio
can be obtained and the application can be submitted for processing.

Regards,

Sheenaleigh Lucas

Air Quality Specialist I

Clark County Department of Environment and Sustainability

Division of Air Quality

4701 W. Russell Rd., Suite 200

Las Vegas, NV 89118

Phone: (702) 455-1684 Fax: (702) 383-9994

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.clarkcountynv.gov_government_departments_environment-5Fand-5Fsustainability_division-5Fo
5Fair-5Fquality_permitting_applications-5Fforms_dust-5Fpermitting-5Fforms.php&d=DwMF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=OE9V7ciBTFdxeLCRtt9-q5nrKEYJMIOANmo5Al2tlQc&m=dYZwgByjv-Oc-TD8tYAOINYV5NabDfBSNKMUe0baHys&s=znZVnBDtXgD8080tSj9LF7BOKj1peXNNfxJp2oFvHNk&

Sheenaleigh Lucas
Aug 2, 2022, 10:39 AM PDT

Greetings,

Please reply to this email only as soon as possible so not to delay the approval process. I have reviewed your
questions and/or need additional information. Applications cannot be updated with verbal authorization so pl
on the portal, only the reviewer can. If you have questions, feel free to email me those inquiries. If you wish t
an appointment.

Dave Reynolds is listed as the on-site contact. The certification has expired on 02/05/2022. Is Dave Reynolds
on-site contact be updated to a certified individual?

The map submitted with the application was missing information. I've attached a copy of the map from mod
the attached map.

Regards,

Sheenaleigh Lucas

Air Quality Specialist I

Clark County Department of Environment and Sustainability

Division of Air Quality

4701 W. Russell Rd., Suite 200

Las Vegas, NV 89118

Phone: (702) 455-1684 Fax: (702) 383-9994

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.clarkcountynv.gov_government_departments_environment-5Fand-5Fsustainability_division-5Fo
5Fpermitting-5Fforms.php&d=DwMF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=OE
q5nrKEYJMIOANmo5Al2tlQc&m=NWcDK4Q8C5LErHN7hyBkgjagmGP5qMigkZ0dqjBaWCw&s=BQPt

Attachment(s)
50962_02_20210726_DCP_REN_maponly.pdf

This email is a service from Assured Companies . Delivered by Zendesk

Sheenaleigh Lucas

From: Richard Wyse
Sent: Tuesday, August 9, 2022 7:50 AM
To: Sheenaleigh Lucas
Subject: FW: Renewal DCOP 50962- Assured Development, Inc.- Milan Customs

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From: Dave Reynolds [mailto:dave@assurednv.com]
Sent: Monday, August 8, 2022 12:06 PM
To: Richard Wyse <Richard.Wyse@ClarkCountyNV.gov>
Subject: Renewal DCOP 50962- Assured Development, Inc.- Milan Customs

Richard,

Can you please forward this dust card to Sheenaleigh Lucas. I don't have a contact for her but she was requesting an updated dust card. See attached. Thank you.

DES

DEPARTMENT OF E
AND SUSTAINABIL

Air Quality Dust Control C
Card

David G. Reynol

Certification #: DC 8

Card Expires: 02/28/

Exhibit B – Email communication with Chris Craig and Steven Yarmy for DCOP Application Nos. 20766 and 20767 dated 11/16/2023

From: Catherine Jorgenson
To: Shibi Paul; Anna Sutowska
Subject: FW: Air Quality"s follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)
Date: Thursday, November 16, 2023 3:15:50 PM

FYI

From: Catherine Jorgenson
Sent: Thursday, November 16, 2023 3:15 PM
To: Chris Craig <chris@yarmylaw.com>; sly@stevenyarmylaw.com
Subject: RE: Air Quality's follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)

Chris – please see AQR Section 94.5(h) and(i) included below.

(h) The Control Officer may determine when Construction projects that are under Common Control and are Contiguous may be required to obtain and operate under a single Permit.

(i) The Control Officer may determine when more than one Construction Activity less than 0.25 acres in area or Trenching activities less than 100 feet, can be treated as a single activity and the Construction project is required to obtain a permit due to the properties being (1) under Common Control; (2) Contiguous; or (3) separated only by a roadway and cumulatively equal to or exceeding 0.25 acres.

Requiring one permit when parcels are contiguous and owned by the same person or entity is within the control officer's discretion and is AQ's normal practice. If a portion of the permit area is sold to another, then the permittee could submit an application to revise the permit to remove that area so that it could be transferred to new owner's permit, if necessary.

Please let me know if you have any other questions.

Catherine Jorgenson
Deputy District Attorney
Office of the District Attorney/Civil Division
Clark County, Nevada
702.455.4761
Catherine.Jorgenson@ClarkCountyDA.com

From: Chris Craig <chris@yarmylaw.com>
Sent: Thursday, November 16, 2023 1:19 PM
To: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>; sly@stevenyarmylaw.com
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>
Subject: Re: Air Quality's follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Why cannot the applicant apply for individual permits per lot. As each lot will sell to a new owner at different times?

Is there a law or regulation that prohibits an applicant from obtaining a permit for each parcel number?

Although it costs the applicant more - what prohibits from applying for a permit for each parcel?

Christopher Craig
Paralegal
EA, CIRA, LLM, MBA
702-498-2144
Chris@yarmylaw.com

From: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>
Sent: Thursday, November 16, 2023 8:54 AM
To: chris@yarmylaw.com <chris@yarmylaw.com>; sly@stevenyarmylaw.com <sly@stevenyarmylaw.com>
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>
Subject: Air Quality's follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)

Good afternoon,

On November 15, 2023, I completed a follow-up inspection for the construction activities that are occurring at 724 and 732 Naples Street and 729 Milan Street without a valid Dust Control Operating Permit (DCOP). A Notice of Non-Compliance (NON) was issued to Joe Yakubik (Atlas Holdings International, LLC) on November 8, 2023, requiring that an application be submitted to the Division of Air Quality to include the addresses listed above by November 10, 2023. This NON also required that all site soils be stabilized immediately and maintained in a moist or crusted condition 24/7 and trackout control devices be installed at all exit points where soil meets pavement by November 13, 2023. During my follow-up inspection on November 15, 2023, I observed:

- Approximately 1.75 acres of unstable soils that need to be stabilized immediately and maintained in a moist or crusted condition 24/7.
- No trackout control devices have been installed at any of the exit points of the project.
- A new application has not been submitted that covers all disturbed soils as

indicated in red on the map provided.

As it was explained in the e-mail that contained the NON, the two previous applications that were submitted have been withdrawn as they did not fully represent all the disturbed soils related to the construction activities observed. A new application is required to be submitted to Air Quality that shall include 724 and 732 Naples Street and 729 Milan Street all under one application. I have included the map and the NON that was previously sent that indicates exactly what needs to be covered under the new application and what needs to be done to comply with Air Quality Regulations.

Upon submission of the new application, DCOP #57391 will be assigned to this project.

Please let us know you received this email and understand what is required to comply with Air Quality Regulations. This follow-up inspection resulted in continued non-compliance and may result in a Notice of Violation (NOV) to be issued, including civil penalties. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact Catherine Jorgenson. Thank you,

Andrew M. Kirk
Senior Air Quality Specialist
Clark County Division of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-3529 Office
(702) 306-0257 Cell
Andrew.Kirk@ClarkCountyNV.Gov

Exhibit C – DCOP #57391 Mod 0 issued 3/27/2024 to Atlas Holdings International LLC

(Previously submitted for 10/2/2024 HB Meeting, EXH P)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 57391

Version No: 0

Permittee: Atlas Holdings International

Project: 724 Naples & 729 Milan (57391)

Physical Location: 724 Naples, Henderson, NV 89015 | 729 Milan, Henderson, NV 89015

Cross Streets: Athens Avenue/Milan Street, SE

Effective Date: Mar 27, 2024

Expiration Date: Mar 26, 2025

Revision Date: N/A

Revision Type: N/A

Project Acreage: 1.9

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions

Designated Onsite Representative	Responsible Official
Name: Joe Yakubik	Name: Joe Yakubik
Company: Atlas Holdings International	Company: Atlas Holdings International
Mobile Number: 702-241-4040	Office Number: 702-868-0900
Email: joe@assurednv.com	Mobile Number: 702-241-4040
Dust Card No.: DC96095 Expires: Nov 6, 2026	Email: joe@assurednv.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Atlas Holdings International

Mailing Address: P.O. Box 530778

City/State/Zip Code: Henderson, NV 89015

Office Number: 702-868-0900

Fax Number: 866-248-6564

Additional Project Information

Project Description: Custom Home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-510-006

Soil PEP: Moderate Low

Water Source:

If other, describe:

Water Application Method:

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

57391 mod 0 = 1.9 acres

AS-3/21/2024

179-04-510-006

430 x 10: Utility and paving

300 x 262: pavement to pavement to CMU wall

82900 sq ft per AQ demand at 2/28/2024 meeting

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit D – Parcel #179-04-799-012, DCOP #57090

Mod 0 issued to Clover Cable Construction on 8/21/2023, New

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.A)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 57090

Version No: 0

Permittee: Clover Cable Construction

Project: RB-15919A MILAN ST & FIRTH AVE PH2 (57090)

Physical Location: Essex Ave & Milan St to Firth Ave. Henderson NV

Cross Streets: Racetrack Rd/Essex Ave, SE

Effective Date: Aug 21, 2023

Expiration Date: Aug 20, 2024

Revision Date: N/A

Revision Type: N/A

Project Acreage: 1.96

Region: ESE(N) - East/Southeast (North)

Permittee has been granted a sign waiver.

Notes/Additional Permit Conditions

Designated Onsite Representative	Responsible Official
Name: Saul Colmenares	Name: Jorge Rojas
Company: Clover Cable Construction	Company: Clover Cable Construction
Mobile Number: 702-591-7506	Office Number: 702-459-8939
Email: saul@clovercable.com	Mobile Number: 702-604-6856
Dust Card No.: DC87925 Expires: Jul 11, 2025	Email: jorger@clovercable.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Clover Cable Construction

Mailing Address: 3040 Marco St

City/State/Zip Code: Las Vegas, NV 89115

Office Number: 702-459-8939

Fax Number: 702-459-8941

Additional Project Information

Project Description: 300' Asphalt Trench, 2,539' Dirt Trench & Place CATV Conduits

Project Attributes: Infrastructure Utilities, Residential Construction, Underground Utilities

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-799-012

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

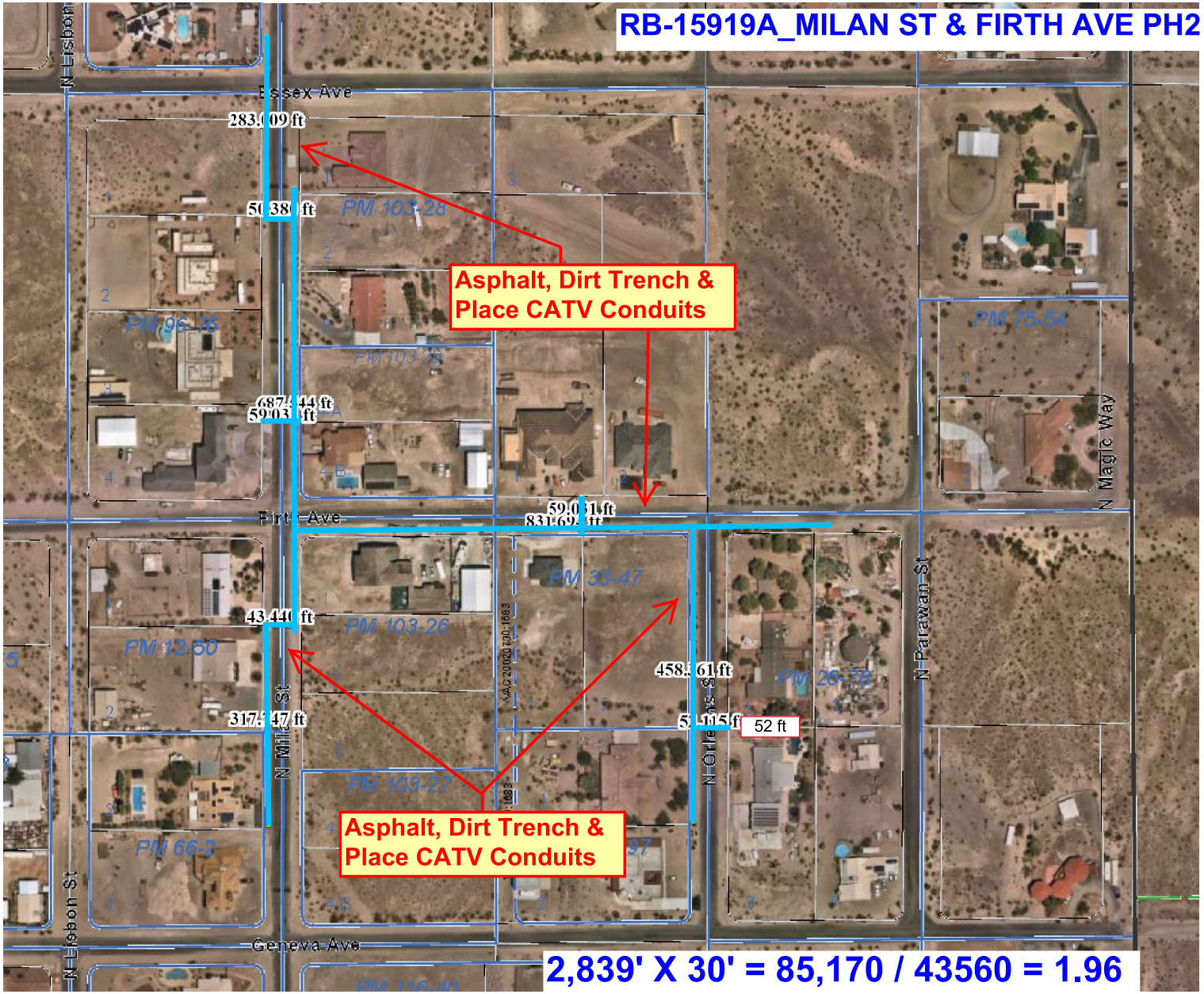
The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

57090- M0= 1.96

SL- 08/18/2023

SIGN WAIVER

179 04 799 012



DAQ_058

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit E – Parcel #179-04-799-012, DCOP #57090

BMP-11 Noncompliance Photographs taken on 1/18/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.B)

01/18/2024 14:38:48

01/18/2024 14:39:07

01/18/2024 14:44:57

Exhibit F – Parcel #179-04-799-012, DCOP #57090

Notice of Noncompliance issued on 1/23/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.C)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Clover Cable Construction | Project Name: RB-15919A MILAN ST & FIRTH AVE PH2

Location: Essex Ave & Milan St to Firth Ave. Henderson NV

Dust Control Permit No: 57090 | Date: Jan 23, 2024 | Time: 10:00 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

THIS SITE DOES NOT MEET BMP-11 REQUIREMENTS - PCF IS DISAPPROVED

Additional Instructions / Other Noncompliance Items

- Install clean gravel rock over the exposed soil within the work area of this project by 2/2/24.
- Submit a new project closure request to Air Quality when gravel rock is installed no later than 2/2/24.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Jorge Rojas	Responsible Official	Clover Cable Construction
(Printed Name)	(Title)	(Company)

jorger@clovercable.com
(Email Address)

Person Notified:

Saul Colmenares	Designated Onsite Representative	Clover Cable Construction
(Printed Name)	(Title)	(Company)

saul@clovercable.com
(Email Address)

DAQ Representative:

Mike Englehart	702-249-8594
(Printed Name)	(Phone Number)

AMK

EXH G – Parcel #179-04-799-012, DCOP #57090

Internal Notes created on 1/26/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.D)

No. 57090.0

Internal Notes

Create

Description	Created By	Created On
A Closure Form submitted on 1/18/2024 was disapproved. THIS SITE DOES NOT MEET BMP-11 REQUIREMENTS - PCF IS DISAPPROVED. - Install clean gravel rock over the exposed soil in the work area of this project site by 2/2/24. - Submit a new project closure request to Air Quality when gravel rock is installed but no later than 2/2/24.	Katrinka Byers	1/26/24 9:26 AM

Exhibit H – Parcel #179-04-799-012, DCOP #57090

BMP-11 Compliance Photographs taken on 2/9/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.E)

STOP
02/09/2024 14:36:36

02/09/2024 14:35:19

02/09/2024 14:33:30

Exhibit I – Parcel #179-04-799-012, DCOP #57090

Permit closed on 2/9/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 55.F)

Dust Control Operating Permit (DCOP) Closure

Permit #: 57090.0

Closure Request Submittal Date: 2/7/2024 **DCOP Expiration Date:** 8/20/2024

Project Name: RB-15919A MILAN ST & FIRTH AVE PH2 **Permittee:** Clover Cable Construction

Location: Essex Ave & Milan St to Firth Ave. Henderson NV

1st Cross Street: Racetrack Rd **2nd Cross Street:** Essex Ave **Proximity:** SE

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

YES

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

NO

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

NO

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

NO

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Mike Englehart	2/9/2024	Katrinka Byers	2/9/2024

Inspector Notes: I re-inspected the project area and observed fresh gravel rock installed along the road shoulder / right of way and this project meets BMP-11 requirements. DCOP 57090 is approved for closure.

Exhibit J – Parcel #179-04-303-001, DCOP #53657

DCOP Mod 2 issued to Jag Development on 3/9/2023, Renewal

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.C)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 53657

Version No: 2

Permittee: Jag Development

Project: Cardenas-Murphy Residence (53657)

Physical Location: 540 GLASGOW ST, HENDERSON

Cross Streets: Essex Ave/Racetrack Rd., SW

Effective Date: Mar 17, 2023

Expiration Date: Mar 16, 2024

Revision Date: N/A

Revision Type: N/A

Project Acreage: 1.4

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions
RENEWAL

Designated Onsite Representative	Responsible Official
Name: Jeffrey Gibson	Name: Jeffrey Gibson
Company: Jag Development	Company: Jag Development
Mobile Number: 702-575-4379	Office Number: 702-575-3845
Email: jeff@jagre.com	Mobile Number: 702-575-4379
Dust Card No.: DC94331 Expires: Jan 19, 2026	Email: jeff@jagre.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Jag Development

Mailing Address: 284 E Lake Mead Pkwy C-283

City/State/Zip Code: Henderson, NV 89015

Office Number: 702-575-3845

Fax Number: 702-939-9944

Additional Project Information

Project Description: Custom Residential Home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-303-001

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

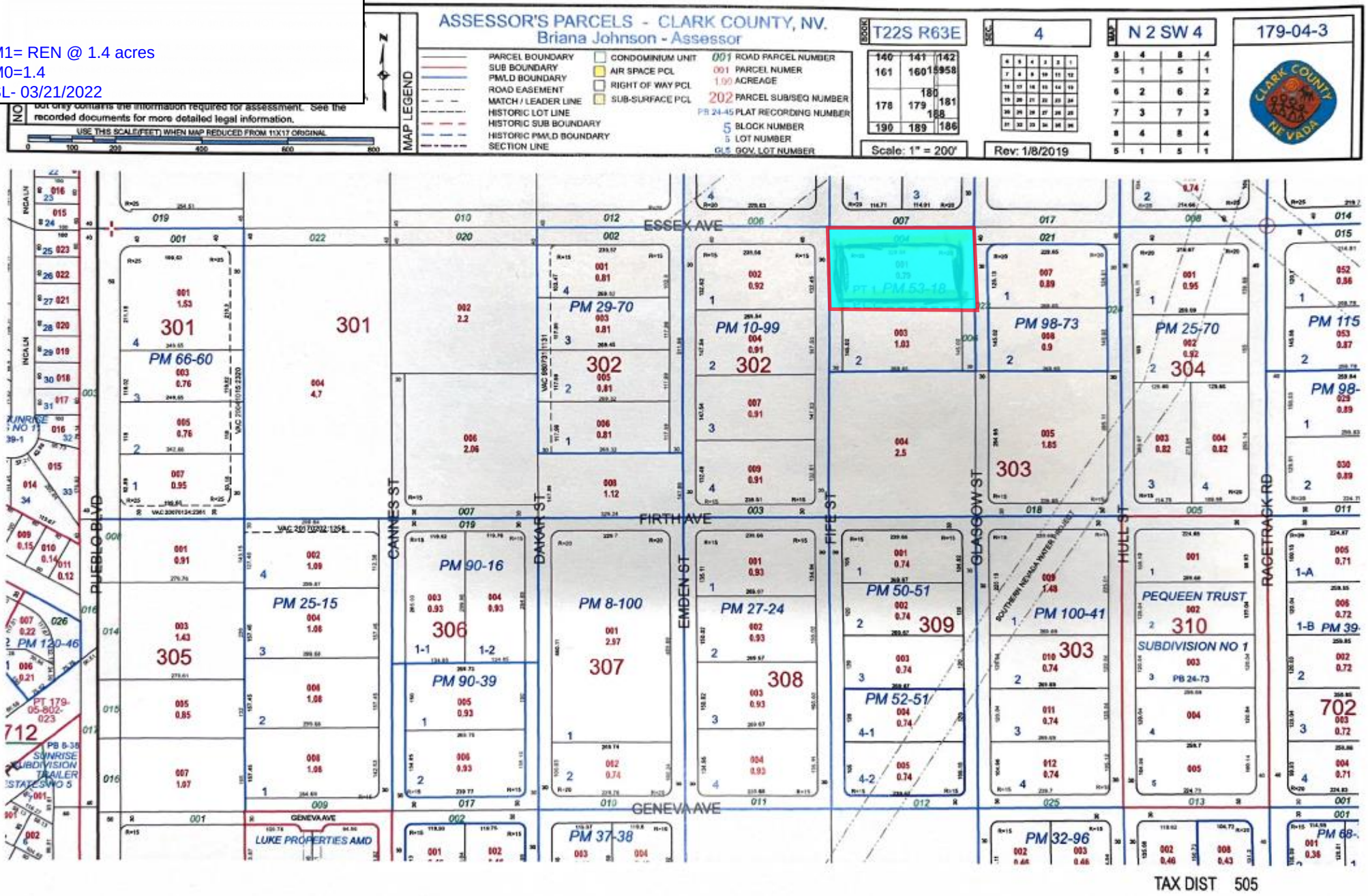
Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

53657-M2= REN @ 1.4
HRM 2/23/23
MAP EDITED TO REFLECT 1.4

M1= REN @ 1.4 acres
M0=1.4
SL- 03/21/2022

179 04 303 001



DAQ_088

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit K – Parcel #179-04-303-001, DCOP #53657

Notice of Noncompliance issued on 8/23/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.D)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Jag Development LLC | Project Name: Cardenas-Murphy Residence

Location: 540 GLASGOW ST, HENDERSON

Dust Control Permit No: 53657 | Date: Aug 22, 2023 | Time: 11:50 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Failed to Meet BMP 11 Long Term Stabilization Requirements- Road right of way and driveway into backyard are not complete and require long-term stabilization.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Jeffery Gibson	Responsible Official	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

Person Notified:

Jeffery Gibson	Designated Onsite Representative	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

DAQ Representative:

Canduella Rowsell	725-377-4270
(Printed Name)	(Phone Number)

AMK

Exhibit L – Parcel #179-04-303-001, DCOP #53657

Notice of Noncompliance issued on 10/4/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.E)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: JAG Development LLC | Project Name: Cardenas-Murphy Residence

Location: 540 GLASGOW ST, HENDERSON

Dust Control Permit No: 53657 | Date: Oct 4, 2023 | Time: 12:20 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

This project does not meet BMP-11 Long Term Stabilization Requirements - Project closure is Disapproved

Additional Instructions / Other Noncompliance Items

- Clean gravel is required on all remaining disturbed areas of the project- Existing chat or Type II material is not approved.
- Apply clean gravel rock over the exposed soil area between the block wall and the street on all remaining disturbed areas by the close of business, Friday, 10/13/23.
- Submit a new PCF to Air Quality upon completion of the above, but no later than 10/13/23.

-All areas in red on the map below must have clean gravel applied to any remaining disturbed areas up to the street.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Jeffery Gibson	Responsible Official	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

Person Notified:

Jeffery Gibson	Designated Onsite Representative	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

DAQ Representative:

Mike Englehart		702-249-8594
KLB (Printed Name)		(Phone Number)

Exhibit M – Parcel #179-04-303-001, DCOP #53657

Notice of Noncompliance issued on 3/1/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.F)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: JAG Development LLC | Project Name: Cardenas-Murphy Residence

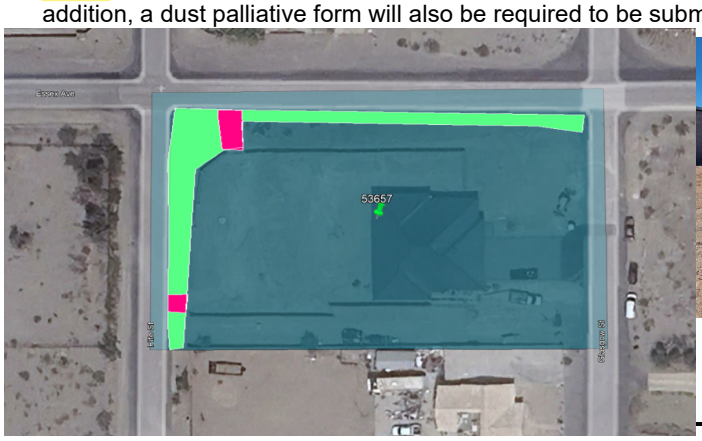
Location: 540 GLASGOW ST, HENDERSON

Dust Control Permit No: 53657 | Date: Mar 1, 2024 | Time: 1:15 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

This site does not meet BMP-11 Long-Term Stabilization Control Measures- project Closure Form Disapproved.

Additional Instructions / Other Noncompliance Items
*All remaining disturbed areas shown on the map below highlighted in green must be applied with clean gravel or a traffic-rated dust palliative by the close of business Friday, 3/8/2024.
A new project closure form is also required to be submitted in the dust permit portal by the close of business Friday, 3/8/2024.
NOTE: Using a dust palliative will require clean gravel to be applied to access drive paths (highlighted in pink on the map below). In addition, a dust palliative form will also be required to be submitted with the project closure form.



Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Jeffery Gibson	Responsible Official	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

Person Notified:

Jeffery Gibson	Designated Onsite Representative	Jag Development LLC
(Printed Name)	(Title)	(Company)

jeff@jagre.com
(Email Address)

DAQ Representative:

Katrinka Byers		702-249-6093
KLB (Printed Name)		(Phone Number)

Exhibit N – Parcel #179-04-303-001, DCOP #53657

Internal Notes created on 8/30 and 10/5/2023, and 3/1/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.G)

No. 53657.2

Internal Notes

Description	Created By	Created On
A Closure Form submitted on 2/22/2024 was disapproved. Site does not meet BMP-11 Long-Term Stabilization requirements. All remaining disturbed areas along the road shoulder must be covered in clean gravel or a traffic-grade dust palliative. Project Closure Disapproved.	Katrinka Byers	3/1/24 3:23 PM
A Closure Form submitted on 9/28/2023 was disapproved. I inspected the project area and observed the completed custom home, but the exposed soil located in the road shoulder around the west, north, and east sides of the DCOP boundary does not meet long term stabilization requirements. Air Quality will issue a Notice of Noncompliance to apply clean gravel rock over the exposed soil between the block wall and the street by 10/13/23.	Katrinka Byers	10/5/23 2:14 PM
A Closure Form submitted on 8/18/2023 was disapproved. This PCF was submitted inadvertently. The project is not completed yet.	Katrinka Byers	8/30/23 10:51 AM

Exhibit O – Parcel #179-04-303-001, DCOP #53657

BMP-11 Noncompliance Photographs taken on 3/19/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.H)

Essex
03/19/2024 12:25:27

03/19/2024 12:26:07

STOP
03/19/2024 12:27:07

Exhibit P – Parcel #179-04-303-001, DCOP #53657

BMP-11 Compliance Photographs taken on 4/16/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.I)

Essex Ave
04/16/2024 15:18:58

Essex Ave
04/16/2024 15:19:07

Exhibit Q – Parcel #179-04-303-001, DCOP #53657

Permit closed on 4/25/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.J)

Dust Control Operating Permit (DCOP) Closure

Permit #: 53657.2

Closure Request Submittal Date: 4/18/2024 **DCOP Expiration Date:** 3/16/2024

Project Name: Cardenas-Murphy Residence **Permittee:** JAG Development LLC

Location: 540 GLASGOW ST, HENDERSON

1st Cross Street: Essex Ave **2nd Cross Street:** Racetrack Rd. **Proximity:** SW

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

YES

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

NO

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

YES

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

YES

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Mike Englehart	4/19/2024	Katrinka Byers	4/25/2024

Inspector Notes: I inspected the project area and observed the site to meet BMP-11 Requirements. The custom home is complete, and clean rock installed along the exterior right of way to the street along all three connecting streets for this property. This DCOP is approved for closure.

Exhibit R – Parcel #179-04-303-001, DCOP #53657

BMP-11 Compliance Photographs taken on 6/18/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 76.K)

06/18/2024 08:39:13

Essex Ave
06/18/2024 08:39:37

06/18/2024 08:39:44

06/18/2024 08:39:09

Exhibit S – Parcel #126-25-812-002, DCOP #56096

DCOP Mod 0 issued to Eagle Valley on 11/17/2022, New

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.A)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 56096

Version No: 0

Permittee: Eagle Valley

Project: Egan Crest Estates (56096)

Physical Location: NE CORNER of EGAN DR CREST AND ANN RD

Cross Streets: Hualapai Way/Ann Rd, NW

Effective Date: Nov 17, 2022

Expiration Date: Nov 16, 2023

Revision Date: N/A

Revision Type: N/A

Project Acreage: 4.9

Region: WNW - West/Northwest

Notes/Additional Permit Conditions	
Designated Onsite Representative Name: Richard Welz Company: Apex Materials LLC Mobile Number: 702-296-8591 Email: TRUCKINWBC@GMAIL.COM Dust Card No.: DC73160 Expires: Oct 21, 2023	**Responsible Official** Name: Chris Darling Company: Eagle Valley Office Number: 602-619-5750 Mobile Number: 702-334-1551 Email: cdarling@atrackout.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Eagle Valley

Mailing Address: 4400 N Scottsdale Rd Suuite 91

City/State/Zip Code: Scottsdale, AZ 85251

Office Number: 602-619-5750

Fax Number:

Additional Project Information

Project Description: Grade 5, 1 acre lots and utilities

Project Attributes: Residential Construction, Staging/Stockpiling, Underground Utilities

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 126-25-801-025

Soil PEP: Moderate High

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

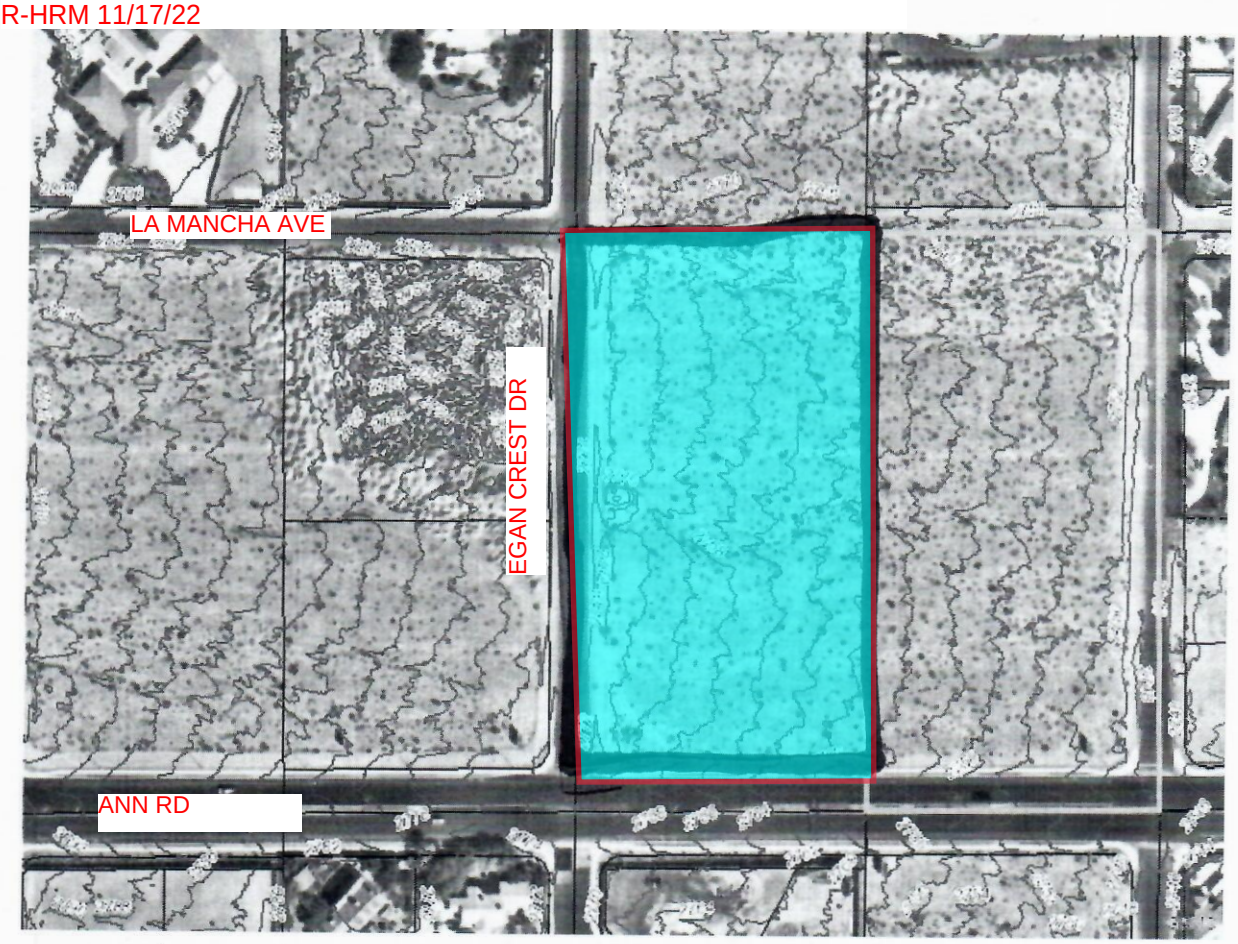
Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

156096-00 = 4.9
126 25 801 025
R-HRM 11/17/22



The MAPS and DATA are provided without warranty of any kind, expressed or implied.
Date Created: 11/17/2022

Property Information

Parcel:	12625801014
Owner Name(s):	A F K HOLDINGS L L C ETAL
Site Address:	0
Jurisdiction:	Clark County - null
Zoning Classification:	Rural Estates Residential [2 Units per Acre] (R-E)
Planned Landuse:	Ranch Estate Neighborhood (up to 2 du/ac)

Misc Information

Subdivision Name:	null		
Lot Block:	Lot: Block:	**Construction Year:**	
Sale Date:	05/2004	**T-R-S:**	19-59-25
Sale Price:	$558,500	**Census tract:**	3267
Recorded Doc Number:	20220331 00002147	**Estimated Lot Size:**	5
Flight Date:	2022-09-23		

Elected Officials

Commission:	C - Ross Miller (D)	**City Ward:**	
US Senate:	Jacky Rosen, Catherine Cortez-Masto	**US Congress:**	4 - Steven A. Horsford (D)
State Senate:	18 - Scott T. Hammond (R)	**State Assembly:**	4 - Richard McArthur (R)
School District:	B - Katie Williams	**University Regent:**	13 - John Moran
Board of Education:	4 - Rene Cantu	**Minor Civil Division:**	Las Vegas

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Heather Mackinnon

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 17, 2022 12:44 PM
To: Heather Mackinnon
Subject: Re: EAGLE VALLEY CONTRACTORS-EGAN CREST ESTATES
Attachments: image002.png; image003.png; 56096_00_20221115_DCP_App_Map - Copy_HRM.pdf

Thank you for being very responsive and indulging me with the back-and-forth emails today. Have a great day

Thank you
Chris Darling

On Nov 17, 2022, at 12:10 PM, Heather Mackinnon <MacKinno@clarkcountynv.gov> wrote:

Thank you,
Is the map attached correct?

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: Dust Control Permitting Portal, Forms & Requirements.

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 17, 2022 11:58 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: RE: EAGLE VALLEY CONTRACTORS-EGAN CREST ESTATES

Hello,

1. The AZ address is the correct one? YES
2. I do need something showing that you purchased that property. ATTACHED
3. See below in green. Richard works for Werdco /Apex 4660 Flippins LV, NV 89115 office ph 7026455848 both companies have same ownership, 702968591 Richard Cell. Email

truckinwbc@gmail.com is Richard's email. When import dirt is hauled in- Werdco/Apex will be hauling the material and providing and monitoring dust control

4. DAQ shows Richard as working for Werdco/Apex Materials, what is correct? Both
5. Is the map attached correct? New Map attached all of Eagan Crest ,all of La Mancha ,to 5ft from back of sidewalk on Ann Rd and to east property line will be disturbed apprx 4.9 acres om the soutjern half of the 10 acre parcel APN 12625801025

Thanks you, Chris

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Thursday, November 17, 2022 10:13 AM
To: Chris Darling <chris@atrackout.com>
Subject: RE: EAGLE VALLEY CONTRACTORS-EGAN CREST ESTATES

Hello,

6. The AZ address is the correct one?
7. I do need something showing that you purchased that property.
8. See below in green.

9. DAQ shows Richard as working for Werdco/Apex Materials, what is correct?
10. Is the map attached correct?

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: Dust Control Permitting Portal, Forms & Requirements.

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 17, 2022 9:56 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: Re: EAGLE VALLEY CONTRACTORS-EGAN CREST ESTATES

Heather,

How are you today? In May 2022 I purchased the south half of that 10 acre parcel from BLM. I can provide proof of purchase from BLM if needed. Eagle Valley is the owner of the property . I am part of Eagle Valley. I am pulling a dust permit on the property as an owner and part of Eagle Valley. I don't know who eagle valley contractors are.

I apologize for not sending a parcel map. Yes the application did say parcel map, but it didn't say parcel map only, sorry.

The contact information I put on the application is the correct contact information. I

am traveling at the moment and I do not have access to a parcel map and printer. But the map you provided that you highlighted is correct with the addition of the entire roadway of Egan crest for the length of the project will be disturbed as well.
I hope this answers all your questions. I try to be thorough. And if you have any other questions please don't hesitate to call me at 702-334-1551 thank you and have a great day
Thank you
Chris Darling

On Nov 17, 2022, at 9:31 AM, Heather Mackinnon <MacKinno@clarkcountynv.gov> wrote:

Greetings,
Please **reply to this email only** as soon as possible so not to delay the approval process. ***You cannot edit the application after submittal in the portal, only the reviewer can.*** I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so please reply to this email. If you have questions, feel free to email me those inquiries.

The area highlighted on the map submitted includes acreage on BLM land. Is the area included in your temporary construction easement or do you have a contract, minerals contract, or bid number? If there are mitigating circumstances, please explain.

Provide Richard Welz's email address and company name/address/phone number.

What is the correct company name/address/phone number?

The maps submitted with the application are engineering plans. We do not accept engineered plans/drawings for the project maps. Please submit an assessor's parcel map with the project boundaries accurately identified. Samples attached.

You must include all dirt areas that will be disturbed by means of but not limited to utility tie ins, half/whole street development, grading, parking, and/or staging. This will put your acreage at 5.4. Submit a map that reflects this.

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability

Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: Dust Control Permitting Portal, Forms & Requirements.

Exhibit T – Parcel #126-25-812-002, DCOP #56096

DCOP Mod 1 issued 7/10/2023, Revision

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.B)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 56096

Version No: 1

Permittee: Eagle Valley

Project: Egan Crest Estates (56096)

Physical Location: NE CORNER of EGAN DR CREST AND ANN RD

Cross Streets: Hualapai Way/Ann Rd, NW

Effective Date: Nov 17, 2022

Expiration Date: Nov 16, 2023

Revision Date: Jul 10, 2023

Revision Type: Add Acreage

Project Acreage: 6.14

Region: WNW - West/Northwest

Notes/Additional Permit Conditions
M1= ADD CONDITIONAL PER SECTION 93 REGULATIONS

Designated Onsite Representative	Responsible Official
Name: Chris Darling	Name: Chris Darling
Company: Eagle Valley	Company: Eagle Valley
Mobile Number: 702-334-1551	Office Number: 602-619-5750
Email: cdarling@atrackout.com	Mobile Number: 702-334-1551
Dust Card No.: DC94186 Expires: Dec 5, 2025	Email: cdarling@atrackout.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Eagle Valley

Mailing Address: 4400 N Scottsdale Rd, Suite 91

City/State/Zip Code: Scottsdale, AZ 85251

Office Number: 602-619-5750

Fax Number:

Additional Project Information

Project Description: Grade 5, 1 acre lots and utilities---M1= ADD 1.24

Project Attributes: Residential Construction, Staging/Stockpiling, Underground Utilities

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 126-25-801-025

Soil PEP: Moderate High

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

X is added linear area

Permit $6096.0

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

From:	Heather Mackinnon
To:	Chris Darling
Subject:	RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES
Date:	Monday, July 10, 2023 9:08:00 AM
Attachments:	image002.png image005.png image006.png image007.png

Chris,
Please use this map for any future add/removes renewals. The map you submitted is not clear.

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

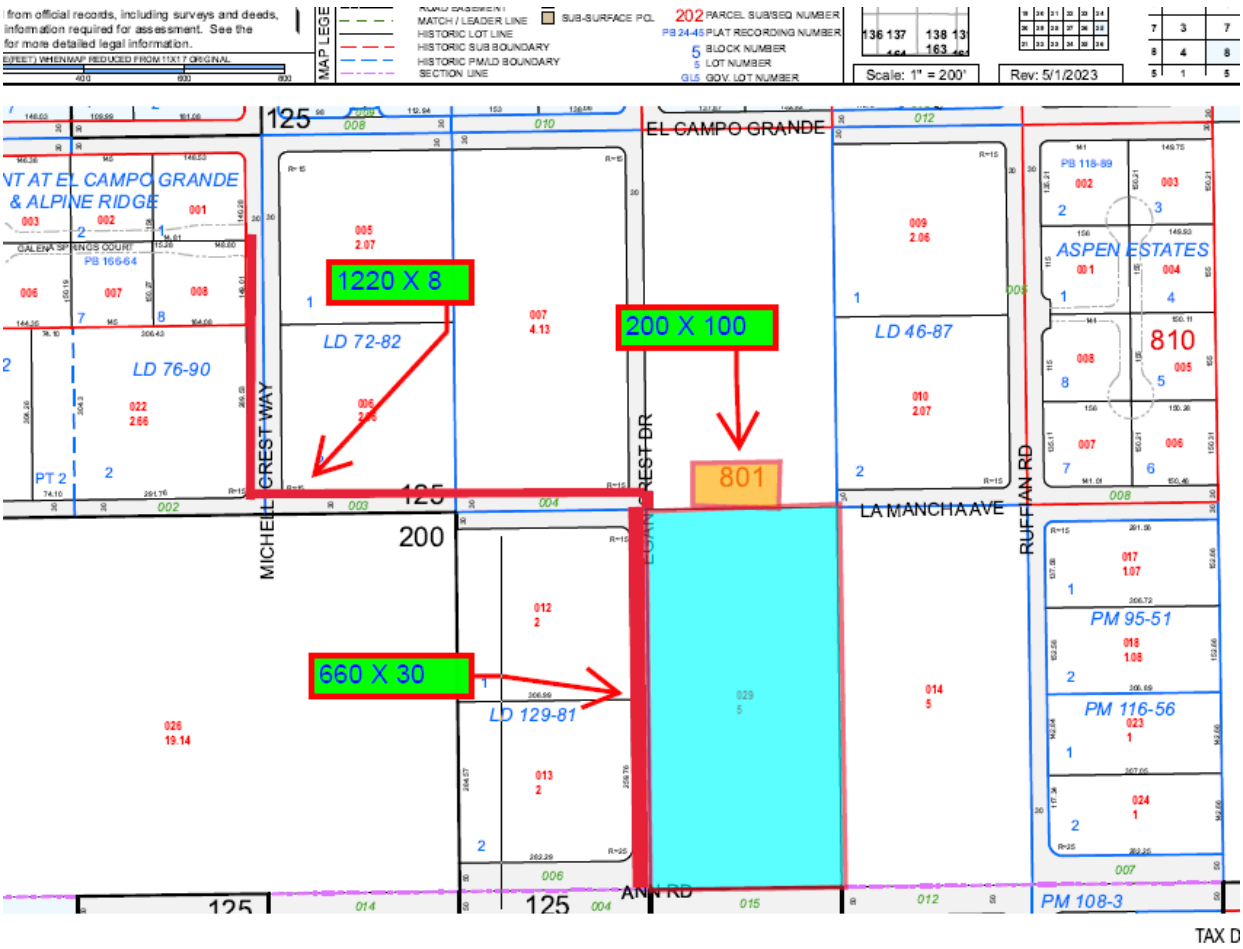
For Dust Control Applications, Forms, classes and mapping guidance, click on this link: Dust Control Permitting Portal, Forms & Requirements.

From: Chris Darling <chris@atrackout.com>
Sent: Monday, July 10, 2023 8:51 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES

I agree, 100%

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, July 10, 2023 8:50 AM
To: Chris Darling <chris@atrackout.com>
Subject: RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES
Importance: High

Chris,
Do you agree with the map below?



Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications, Forms, classes and mapping guidance, click on this link: Dust Control Permitting Portal, Forms & Requirements.

From: Chris Darling <chris@atrackout.com>
Sent: Monday, July 10, 2023 7:24 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES

Good Morning,

Hope you had a great vacation. Sorry here is the attached file…

Chris Darling
Chris Darling
5305 Secluded Brook Cir
Las Vegas, NV 89149
702-334-1551

National Human Trafficking Hotline 1-800-373-7888
https://humantraffickinghotline.org/

Please consider the environment before printing this message.

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From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, July 10, 2023 7:19 AM
To: Chris Darling <chris@atrackout.com>
Subject: RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES
Importance: High

Hi Chris,
Thank you. There was nothing attached.

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications, Forms, classes and mapping guidance, click on this link: Dust Control Permitting Portal, Forms & Requirements.

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, July 6, 2023 6:25 PM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: RE: 56096-EAGLE VALLEY-EGAN CREST ESTATES

Heather,
I cant tell you how much I appreciate you being on top of this. I wish all of the counties agencies were as on top of it as you are.. I wrote on the map the dimension you requested, but I will put them in this email as well. LF of trench 1099 by 8' is 8792 sqft. .50 acre area disturbed 100'x200'. Egan Crest is 30' x 660 19,88 sqft. Let me know if you need anything else….

I own CDJT Builders, Eagle Valley is my partner on the land development and A Track Out is a company I own that has nothing to do with this project. That email address should have been changed when I removed him from the dust permit as a dust card personal and added my self. It should be my email.
Let me know if you have any other questions….

Chris Darling
Chris Darling
5305 Secluded Brook Cir
Las Vegas, NV 89149
702-334-1551

National Human Trafficking Hotline 1-800-373-7888
https://humantraffickinghotline.org/

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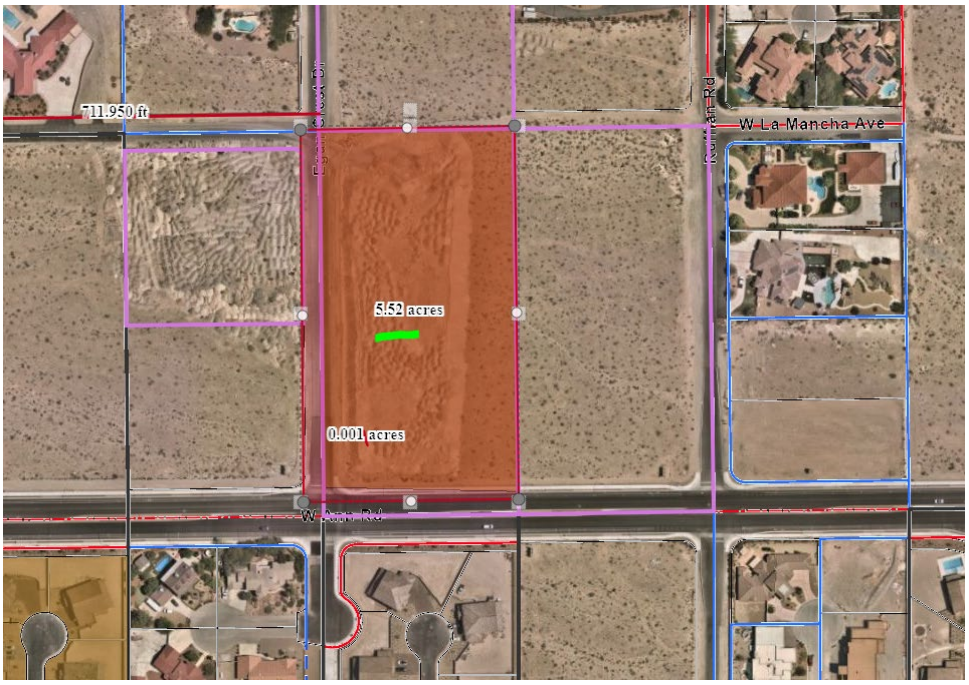
From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Wednesday, July 5, 2023 2:27 PM
To: Chris Darling <chris@atrackout.com>
Subject: 56096-EAGLE VALLEY-EGAN CREST ESTATES
Importance: High

Greetings,
Please **reply to this email only** as soon as possible. ***You cannot edit the application after submittal in the portal, only the reviewer can.*** I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so please reply to this email.

Please redo the map to show the dimensions on the new portions adding. LINEAR segments in dirt are a minimum of 8' wide, not 3' work area which must cover the trench, spoils, and equipment on unpaved surfaces.

This will be changed on the application.

The map submitted (attached) is now showing whole street on Egan Crest Dr. making your new total acreage at 5.5 vs 4.9 for the NONLINEAR portion. Please clarify.



Please clarify who CDJT Builders is vs A track out vs Eagle Valley?

You cannot use someone else's email, please clarify.

First Name
Chris

Middle Initial

Last Name
Darling

Title
Manager

Organization Name
CDJT Builders

Mailing Address
5305 Secluded Brook Ct

City
Las Vegas

State
NV

Zip Code
89149

Country
USA

Office Number
702-334-1551

Mobile Number
702-334-1551

Fax Number

Email Address
truckinwbc@gmail.com

Dust Card No.
DC94186

Expiration Date
December 5, 2025

Dust Card Number matches the following Attendee:

Regards,

Heather Mackinnon

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications, Forms, classes and mapping guidance, click on this link: Dust Control Permitting Portal, Forms & Requirements.

Exhibit U – Parcel #126-25-812-002, DCOP #56096

DCOP application Mod 2 communication with inspector on 11/7/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.C)

Sheenaleigh Lucas

From: Heath Richards
Sent: Tuesday, November 7, 2023 1:38 PM
To: Sheenaleigh Lucas
Subject: RE: Renewal DCOP 56096- Eagle Valley

Chris Darling

From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Tuesday, November 7, 2023 1:32 PM
To: Heath Richards <Heath@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley

Ok, thank you. Did you contact anyone about denying the removal?

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

My work hours are Tuesday- Friday, 7:00 am- 5:30pm

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

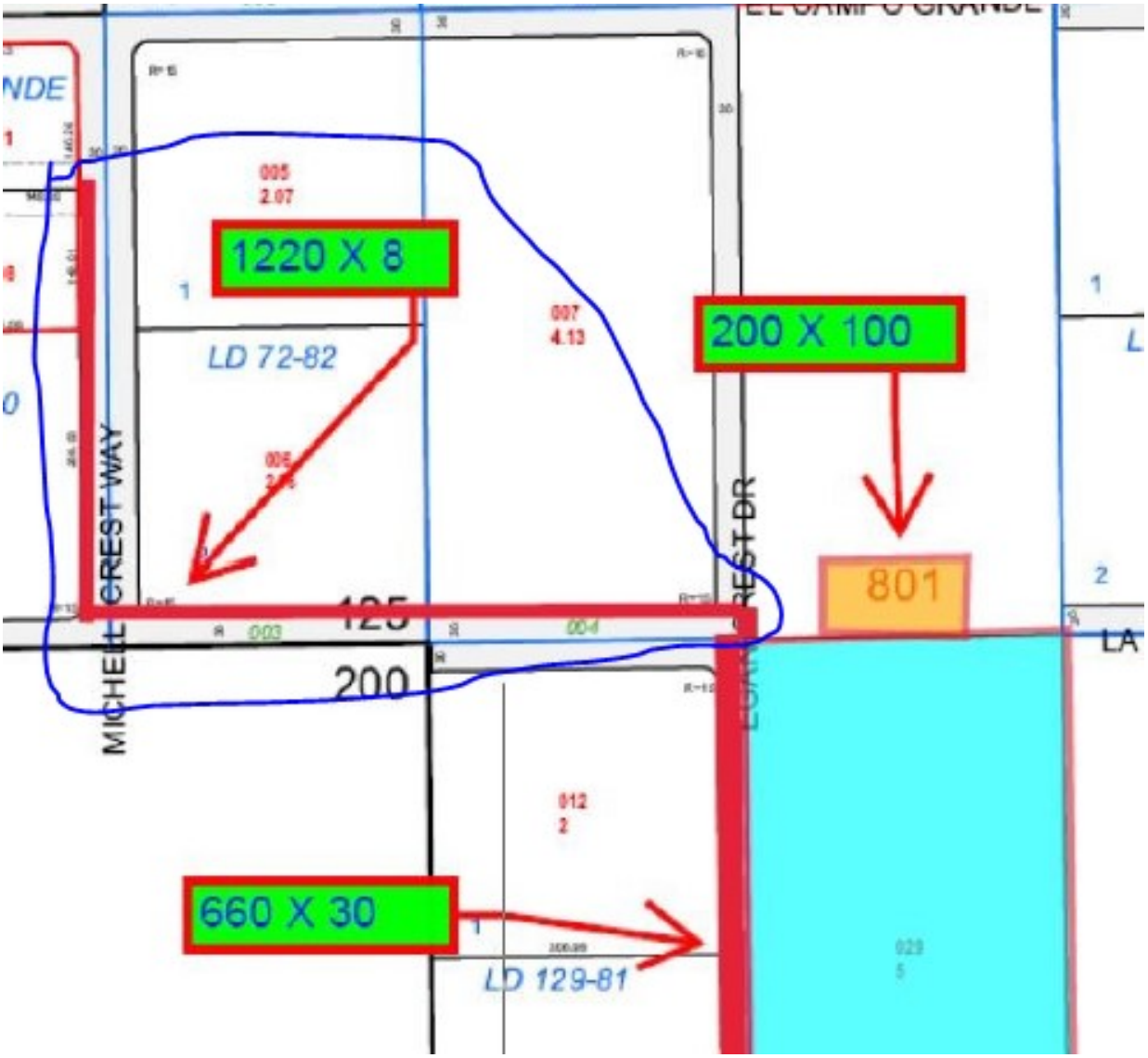
From: Heath Richards <Heath@ClarkCountyNV.gov>
Sent: Tuesday, November 7, 2023 11:13 AM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley

I am denying the removal of the offsites due to the lack of BMP 11 requirements.

From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Friday, November 3, 2023 7:59 AM
To: Heath Richards <Heath@ClarkCountyNV.gov>
Subject: Renewal DCOP 56096- Eagle Valley

Hi Heath,

Eagle Valley is renewing DCOP 56096- Egan Crest Estates. They are removing the 1220' x 8' offsite on Michelli Crest Way and La Mancha Ave, which is circled in blue below. Can you please let me know if it can be removed?



Can you also check on this parcel below that is next to their project? The parcel has had stockpiles for a couple of years but the recent aerial shows the stockpiles being removed.

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

My work hours are Tuesday- Friday, 7:00 am- 5:30pm

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

Exhibit V – Parcel #126-25-812-002, DCOP #56096

DCOP application Mod 2 communication with inspector on 11/21/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.D)

Sheenaleigh Lucas

From: Heath Richards
Sent: Tuesday, November 21, 2023 4:12 PM
To: Sheenaleigh Lucas
Cc: Andrew Kirk
Subject: RE: Renewal DCOP 56096- Eagle Valley

They are good to go!

From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Thursday, November 16, 2023 8:48 AM
To: Heath Richards <Heath@ClarkCountyNV.gov>
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>
Subject: Renewal DCOP 56096- Eagle Valley

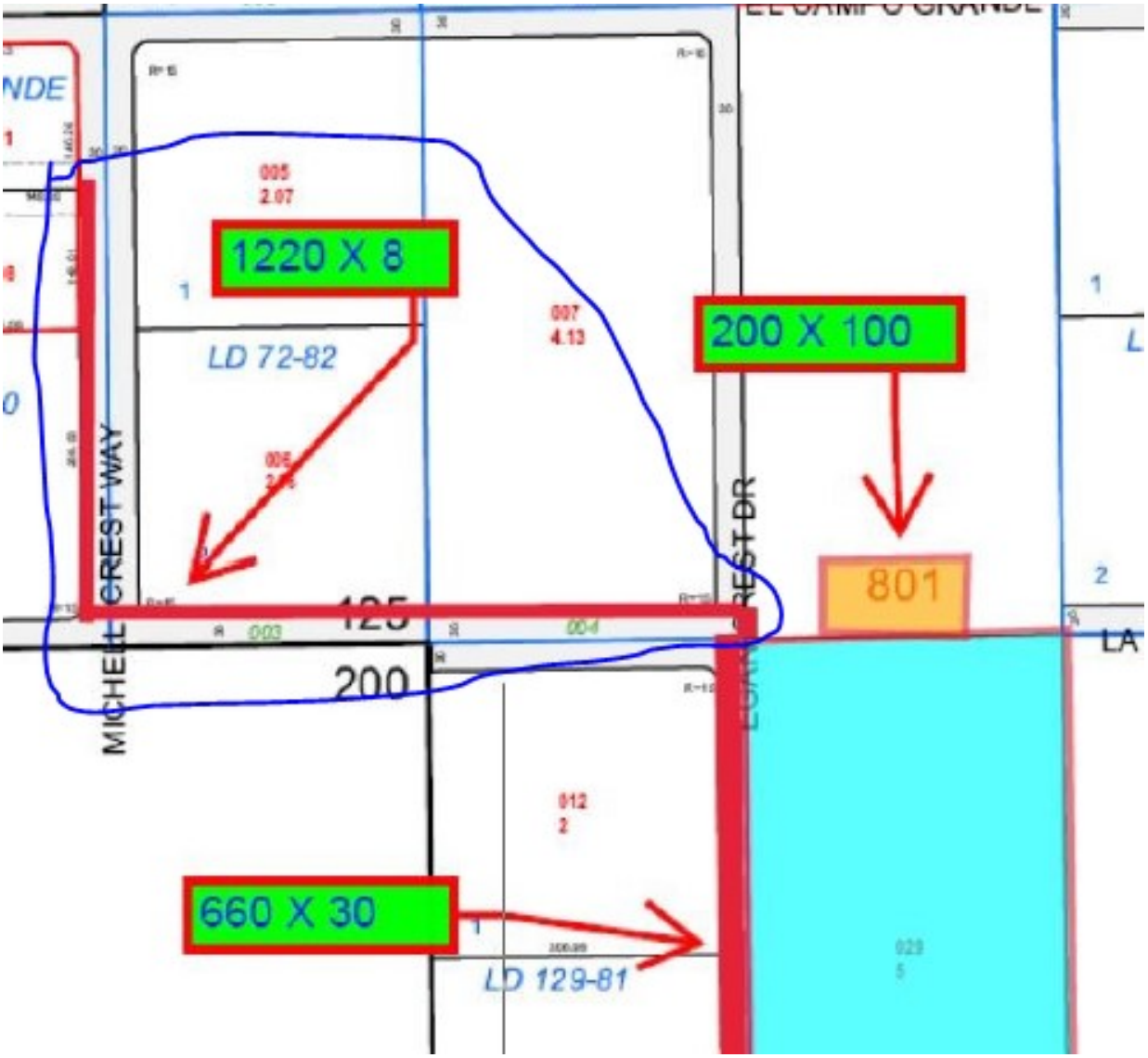
Hi Heath,

I followed up with Chris Darling if they were done with stabilizing the offsites. From his email below, he said he would have it 100% complete by the end of today. Can you please check this out on Monday and let me know if they can remove the 1220' x 8' offsite along La Mancha and Michele Crest Way?

I spoke with Andy about this as well. If they don't have the offsites stabilized, a NON will need to be issued, especially since their permit will be expired.

From: Chris Darling <chris@atrackout.com>
Sent: Wednesday, November 15, 2023 5:01 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

La Mancha shoulder work is done. Asphalt patches on La Mancha and Michele Crest are done. Shoulder work on Miche and unsafe to work. By end of business tomorrow all will be 100%.



Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

My work hours are Tuesday- Friday, 7:00 am- 5:30pm

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

Exhibit W – Parcel #126-25-812-002, DCOP #56096

DCOP Mod 2 issued 12/4/2023, Renewal

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.E)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 56096

Version No: 2

Permittee: Eagle Valley

Project: Egan Crest Estates (56096)

Physical Location: NE CORNER of EGAN DR CREST AND ANN RD

Cross Streets: Hualapai Way/Ann Rd, NW

Effective Date: Nov 17, 2023

Expiration Date: Nov 16, 2024

Revision Date: N/A

Revision Type: N/A

Project Acreage: 5.5

Region: WNW - West/Northwest

Notes/Additional Permit Conditions
RENEWAL CONDITIONAL PER SECTION 93 REGULATIONS

Designated Onsite Representative	Responsible Official
Name: Chris Darling	Name: Chris Darling
Company: Eagle Valley	Company: Eagle Valley
Mobile Number: 702-334-1551	Office Number: 602-619-5750
Email: cdarling@atrackout.com	Mobile Number: 702-334-1551
Dust Card No.: DC94186 Expires: Dec 5, 2025	Email: cdarling@atrackout.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Eagle Valley

Mailing Address: 4400 N Scottsdale Rd, Suite 91

City/State/Zip Code: Scottsdale, AZ 85251

Office Number: 602-619-5750

Fax Number:

Additional Project Information

Project Description: Renewal- Grade 5, 1 acre lots and utilities

Project Attributes: Residential Construction, Staging/Stockpiling, Underground Utilities

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 126-25-812-002

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

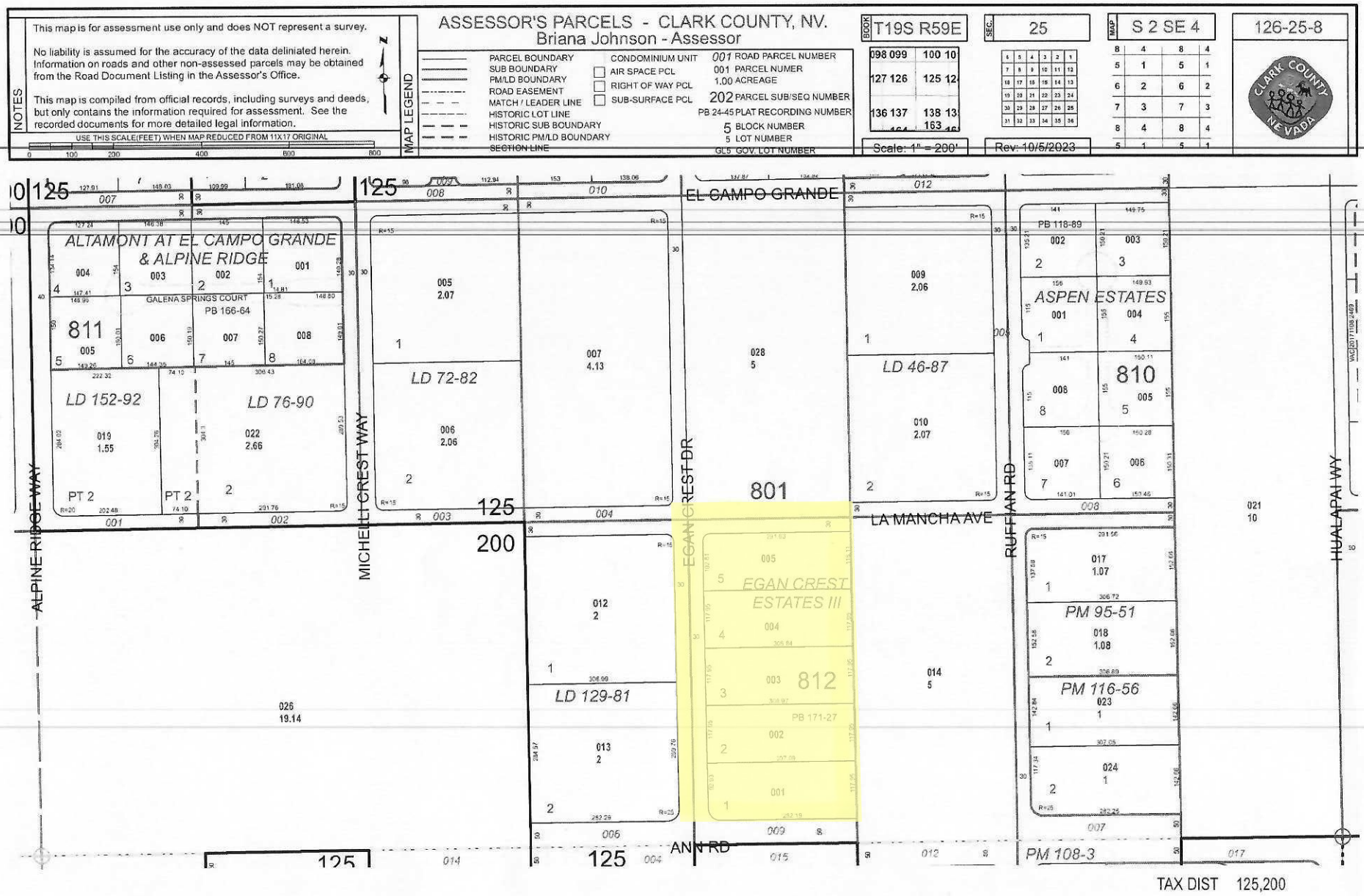
Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

56096- M2= REN @ 5.5
M1= +1.24 (6.14)
M0= 4.9

SL- 11/21/2023

126 25 812 002



BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Sheenaleigh Lucas

From: Sheenaleigh Lucas
Sent: Tuesday, November 21, 2023 4:59 PM
To: Chris Darling
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

The inspector approved the removal. Thank you.

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

My work hours are Tuesday- Friday, 7:00 am- 5:30pm

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

From: Sheenaleigh Lucas
Sent: Thursday, November 16, 2023 8:48 AM
To: Chris Darling <chris@atrackout.com>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

The inspector will be out there on Monday, 11/20/23, to inspect the offsites.

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

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Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 16, 2023 7:20 AM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Do what you have to do. I have to the end of day today… that's when my permit expires…
What time today does my permit expire?
Thank you
Chris Darling

On Nov 16, 2023, at 7:15 AM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:

Good morning,

Since the permit expires today, I need to send an inspector out to determine if the offsites are good to be removed from the permit.

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

My work hours are Tuesday- Friday, 7:00 am- 5:30pm

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Wednesday, November 15, 2023 5:01 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

La Mancha shoulder work is done. Asphalt patches on La Mancha and Michele Crest are done. Shoulder work on Michele Crest will be finished up tomorrow, only a little left ran out of day light and unsafe to work. By end of business tomorrow all will be 100%.

From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Wednesday, November 15, 2023 4:57 PM
To: Chris Darling <chris@atrackout.com>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Good afternoon,

I am following up if the work on the offsites are complete?

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

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For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Wednesday, November 8, 2023 11:14 AM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

It will be done by end of day on 11/15/23. That is what my contractor is telling me
Thank you
Chris Darling

> On Nov 8, 2023, at 7:56 AM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:
>
> Yes, the permit expires on 11/16/23. Will the offsites meet BMP -11 requirements before then? I have to send the inspector out to approve the removal before the permit expires.
>
> Regards,
>
> Sheenaleigh Lucas
> Air Quality Specialist II
> Clark County Department of Environment and Sustainability
> Division of Air Quality
> 4701 W. Russell Rd., Suite 200
> Las Vegas, NV 89118
> Phone: (702) 455-1684 Fax: (702) 383-9994
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> ***My work hours are Tuesday- Friday, 7:00 am- 5:30pm***
>
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>
> **Dust Control Permitting Portal, Forms & Requirements**

From: Chris Darling <chris@atrackout.com>
Sent: Tuesday, November 7, 2023 2:06 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Don't I have till 11/16/23…?
Thank you
Chris Darling

> On Nov 7, 2023, at 2:03 PM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:
>
> Good afternoon,
> I have sent an inspector to review the removal area. The inspector has stated that the 1220' x 8' offsite on Michelli Crest Way and La Mancha Ave cannot be removed because it does not meet BMP-11 requirements. Please resubmit the renewal map to include that offsite.
>
> <image001.png>
>
> Regards,
>
> Sheenaleigh Lucas
> Air Quality Specialist II
> Clark County Department of Environment and Sustainability
> Division of Air Quality
> 4701 W. Russell Rd., Suite 200
> Las Vegas, NV 89118
> Phone: (702) 455-1684 Fax: (702) 383-9994
>
> ***My work hours are Tuesday- Friday, 7:00 am- 5:30pm***
>
> **For any dust permit information or forms, please click on the link below.**
>
> **Dust Control Permitting Portal, Forms & Requirements**

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 2, 2023 10:54 AM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

The permit expires the 16th of November. I found it.
Thank you
Chris Darling

> On Nov 2, 2023, at 10:01 AM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:

Hi Chris,

I wanted to confirm that the area in red below is what you are renewing? I measured the area at approximately 5.5 acres. I will be sending out an inspector to verify the areas that are being removed from the permit.

The permit is good for a year. Although you will be done in a month, the fees are for the amount of soil you are disturbing.

<image001.png>

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

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Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Wednesday, November 1, 2023 4:16 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Sheenaleigh,

How are you today. I have submitted a map highlighted with the new area. A total of 5 acres. I should be done in a month, do you have to pay a whole years' worth for the permit? If yes, when I cancel the permit is there a refund, or does the county keep the whole years worth of fees ?

From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Tuesday, October 31, 2023 4:08 PM
To: Chris Darling <chris@atrackout.com>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Please resubmit a new map back to me via email showing the areas you want to renew.

Regards,

Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
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4701 W. Russell Rd., Suite 200
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Phone: (702) 455-1684 Fax: (702) 383-9994

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Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Tuesday, October 31, 2023 3:23 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Actually we completed the 1220x 8' area today and the 200'x 100' area . So we don't need to permit those areas .. We just need Egan Crest .
Thank you
Chris Darling

> On Oct 31, 2023, at 2:55 PM,
> Sheenaleigh Lucas
> <Sheenaleigh.Lucas@clarkcountynv.gov
> > wrote:
>
> Greetings,

Please **reply to this email only** as soon as possible so not to delay the approval process. I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so **please reply to this email.** ***You cannot correct the application on the portal, only the reviewer can.*** If you have questions, feel free to email me those inquiries. If you wish to come in to discuss the application with me, please make an appointment.

The map submitted with the application is unclear. I reviewed the email communications you had with Heather last year and found a clearer map that you agreed on, which is below. Please confirm if the map below is what you are wanting to renew.

<image001.png>

Regards,

Sheenaleigh Lucas
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Phone: (702) 455-1684 Fax: (702) 383-9994

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Dust Control Permitting Portal, Forms & Requirements

Sheenaleigh Lucas

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 2, 2023 10:30 AM
To: Sheenaleigh Lucas
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

When does my current permit expire?
Thank you
Chris Darling

On Nov 2, 2023, at 10:01 AM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:

Hi Chris,

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To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

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From: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Sent: Tuesday, October 31, 2023 4:08 PM
To: Chris Darling <chris@atrackout.com>
Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Please resubmit a new map back to me via email showing the areas you want to renew.

Regards,

Sheenaleigh Lucas
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Dust Control Permitting Portal, Forms & Requirements

Sheenaleigh Lucas

From: Chris Darling <chris@atrackout.com>
Sent: Thursday, November 2, 2023 10:04 AM
To: Sheenaleigh Lucas
Subject: Re: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

Well yes that is the area… I don't have fancy tools like you do to measure..
Thank you
Chris Darling

On Nov 2, 2023, at 10:01 AM, Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:

Hi Chris,

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Sheenaleigh Lucas
Air Quality Specialist II
Clark County Department of Environment and Sustainability
Division of Air Quality
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Subject: RE: Renewal DCOP 56096- Eagle Valley- Egan Crest Estates

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The map submitted with the application is unclear. I reviewed the email communications you had with Heather last year and found a clearer map that you agreed on, which is below. Please confirm if the map below is what you are wanting to renew.

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Regards,

Sheenaleigh Lucas
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Dust Control Permitting Portal, Forms & Requirements

Exhibit X – Parcel #126-25-812-002, DCOP #56096

Notice of Noncompliance issued on 12/27/2022

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.F)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Eagle Valley | Project Name: Egan Crest Estates

Location: NE CORNER of EGAN DR CREST AND ANN RD

Dust Control Permit No: 56096 | Date: Dec 27, 2022 | Time: 1:45 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Fugitive Dust – Employ Best Management Practices for dust control to comply with AQR Section 94.14.

Additional Instructions / Other Noncompliance Items
*Stabilize all site soils immediately, and remain in a damp or crusted conditions 24/7.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Chris Darling	Responsible Official	Eagle Valley
(Printed Name)	(Title)	(Company)

cdarling@atrackout.com
(Email Address)

Person Notified:

Richard Welz	Designated Onsite Representative	Apex Materials LLC
(Printed Name)	(Title)	(Company)

TRUCKINWBC@GMAIL.COM
(Email Address)

DAQ Representative:

Damon Lindsay		702-455-0151
KLB (Printed Name)		(Phone Number)

Exhibit Y – Parcel #126-25-812-002, DCOP #56096

Notice of Noncompliance issued on 7/13/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.G)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Eagle Valley | Project Name: Egan Crest Estates

Location: NE CORNER of EGAN DR CREST AND ANN RD

Dust Control Permit No: 56096 | Date: Jul 13, 2023 | Time: 11:00 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Failed BMP-19 - stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height. Lower all stockpiles that fit this criteria by 7/20/2023 to satisfy BMP-19.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Chris Darling	Responsible Official	Eagle Valley
(Printed Name)	(Title)	(Company)

cdarling@atrackout.com
(Email Address)

Person Notified:

Chris Darling	Designated Onsite Representative	Eagle Valley
(Printed Name)	(Title)	(Company)

cdarling@atrackout.com
(Email Address)

DAQ Representative:

Andrew Kirk	702-306-0257
(Printed Name)	(Phone Number)

AMK

Exhibit Z – Parcel #126-25-812-002, DCOP #56096

Permit closed on 5/30/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.H)

Dust Control Operating Permit (DCOP) Closure

Permit #: 56096.2

Closure Request Submittal Date: 5/13/2024 **DCOP Expiration Date:** 11/16/2024

Project Name: Egan Crest Estates **Permittee:** Eagle Valley

Location: NE CORNER of EGAN DR CREST AND ANN RD

1st Cross Street: Hualapai Way **2nd Cross Street:** Ann Rd **Proximity:** NW

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

YES

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

NO

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

NO

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

NO

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Heath Richards	5/20/2024	Andrew Kirk	5/30/2024

Inspector Notes: Project soils have been stabilized with water and natural rock. A v-Ditch has been cut with "no trespassing sings installed. All road improvements have a graveled road shoulder measuring 6' to comply with BMP 11 and Sec.93 requirements.

Exhibit AA – Parcel #126-25-812-002, DCOP #56096

Notice of Violation #9813 issued 2/28/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 88.I)

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

EAGLE VALLEY HOLDINGS, LLC AND CHRIS DARLING, INDIVIDUALLY
4400 NORTH SCOTTSDALE ROAD, SUITE 91
SCOTTSDALE, AZ 85251

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
060824	3/29/2023	SHERRIER	DUST CONTROL ENFORCEMENT	4/28/2023

Quantity	Description	Fee Code	Fee	Total
	PENALTY CONTESTED	SPEN01		$2,000.00
	04/04/2023 CHECK (005097)	PAYMENT		($2,000.00)

Notes: NOV #9813, DCOP #56096, H/O 3/22/2023

Subtotal:	$2,000.00
Paid:	($2,000.00)
Adjustments:	$0.00
Balance Due:	$0.00

From:	AQ Enforcement
To:	cdarling@atrackout.com
Subject:	Notice of Violation (NOV) #9813 - Egan Crest Estates (DCOP #56096) - Abeyance Waived/Payment Satisfaction
Date:	Monday, March 25, 2024 9:19:00 AM
Attachments:	D_56096_09813_20240325_00F_LET_AbeyanceWavied.pdf D_56096_09813_20230404_00F_FIN_Rcpt060824.pdf
Importance:	High

Dear Mr. Darling:

The Department of Environment and Sustainability, Division of Air Quality (DAQ) issued Notice of Violation (NOV) **#**9813 to Eagle Valley Holdings, LLC and you, Chris Darling, for violation of the Clark County Air Quality Regulations (AQRs).

At the March 22, 2023 Hearing Officer meeting, the Hearing Officer assessed a penalty amount of $3,000.00. One thousand dollars ($1,000.00) of that penalty was held in abeyance for the period of March 22, 2023, to March 22, 2024, with the stipulation that Eagle Valley Holdings, LLC and you, Chris Darling, did not violate any AQRs during that 12-month period.

We received your payment of the $2,000.00 on April 4, 2023, and since the adjudication of NOV #9813, Eagle Valley Holdings, LLC and you, Chris Darling, have not violated any of its permit conditions and the abeyance amount of $1,000.00 has been waived. Based on this information, DAQ is closing this matter, and no further action is required at this time. As a reminder, it is the source's responsibility to ensure compliance with permit conditions and Air Quality Regulations. If further violations of AQR occur, DAQ will take additional enforcement action, which may result in higher penalties based on your past enforcement history.

If you have any questions, please contact me at (702) 455-0354.

Thank you,

Sherrie D. Rogge
Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354
Fax: 702-383-9994
Email: sherrie.rogge@clarkcountynv.gov
My office hours: M-F, 7:30AM - 4:00PM
DES Office Hours are MON-THURS: 7:30AM – 5:00PM.
DES Offices are CLOSED on FRIDAYS.

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

March 25, 2024

Sent Via Email Only

Mr. Chris Darling, Manager
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale AZ 85251

E-mail: cdarling@atrackout.com

Re: Notice of Violation (NOV) #9813 – Abeyance Waived/Payment Satisfaction
DCOP #56096 – Egan Crest Estates

Dear Mr. Darling:

The Department of Environment and Sustainability, Division of Air Quality (DAQ) issued Notice of Violation (NOV) #9813 to Eagle Valley Holdings, LLC and you, Chris Darling, for violation of the Clark County Air Quality Regulations (AQRs).

At the March 22, 2023 Hearing Officer meeting, the Hearing Officer assessed a penalty amount of $3,000.00. One thousand dollars ($1,000.00) of that penalty was held in abeyance for the period of March 22, 2023, to March 22, 2024, with the stipulation that Eagle Valley Holdings, LLC and you, Chris Darling, did not violate any AQRs during that 12-month period.

We received your payment of the $2,000.00 on April 4, 2023, and since the adjudication of NOV #9813, Eagle Valley Holdings, LLC and you, Chris Darling, have not violated any of its permit conditions and the abeyance amount of $1,000.00 has been waived. Based on this information, DAQ is closing this matter and no further action is required at this time. As a reminder, it is the source's responsibility to ensure compliance with permit conditions and Air Quality Regulations. If further violations of AQR occur, DAQ will take additional enforcement action, which may result in higher penalties based on your past enforcement history.

If you have any questions, please contact me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge, Administrative Secretary
Division of Air Quality - Enforcement Section

Attachment(s):
1. Receipt for Invoice #060824

BOARD OF COUNTY COMMISSIONERS
TICK SEGERBLOM, Chair • WILLIAM McCURDY II, Vice Chair • JAMES B. GIBSON
JUSTIN C. JONES • MARILYN KIRKPATRICK • ROSS MILLER • MICHAEL NAFT
KEVIN SCHILLER, County Manager

CERTIFICATE OF MAILING

I hereby certify that on April 6, 2023, I mailed the following documents via U.S. Certified Mail, return receipt requested and via electronic mail to the following individual(s) at the address listed below:

1. **NOV #9813 – Receipt of Payment/Keep File Open for Abeyance Letter dated 4/6/2023**
2. **NOV #9813 – Receipt for Invoice #060824 paid 4/4/2023**
3. **NOV #9813 – Hearing Officer Order dated 3/29/2023**

by placing true and correct copies thereof enclosed in a sealed envelope, postage prepaid, for collection and mailing following our ordinary business practices for mailing. The envelope was addressed as follows:

CERTIFIED MAIL #9489 0090 0027 6458 9256 25
Chris Darling, Manager
E-mail: cdarling@atrackout.com
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale AZ 85251

Dated: 4/6/2023

Sherrie D. Rogge, Administrative Secretary
Department of Environment & Sustainability,
Division of Air Quality-Enforcement Section

From:	AQ Enforcement
To:	cdarling@atrackout.com
Subject:	Notice of Violation (NOV) #9813 - Eagle Valley Holdings, LLC and Chris Darling, Individually (DCOP #56096) - Receipt of Payment
Date:	Thursday, April 6, 2023 7:02:00 AM
Attachments:	D_56096_09813_20230406_00F_LTR_Keep_File_Open.pdf D_56096_09813_20230404_00F_FIN_Rcpt060824.pdf D_56096_09813_20230322_00F_HOO.pdf
Importance:	High

Good morning Mr. Darling,

The attached documents were also sent to you today via certified mail:

1. Receipt of Payment/Keeping File Open for Abeyance letter dated 4/6/2023
2. Receipt for Invoice #060824 paid 4/4/2023
3. Hearing Officer Order dated 3/29/2023

If you have any questions or concerns, please feel free to call or email me.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Thank you,

Sherrie D. Rogge
Sherrie D. Rogge, Administrative Secretary
Clark County Department of Environment and Sustainability
Division of Air Quality – Compliance & Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Office: 702-455-0354
Fax: 702-383-9994
Email: sherrie.rogge@clarkcountynv.gov
Clark County Offices are closed on Fridays.

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
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4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

April 6, 2023

CERTIFIED MAIL #9489 0090 0027 6458 9256 25

Chris Darling, Manager
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale AZ 85251

E-mail: cdarling@atrackout.com

Re: Notice of Violation (NOV) #9813 – Receipt of Payment
DCOP #56096

Dear Mr. Darling:

On March 22, 2023, the above-described matter was heard before the Air Pollution Control Hearing Officer. At that time, Eagle Valley Holdings LLC and Chris Darling, individually, were found in violation of the Air Quality Regulations and a $3,000.00 penalty was assessed with the condition that $2,000.00 be paid within 30 days of the signed Hearing Officer's Order (Order).

We have received your payment of $2,000.00 as required by Section 4 of the Order. A copy of your receipt is enclosed.

Based on the conditions of the Order, $1,000.00 of the remaining assessed penalty is being held in abeyance for a 12-month time period ending March 22, 2024. Any observed violations of the AQRs during this time period will constitute a violation of the Order and Eagle Valley Holdings LLC and Chris Darling, individually, will be required to pay the portion of the penalty held in abeyance in the amount of $1,000.00. DAQ is keeping this case open until such time.

If you have any questions, please don't hesitate to contact me at (702) 455-0354 or via email at sherrie.rogge@clarkcountynv.gov.

Sincerely,

Sherrie D. Rogge, Administrative Secretary
Enforcement Section

Attachments:
1. Receipt on Invoice #060824
2. Hearing Officer's Order dated 3/29/2023

BOARD OF COUNTY COMMISSIONERS
JAMES B. GIBSON, Chair • JUSTIN JONES, Vice Chair
MARILYN KIRKPATRICK • WILLIAM McCURDY II • ROSS MILLER • MICHAEL NAFT • TICK SEGERBLOM
KEVIN SCHILLER, County Manager

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notices of Violation Issued to EAGLE VALLEY HOLDINGS LLC and CHRIS DARLING, INDIVIDUALLY, Respondents	**CERTIFICATE OF SERVICE** Notice of Violation #9813

I hereby certify that on March 29, 2023, I sent copies of the Hearing Officer's Order entered in the above-referenced matter on March 22, 2023, the Initial Invoice Letter and Invoice #060824 via Certified U.S. Mail, return receipt requested, and via electronic mail to the following individuals at the addresses shown:

CERTIFIED MAIL #9489 0090 0027 6412 4983 56
Chris Darling, Manager
E-mail: cdarling@atrackout.com
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale AZ 85251

Dated: 3/29/2023

Sherrie D. Rogge, Administrative Secretary
Department of Environment and Sustainability
Air Quality Division, Enforcement Section

From:	AQ Enforcement
To:	cdarling@atrackout.com
Subject:	HEARING OFFICER"S ORDERS FOR NOV #9813 - EAGLE VALLEY HOLDINGS AND CHRIS DARLING, INDIVIDUALLY (DCOP #56096)
Date:	Wednesday, March 29, 2023 12:22:00 PM
Attachments:	D_56096_09813_20230329_00F_LET_InitialInv_Abey.pdf D_56096_09813_20230322_00F_HOO.pdf D_56096_09813_20230329_00F_FIN_060824.pdf
Importance:	High

Dear Mr. Darling:

The attached documents were also sent to you today via certified mail.

1. Initial Invoice Letter dated 3/29/2023
2. Hearing Officer's Order signed 3/29/2023
3. Invoice #060824 due 4/28/2023

If you have any questions or concerns, please feel free to call or email me.

Please confirm receipt of this email.

Thank you,

Sherrie Rogge
Administrative Secretary
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-0354 Fax: (702) 383-9994
Email: sherrie.rogge@clarkcountynv.gov
Clark County Offices are closed on Fridays.

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4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

March 29, 2023

CERTIFIED MAIL #9489 0090 0027 6412 4983 56

Chris Darling, Manager
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale AZ 85251

E-mail: cdarling@atrackout.com

Re: Notice of Violation (NOV) #9813
DCOP #56096

Dear Mr. Darling:

The Department of Environment and Sustainability, Division of Air Quality issued Notice of Violation (NOV) **#9813** to Eagle Valley Holdings, LLC and Chris Darling, Individually, for violations of the Clark County Air Quality Regulations (AQRs).

The Hearing Officer assessed a penalty amount of $3,000.00 in the above-described matter heard at the March 22, 2023, Hearing Officer meeting. One thousand dollars and no/100 ($1.000.00) of that penalty will be held in abeyance with the stipulation that Eagle Valley Holdings, LLC and Chris Darling, Individually, does not violate AQRs during the next twelve months from the date of the hearing. Enclosed please find Invoice #060824 in the amount of $2,000.00, representing the penalty due for the above-described matter. A copy of the Hearing Officer's Order (Order) is enclosed for your records.

As provided for in the Order, the 12-month time period will run from March 22, 2023 to March 22, 2024. Any observed violations of the AQRs during this time period will constitute a violation of the Order and Eagle Valley Holdings, LLC and Chris Darling, Individually, will be required to pay the suspended amount of $1,000.00.

Payment of Invoice # 060824 is due on or before April 28, 2023. Please send your check to the Department of Environment and Sustainability, Division of Air Quality (DAQ), 4701 W. Russell Road, Suite 200, Las Vegas NV 89118. **Checks must be made payable to the Division of Air Quality or DAQ and need to have the invoice number written on the check. Payment can also be made by VISA or MasterCard in person or online.**

The Department of Environment and Sustainability (DES) has partnered with a third-party service provider to provide you with convenient, online payment services via credit card. In order to use this service, a convenience fee is included in addition to the invoice amount(s) owed to DES. To pay your DAQ invoice online using Visa or MasterCard, please visit our website at:
https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/index.php.

BOARD OF COUNTY COMMISSIONERS
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KEVIN SCHILLER, County Manager

Thank you in advance for your prompt attention to this matter. If you have any questions, please contact me via e-mail at sherrie.rogge@clarkcountynv.gov or call me at (702) 455-0354.

Sincerely,

Sherrie D. Rogge, Administrative Secretary
Enforcement Section

SDR:sr

Attachment(s):
1. Hearing Officer's Order
2. Invoice #060824

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9813 Issued to EAGLE VALLEY HOLDINGS, LLC and CHRIS DARLING, Respondents.	ORDER

The above-entitled matter was heard on March 22, 2023, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and EAGLE VALLEY HOLDINGS, LLC (**EAGLE VALLEY**) and CHRIS DARLING (**DARLING**) appeared, testified, and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9813 was issued by Air Quality to Respondents EAGLE VALLEY and DARLING on February 28, 2023, for alleged violation(s) of Dust Control Operating Permit #56096 (**Permit**) and the Clark County Air Quality Regulations (**AQRs**) at the Egan Crest Estates construction site located at northeast corner of Egan Crest Drive and Ann Road. The violation(s) alleged in the NOV include:

   (a) Violation of AQR Sections 94.14(a)(3) and (4) for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross a property line.

2. The penalty recommended by Air Quality in NOV #9813 was $3,000.00.

3. The Hearing Officer finds that the violation(s) alleged in NOV #9813 occurred in that EAGLE VALLEY and DARLING violated AQR Sections 94.14(a)(3) and (4) on December 27, 2022.

/ / /

/ / /

4. **IT IS HEREBY ORDERED** that EAGLE VALLEY and DARLING pay a penalty of Three Thousand and no/100 Dollars ($3,000.00). Two Thousand and no/100 Dollars ($2,000.00) is due within 30 days of the date of this ORDER. One Thousand and no/100 Dollars ($1,000.00) shall be held in abeyance. If EAGLE VALLEY and DARLING do not violate AQRs before March 22, 2024 and pay the reduced penalty within 30 days of the date of this ORDER, the portion of the penalty that is held in abeyance shall be waived. If EAGLE VALLEY and DARLING do violate AQRs before that time or do not pay the reduced penalty within 30 days of the date of this ORDER, then the portion of the penalty that is held in abeyance will be due within 30 days of issuance of the Hearing Officer Order finding EAGLE VALLEY and DARLING in violation.

5. EAGLE VALLEY and DARLING have the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars ($140.00), and (3) received by Air Quality within ten (10) days of EAGLE VALLEY and DARLING's receipt of this ORDER.

DATED this 29th day of March, 2023.

Holly Fic
Holly Fic (Mar 29, 2023 10:02 PDT)

Holly Fic
Hearing Officer

From:	AQ Enforcement
To:	chris@atrackout.com
Cc:	Damon Lindsay
Subject:	Response Required: 3/22/2023 Hearing Officer Docket – NOV #9813, Eagle Valley Holdings, LLC and Chris Darling, individually - Egan Crest Estates (DCOP #56096)
Date:	Monday, March 13, 2023 4:24:00 PM
Attachments:	3-22-23_APC_HO_Docket.pdf
Importance:	High

Please see attachment, which was also mailed today via certified mail.

Please confirm receipt of this email.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov

Website for the Compliance & Enforcement Section:

https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/index.php

From:	Anna Sutowska
To:	chris@atrackout.com
Cc:	AQ Enforcement
Subject:	FW: 9813
Date:	Monday, March 6, 2023 10:28:03 AM
Attachments:	Air Quality Letter Department of Environment and Sustainability.docx NOV Response Form.pdf
Importance:	High

Thank you, Chris. We are in receipt of your response to NOV #9813.

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

Dust Control Permitting Portal, Forms & Requirements

From: Chris Darling <chris@atrackout.com>
Sent: Monday, March 6, 2023 9:57 AM
To: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Subject: 9813
Importance: High

Anna,

How are you today. I have attached my response and letter of explanation. Please let me know if you need anything else…

Chris Darling
Chris Darling
Cell 702-334-1551
A Track -Out Solution LLC
2711 Rimbey ST
Las Vegas, NV 89115
www.atrackout.com
Contractors License Number 85067 General Engineering Unlimited
WBE Certified Business

Dumpster Deliver within 3-4 hours

A Track-Out Solution
Dumpster/Drop Box Service
(702) 419-7708

National Human Trafficking Hotline 1-800-373-7888
https://humantraffickinghotline.org/

Please consider the environment before printing this message.

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Received by email on 3/6/2023 9:57 AM
From: Chris Darling
pt

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Notice of Violation Response Form

Issued to: Eagle Valley Holdings, LLC and Chris Darling, individually

NOV #: 9813 Return form by: 3/8/2023

Items below are to be completed by the Respondent

Responsible Official: **Chris Darling**
Title: Partner
Phone Number: **702-334-1551**
Email Address: cdarling@atrackout.com
Mailing Address:

Please check applicable boxes below

☐ **We do not contest the Notice of Violation (Attendance is not required)**
We accept responsibility for this violation. Instructions for payment of the recommended penalty will be provided after the Hearing Officer meeting.

☑ **We are contesting the Notice of Violation and request to appear before the Hearing Officer (Attendance by the Responsible Official or a representative of the company is strongly recommended to contest the violation)**
Please attach a written explanation, including supporting documentation, of why you are contesting the NOV. This information will be provided to the Hearing Officer prior to the Hearing.

We will be contesting the:

☐ Facts
☑ Penalty
☐ Both

Signature of Authorized Person
Date: 2/28/23

Completed forms can be submitted to Pam Thompson via mail at Clark County Department of Environment and Sustainability, Division of Air Quality, 4701 West Russell Road, Suite 200, Las Vegas, NV 89118-2231, fax at (702) 383-9994, or via email at aqenforcement@clarkcountynv.gov.

3/22@9am 4701 Russell Rd

Department of Environment and Sustainability

4701 W Russel Rd

Las Vegas, NV 89118

Eagle Valley Holdings

NOV#9813

Hearing Officer,

I am an individual, not a builder. I purchased this land in order to build a lot for my family. I did go to the dust class and possess a current dust card. I was out of town the day of violation and I set up a water trucks to go by that day, especially because it was windy. Unfortunately, it was very windy that day and the land dried out very quickly and I was not there to monitor it. I understand that's not an excuse. I ask for leniency on the fine. The land was brought to compliance within 1 hour of the notice from the inspection and was complaint the next day and has been compliant ever since. We are not frequent offenders, we had track out rock in place, dust sign posted and most of the site was crusted over. The only part that wasn't crusted over was the area being driven on that day. I tried to predict mother nature and the winds , but I was not successful in predicting the future and how soon the ground would dry out. For these reasons we ask for forgiveness and that the fines will be waived. I hope you understand the situation I was in and the efforts I put in place to mitigate the dust. Please let me know if there is any more information I can provide you with.

Thank You

Chris Darling

CERTIFICATE OF MAILING

I hereby certify that on February 28, 2023, I emailed and/or mailed the following documents via certified U.S. Mail, return receipt requested, and via electronic mail to the following individual(s) at the addresses shown:

1. **NOV #9813, dated February 28, 2023**
2. **Flash drive – Exhibits/Videos 1 and 2**
3. **Notice of Violation Response Form**
4. **Clark County Air Quality Regulations, Section 7 – Air Pollution Control Hearing Board and Hearing Officer (Amended 1/21/20)**

to the individual(s) listed below by placing true and correct copies thereof enclosed in a sealed envelope, postage prepaid, for collection and mailing following our ordinary business practices for mailing. The envelope was addressed as follows:

CERTIFIED MAIL #9489 0090 0027 6412 4977 79
Chris Darling, Manager and Responsible Official
E-mail: cdarling@atrackout.com
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale, AZ 85251

Dated: 2/28/2023

Pamela R. Thompson, Senior Secretary
Clark County Department of
Environment and Sustainability,
Division of Air Quality - Enforcement

From: AQ Enforcement
To: cdarling@atrackout.com
Cc: Damon Lindsay
Subject: NOV #9813, Eagle Valley Holdings, LLC and Chris Darling, individually - Egan Crest Estates (DCOP #56096)
Date: Tuesday, February 28, 2023 11:09:35 AM
Importance: High

D_56096_09813_20230228_00F_NOV.pdf
D_56096_09813_YYYYMMDD_00F_NRF.pdf
D_56096_09813_EXH_F_Video_1.mp4
D_56096_09813_EXH_G_Video_2.mp4
SECT 7.pdf

The attached Notice of Violation (NOV), Flash drive - Exhibits/Videos 1 and 2, Notice of Violation Response Form (NRF), and Section 7 (Amended 01/21/20) were also sent today via Certified Mail.

Please confirm receipt and reply to this email stating you received the attached NOV.

If you have any questions about the NOV, feel free to contact Anna Sutowska at anna.sutowska@clarkcountynv.gov or 702-455-0666.

Thank you,

Pamela R. Thompson
Pamela Thompson, Senior Secretary
Department of Environment and Sustainability,
Division of Air Quality
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov
Clark County Offices are closed on Fridays.

Website for the Compliance & Enforcement Section:

https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/index.php

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability
4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

February 28, 2023 *CERTIFIED MAIL #9489 0090 0027 6412 4977 79*

Chris Darling, Manager and Responsible Official
E-mail: cdarling@atrackout.com
Eagle Valley Holdings, LLC
4400 North Scottsdale Road, Suite 91
Scottsdale, AZ 85251

NOTICE OF VIOLATION #9813

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Eagle Valley Holdings, LLC (**Eagle Valley**) and Chris Darling (**Darling**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Three Thousand and no/100 Dollars ($3,000.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. On November 17, 2022, Air Quality issued Dust Control Operating Permit (**DCOP**) #56096 to Eagle Valley and Darling, for the 4.9-acre construction project named Egan Crest Estates. A Dust Mitigation Plan was submitted with the DCOP application and was incorporated into DCOP #56096 whereby Eagle Valley and Darling agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**).

B. Air Quality Specialist Damon Lindsay (**Lindsay**) discovered the alleged violation while performing a complaint investigation during a Construction Notice period on December 27, 2022, at the Egan Crest Estates construction project, located at the northeast corner of Egan Drive Crest and Ann Road, in Clark County, Nevada.

C. On December 27, 2022, at approximately 8:39 a.m., Air Quality issued a Construction Notice to all Dust Control Operating Permit Holders, Contractors, and Stationary Sources informing them the National Weather Service and weather models used by Air Quality forecast sustained winds of 30-35 mph, with gusts of 40 mph, between late morning through early evening on Tuesday, December 27, 2022. Air Quality directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. The Construction Notice is attached hereto as **Exhibit B** and incorporated herein.

D. On December 27, 2022, at approximately 12:21 p.m., Air Quality received a complaint (#73617) alleging plumes of dust were caused by grading and soil dumping activities at the site, and no water was being used. The complaint report is attached hereto as **Exhibit C** and incorporated herein. At approximately 1:10 p.m. on the same day, Lindsay arrived at the Egan Crest Estates construction site to conduct a complaint investigation during a Construction Notice period. The inspection report is attached hereto as **Exhibit D** and incorporated herein. During his investigation, Lindsay observed approximately 2.90 acres of dry, loose, and powdery soil conditions and fugitive dust plumes approximately 350 feet in length crossing the property boundary as shown in Photographs 1 through 8, and Videos 1 and 2, attached hereto as **Exhibits E, F,** and **G**, respectively, and incorporated herein. While onsite, Lindsay spoke by telephone with Chris Darling (**Darling**), Manager and Responsible Official for Eagle Valley, concerning his observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was emailed to Darling and Richard Welz (**Welz**), Designated Onsite Representative for Eagle Valley, and is attached hereto as **Exhibit H** and incorporated herein. Lindsay also determined the noncompliance issues occurred within 1,000 feet of the outer boundary of a residential area as documented in Map 1 attached hereto as **Exhibit I** and incorporated herein. Lindsay concluded his inspection at approximately 1:45 p.m.

E. On December 28, 2022, at approximately 10:45 a.m., Lindsay arrived at the Egan Crest Estates construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Lindsay observed the site was in compliance with AQRs. Lindsay concluded his inspection at approximately 11:00 a.m.

II. VIOLATION(S)

Violation 1:

By failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet and cross the property line, Eagle Valley and Darling violated AQR Sections 94.14(a)(3) and (4).

AQR Sections 94.14(a)(3) and (4) state:

> "(a) No Person conducting Construction Activities, with or without a Permit, shall cause or allow the handling, transport, or storage of any material in a manner that allows visible Emissions of Particulate Matter to:

(1) Exceed 20% Opacity using the Time Averaged Method or the Intermittent Emissions Method.

(2) Exceed 50% Opacity using the Instantaneous Method.

(3) Allow a Dust plume to extend more than 100 feet.

(4) Allow a Dust plume to cross a property line."

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation occurred during a Construction Notice period (**Exh. B**); and
- Violation occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraph I.D above (**Exh. I**).

Air Quality recommends a civil penalty in the amount of $3,000.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Wednesday, March 22, 2023, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by March 8, 2023. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul (Feb 28, 2023 10:41 PST)

Shibi Paul
Compliance and Enforcement Manager

Exhibits:

A. Penalty Calculation Table, NOV #9813
B. Construction Notice for December 27, 2022
C. Complaint Report #73617, dated December 27, 2022
D. Air Quality Construction Site Inspection Form #112147, dated December 27, 2022
E. Digital Photographs 1 through 8
F. Video 1, dated December 27, 2022
G. Video 2, dated December 27, 2022
H. Air Quality Notice of Noncompliance for December 27, 2022
I. Map 1: Showing size and location of unstable soil conditions and fugitive dust plume within 1,000 feet of a residential area on December 27, 2022
J. Air Quality Construction Site Inspection Form #112173, dated December 28, 2022

rag

Exhibit A

NOV # 9813
Penalty Calculation Table
Eagle Valley Holdings, LLC and Chris Darling, Individually

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
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4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	12/27/2022	Failed to employ Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet in length and cross the property line.	94.14(a)(3) and (4)	Exh. B, Construction Notice; Exh. E, Photos 1 thru 8; Exh. F, Video 1; Exh G. Video 2; and Exh. I, Map 1	$ 2,000	1	1) Occurred within 1,000 feet of a residential area (+25% per day) 2) Occurred during a Construction Notice period (+25%)	50%	$ 1,000.00	$ 3,000.00
									Total Penalty:	**$ 3,000.00**

Regulatory maximum: $10,000 per day, per violation

[AQR Section 9.1 & NRS 445B.640]

Exhibit B

AQDCP

From: aqdcp@clarkcountynv.gov
Sent: Tuesday, December 27, 2022 8:39 AM
To: AQDCP
Subject: Clark County Air Quality is Issuing a Construction Notice

Clark County Department of Environment and Sustainability

Division of Air Quality

CONSTRUCTION NOTICE

for Tuesday, December 27, 2022

Attention Dust Control Permit Holders, Contractors, and Stationary Sources

National Weather Service and the weather models used by the Division of Air Quality (DAQ) show the potential for high winds between late morning through early evening. The forecast is for **sustained winds at 30-35 mph,** with gusts **of 40 mph.**

DAQ directs all permittees to inspect their site(s) and employ Best Available Control Measures to stabilize all disturbed soils. Permittees with multiple sites should contact each site superintendent or dust monitor to ensure compliance with the Clark County Air Quality Regulations.

BLASTING: This forecast is for wind gusts of 40 mph or more. Project operators should not load blasting materials or perform any blasting operations. You are required to monitor National Weather Service reports for wind speeds; if wind gusts above 25 mph are forecast, discontinue charging additional blast holes. Limit the blast to holes charged at the time the wind report is made.

DAQ will continue to monitor these forecasts for any further wind developments. If the weather forecast is upgraded and conditions warrant, you will be notified of a Dust Advisory.

It is important this Construction Notice be sent to all supervisors, foremen, and subcontractors working on your construction projects and at PM_{10} stationary sources.

Please direct questions about this Construction Notice to a DAQ compliance supervisor at (702) 455-5942.

Issued: 12/27/2022

You are receiving this notice because you have asked to be on our mailing list or your e-mail address is listed as the point of contact on an active Dust Control Permit.

UNSUBSCRIBE: If you do not want to continue receiving these notices and wish to be removed from the DAQ e-mail notification system, reply to this message or email AQDCP@ClarkCountyNV.gov with the subject line **Remove From Email List**. Include your name and company. If possible, send your request from the email address to be removed. If your email address is the only contact on a Dust Control Permit, you will receive a request for a replacement contact. If you do not provide one, all email information will be removed from your permit record and further contact will be by telephone and/or U.S. mail only.

From:	Microsoft Outlook
To:	cdarling@atrackout.com
Subject:	Relayed: Clark County Air Quality is Issuing a Construction Notice
Date:	Tuesday, December 27, 2022 8:43:01 AM
Attachments:	Clark County Air Quality is Issuing a Construction Notice.msg

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
cdarling@atrackout.com <mailto:cdarling@atrackout.com>
Subject: Clark County Air Quality is Issuing a Construction Notice

Exhibit C

Complaint No. 73617

OBSERVED ON
Dec 27, 2022 12:21 PM

REPORTED ON
Dec 27, 2022 12:21 PM

COMPLAINT DESCRIPTION
CALL BACK REQUESTED: Citizen advised that there is no water truck onsite and no water usage, the site is grading and there are massive plumes of dust and dirt coming from dumping of large loads of dirt.

INTAKE METHOD
Telephone

REFERRED FROM
—

TAKEN BY
Darlene Kretunski

TYPE
Fugitive Dust

IS THE FUGITIVE DUST OCCURRING NOW?
Yes

DO YOU KNOW WHAT IS CREATING THE FUGITIVE DUST?
No water usage and dumping of dirt and winds

CATEGORY
Dust Control Program

ASSIGNED TO
Damon Lindsay

Response

RESPONDED ON
Dec 27, 2022 1:10 PM

CLOSED ON
Dec 27, 2022 1:45 PM

Location

CONSTRUCTION PROJECT

Egan Crest Estates (56096)

NE CORNER of EGAN DR CREST AND ANN RD

Hualapai Way/Ann Rd, NW

PROJECT ATTRIBUTES
Residential Construction, Staging/Stockpiling, Underground Utilities

REGION
WNW - West/Northwest

HYDROGRAPHIC AREA
212 Las Vegas Valley

PARCEL NUMBER
126-25-801-025

STREET
—

CITY
—

ZIP CODE
—

PARCEL NUMBER
126-25-801-025

MAJOR CROSS STREETS
W. Ann Rd. & Egan Crest Drive

Complainant

NAME
[redacted]

EMAIL
—

HOME PHONE
—

WORK PHONE
—

MOBILE PHONE
[redacted]

MAILING ADDRESS
—

CITY
—

STATE
—

ZIP CODE
—

COMPLAINANT WANTS INVESTIGATION FINDINGS?
Yes

MAY RELEASE NAME DURING INVESTIGATION?
[redacted]

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Exhibit D

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 112147

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Damon Lindsay	Dec 27, 2022	1:10 PM	1:45 PM	Complaint	73617	**56096**

Permittee:	Project Name:	Project Location:
Eagle Valley	Egan Crest Estates	NE CORNER of EGAN DR CREST AND ANN RD

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	No	65 degrees	15-19 mph	25 mph	S	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Chris Darling	Responsible Official	Phone
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued Notice of Noncompliance, Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **No**

Fugitive Dust Source:	Wind	Plume Length:	350 Feet
Opacity:		Opacity Test Method:	Instantaneous

BMP Compliance: **Yes**

Project Soils:	Unstable	Size of Instability:	2.9 acres
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **Yes**

Acreage Permitted:	4.9 acres	Observed Acreage:	4.9 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a complaint/ Construction Notice investigation and observed approximately 2.90 acres of dry, loose, powdery unstable site soils and fugitive dust plumes blowing over 350' off property boundary. I performed the dropball test, which failed, and took photographs to document the site conditions. I spoke with Chris Darling, Responsible Official, and informed him that I am issuing a Notice of Noncomplaince with Possible Notice of Violation to Eagle Valley. I verified Mr. Darling received the Contruction Notice that was issued today, and he said he would call the water truck now. The site was supposed to be barricaded and he had said he had a water truck there this morning.

Exhibit E
Digital Photographs

Dust Control Permit #: **56096** Permittee: **Eagle Valley Holdings, LLC**
Project Name: **Egan Crest Estates** Photos taken by: **Damon Lindsay**

Photograph # 1 **Alleged Violation # 1**
A close up view looking at dry, loose, powdery, unstable site soils with inadequate BACM on the Eagle Valley, Egan Crest Estates project observed during a Construction Notice.

Photograph # 2 **Alleged Violation # 1**
A close up view looking at dry, loose, powdery, unstable site soils with inadequate BACM observed during a Construction Notice.

Photograph # 3 **Alleged Violation # 1**

A view looking north at fugitive dust plumes blowing off property due to unstable site soils observed during a Construction Notice.

Photograph # 4 **Alleged Violation # 1**

First photograph of a series of 2 photographs looking northeast at a fugitive dust plume over 150' in length due to unstable site soils observed during a Construction Notice.

Photograph # 5 **Alleged Violation # 1**

Second photograph of a series of 2 photographs looking northeast at a fugitive dust plume blowing over 150' in length due to unstable site soils observed during a Construction Notice.

Photograph # 6 **Alleged Violation # 1**

First photograph of a series of 3 photographs looking northeast at a fugitive dust plume blowing off property due to unstable site soils observed during a Construction Notice.

Photograph # 7 **Alleged Violation # 1**

Second photograph of a series of 3 photographs looking northeast at a fugitive dust plume blowing off property due to unstable site soils observed during a Construction Notice.

Photograph # 8 **Alleged Violation # 1**

Third photograph of a series of 3 photographs looking northeast at a fugitive dust plume blowing off property due to unstable site soils observed during a Construction Notice.

Exhibits F & G

(Videos 1 and 2, dated December 27, 2022)

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4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit H

NOTICE OF NONCOMPLIANCE

Issued To: Eagle Valley | Project Name: Egan Crest Estates

Location: NE CORNER of EGAN DR CREST AND ANN RD

Dust Control Permit No: 56096 | Date: Dec 27, 2022 | Time: 1:45 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

Fugitive Dust – Employ Best Management Practices for dust control to comply with AQR Section 94.14.

Additional Instructions / Other Noncompliance Items
*Stabilize all site soils immediately, and remain in a damp or crusted conditions 24/7.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Chris Darling	Responsible Official	Eagle Valley
(Printed Name)	(Title)	(Company)

cdarling@atrackout.com
(Email Address)

Person Notified:

Richard Welz	Designated Onsite Representative	Apex Materials LLC
(Printed Name)	(Title)	(Company)

TRUCKINWBC@GMAIL.COM
(Email Address)

DAQ Representative:

Damon Lindsay		702-455-0151
KLB (Printed Name)		(Phone Number)

From:	Damon Lindsay
To:	cdarling@atrackout.com; TRUCKINWBC@GMAIL.COM
Subject:	DCOP#56096 Notice of Noncompliance
Date:	Tuesday, December 27, 2022 4:17:00 PM
Attachments:	image001.png image002.png 56096_20221227_NON-Rvd.pdf
Importance:	High

Good afternoon,

Please review the attached Notice of Noncompliance (NON) with Air Quality Regulations (AQRs) for the Egan Crest Estates project, DCOP# 56096, and comply with the requirements by the specified dates.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This NON may result in a Notice of Violation (NOV) that may result in civil penalties. We appreciate your continued cooperation in maintaining compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

Sincerely,

Damon Lindsay

Damon Lindsay | Air Quality Specialist II

Clark County Department of Environment & Sustainability
Division of Air Quality
4701 W Russell Road | Suite 200
Las Vegas, NV 89118
702-455-0151 (office)
702-659-0168 (mobile)

My working hours are Tuesday – Friday, 6:00 AM – 4:30 PM

For Dust Control Applications and Forms, click on this link: Dust Control Permitting

For Dust Class Schedules and Registration, click on this link: Dust Class

You must use **MICROSOFT EDGE** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

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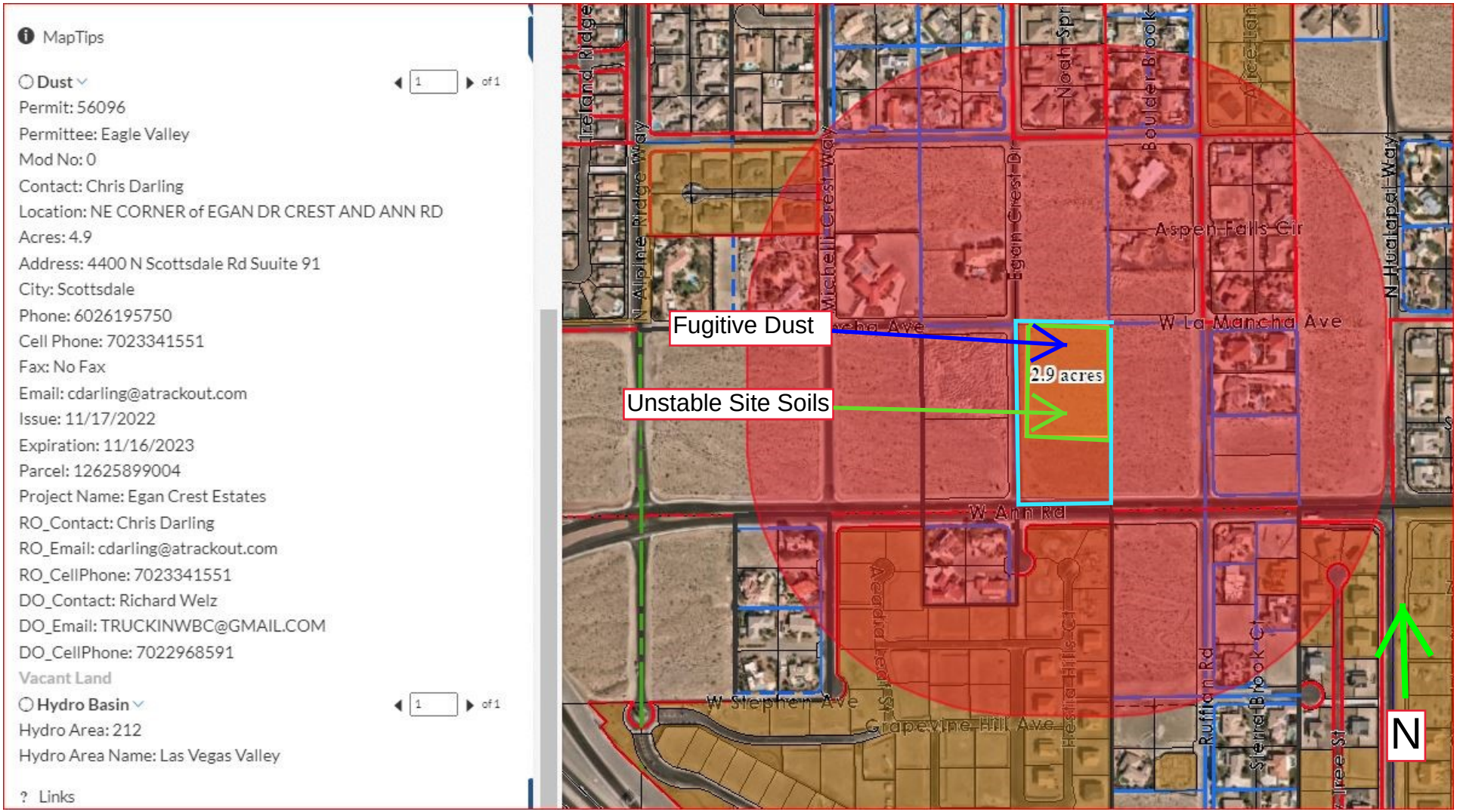
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

December 27, 2022

Exhibit I



Map 1 - Showing the location of fugitive dust and unstable site soils within 1,000 feet of a residential area.

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4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 112173

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Damon Lindsay	Dec 28, 2022	10:45 AM	11:00 AM	Follow-up		**56096**

Permittee:	Project Name:	Project Location:
Eagle Valley	Egan Crest Estates	NE CORNER of EGAN DR CREST AND ANN RD

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	55 degrees	10-14 mph	15 mph	NW	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Chris Darling	Responsible Official	Text
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **Yes**

Action Taken:	No Action Taken	Violation in 1000 feet of:	Not Applicable

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **Yes**

Project Soils:	Stable	Size of Instability:	
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **Yes**

Acreage Permitted:	4.9 acres	Observed Acreage:	4.9 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a follow-up inspection today and observed the site is in compliance with AQRs at this time.

Exhibit BB – Parcel #125-09-603-014, DCOP #50689

DCOP Mod 4 issued to Meridian Construction Company, Inc. on 5/2/2023, Renewal

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.E)

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 50689

Version No: 4

Permittee: Meridian Construction Company, Inc.

Project: Strong Custom Home (50689)

Physical Location: 8620 Coke St., Las Vegas

Cross Streets: N. Buffalo Dr./Grand Teton, NW

Effective Date: May 7, 2023

Expiration Date: May 6, 2024

Revision Date: N/A

Revision Type: N/A

Project Acreage: 1

Region: NNW - North/Northwest

Notes/Additional Permit Conditions
RENEWAL

Designated Onsite Representative	Responsible Official
Name: Tracy Trollier	Name: Tracy Trollier
Company: Meridian Construction Company, Inc.	Company: Meridian Construction Company, Inc.
Mobile Number: 702-498-4099	Office Number: 702-498-4099
Email: tracy@meridiannv.com	Mobile Number: 702-498-4099
Dust Card No.: DC72145 Expires: Oct 12, 2023	Email: tracy@meridiannv.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Meridian Construction Company, Inc.

Mailing Address: 80 N. Pecos. Suite I

City/State/Zip Code: Henderson, NV 89074

Office Number: 702-498-4099

Fax Number:

Additional Project Information

Project Description: 5000 sq ft custom home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 125-09-603-014

Soil PEP: High

Water Source: Well

If other, describe:

Water Application Method: Fire Hose

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

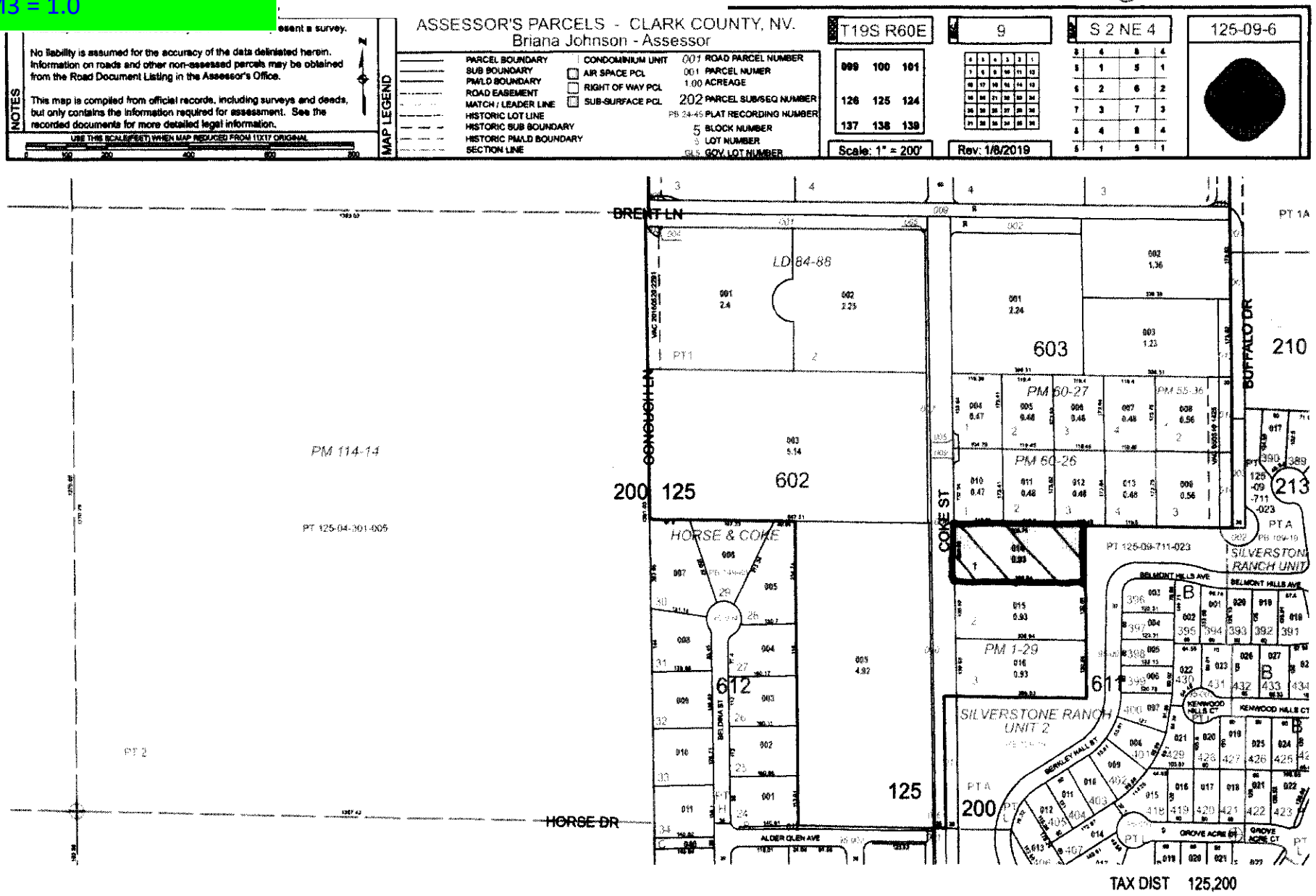
Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

50689-M4 = REN @ 1.0
HRM 5/2/23

M0 - M3 = 1.0

125 09 603 014



BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit CC – Parcel #125-09-603-014, DCOP #50689

Notice of Noncompliance issued on 4/29/2024
(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.F)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Meridian Construction Company, Inc. | Project Name: Strong Custom Home

Location: 8620 Coke St., Las Vegas

Dust Control Permit No: 50689 | Date: Apr 29, 2024 | Time: 1:30 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

SITE DOES NOT MEET BMP-11 LONG-TERM STABILIZATION- PROJECT CLOSURE DISAPPROVED

Additional Instructions / Other Noncompliance Items

Please do the following by close of business on 5/13/24 to meet BMP 11:
1) Remove stockpiles.
2) Apply clean gravel to the right-of-way (shoulder) along Coke St.
3) Pave or apply clean gravel on the driveway (any area that will be driven on).

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Tracy Trollier	Responsible Official	Meridian Construction Company, Inc.
(Printed Name)	(Title)	(Company)

tracy@meridiannv.com
(Email Address)

Person Notified:

Tracy Trollier	Designated Onsite Representative	Meridian Construction Company, Inc.
(Printed Name)	(Title)	(Company)

tracy@meridiannv.com
(Email Address)

DAQ Representative:

Nahulu Kahananui	725-272-3550
(Printed Name)	(Phone Number)

AMK

Exhibit DD – Parcel #125-09-603-014, DCOP #50689

Internal Notes created on 4/30/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.G)

No. 50689.4

Internal Notes

Description	Created By	Created On
A Closure Form submitted on 4/23/2024 was disapproved. I conducted a PCF inspection and observed the site does not meet BMP 11 - Long-Term Stabilization Requirements. I left a message with Tracy Trollier, Responsible Official, and directed Mr. Trollier to meet BMP 11 by close of business on 5/13/24. PCF Disapproved.	Andrew Kirk	4/30/24 5:16 PM

Exhibit EE – Parcel #125-09-603-014, DCOP #50689

BMP-11 Noncompliance Photographs taken on 5/20/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.H)

05/20/2024 12:11:45

05/20/2024 12:11:54

05/20/2024 12:12:17

05/20/2024 12:12:22

Exhibit FF – Parcel #125-09-603-014, DCOP #50689

Permit closure record of communication dated 6/28/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.I)

Subject: Fwd: Fw: DCOP 50689
Date: 6/26/2024 6:02 AM
From: "Traci S" <nvblonde1@gmail.com>
To: "tracy@meridiannv.com" <tracy@meridiannv.com>
Cc: "nahulu.kahananui@clarkcountynv.gov" <nahulu.kahananui@clarkcountynv.gov>

Hi Tracy,

We have completed the requests of the county regarding the dirt work. Nahulu asked that you submit the request for closure, then he will come out and do his final inspection.

Please let me know if you have any questions and confirm when this has been done.

Thanks,

Traci
702-372-4422
---------- Forwarded message ---------
From: **nvrandy@aol.com** <nvrandy@aol.com>
Date: Tue, Jun 25, 2024 at 4:34 PM
Subject: Fw: DCOP 50689
To: Traci Strong <nvblonde1@gmail.com>, Randy Strong <nvrandy@aol.com>

Please send Tracy an email to let him know we met the County request and now they are waiting for him to do the closure.

Sent from the all new AOL app for iOS

Begin forwarded message:

On Monday, June 24, 2024, 7:12 AM, Nahulu Kahananui <Nahulu.Kahananui@ClarkCountyNV.gov> wrote:

Good morning,

Thank you for the photos. Once the driveway is graveled, please have Tracy Trollier submit a permit closure request. When I receive the permit closure request, I will come out to do my final inspection and close out the permit. Have a great day!

Thank you,

Nahulu Kahananui

Air Quality Specialist II

Clark County Department of Environment & Sustainability

4701 W Russell Road | Suite 200

Las Vegas, NV 89118

Desk: (702)455-1683

Cell: (725)272-3550

nahulu.kahananui@clarkcountynv.gov

Monday – Thursday, 7:00 AM – 5:30 PM

For Dust Control Applications and Forms, click on this link: **Dust Control Permitting**

From: nvrandy@aol.com <nvrandy@aol.com>
Sent: Saturday, June 22, 2024 11:27 AM
To: Nahulu Kahananui <Nahulu.Kahananui@ClarkCountyNV.gov>
Subject: DCOP 50689

Good morning -

I have attached a picture of my work to date. The ride of way is done. The driveway gravel will be delivered Tuesday. I expect to have everything we spoke of completed by end of week. It was a pleasure speaking with you.

I will keep you up to date on our progress. Please feel free to call or email with any questions.

Thank you,

Randy Strong

702-326-8832

Sent from the all new AOL app for iOS

Exhibit GG – Parcel #125-09-603-014, DCOP #50689

Permit closed on 7/2/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 98.J)

Dust Control Operating Permit (DCOP) Closure

Permit #: 50689.4

Closure Request Submittal Date: 6/26/2024 **DCOP Expiration Date:** 5/6/2024

Project Name: Strong Custom Home **Permittee:** Meridian Construction Company, Inc.

Location: 8620 Coke St., Las Vegas

1st Cross Street: N. Buffalo Dr. **2nd Cross Street:** Grand Teton **Proximity:** NW

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

NO

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

YES

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

YES

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

NO

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Nahulu Kahananui	6/27/2024	Andrew Kirk	7/2/2024

Inspector Notes: This site meet BMP 11 -Long-Term Stabilization Requirements. Clean graveled applied, less than 0.25 acres remain and will be landscaped in the future. PCF APPROVED

Exhibit HH – Parcel #179-04-505-013, DCOP #49334

DCOP Mod 4 issued to John Gondini on 6/21/2022, Renewal

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.E)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 49334

Version No: 4

Permittee: John Gondini

Project: Gondini Residence (49334)

Physical Location: Orleans St. SE of Athens Ave.

Cross Streets: Lake Mead Pkwy/Athens Ave, E

Effective Date: Jun 29, 2022

Expiration Date: Jun 28, 2023

Revision Date: N/A

Revision Type: N/A

Project Acreage: 2

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions
RENEWAL *Permit closure is conditional upon compliance with the Standards in Section 92 Regulations.

Designated Onsite Representative	Responsible Official
Name: Daniel Rossal	Name: John Gondini
Company: Eagle Excavation LLC	Company: John Gondini
Mobile Number: 702-591-8949	Office Number: 702-279-1513
Email: DANIEL@EAGLEEXCAVATIONNV.COM	Mobile Number: 702-279-1503
Dust Card No.: DC 74561 Expires: Jan 4, 2024	Email: mrgondini@gmail.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: John Gondini

Mailing Address: P.O. Box 90995

City/State/Zip Code: Henderson, NV 89009

Office Number: 702-279-1513

Fax Number:

Additional Project Information

Project Description: Renewal- New Home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-505-013

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Fire Hose

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

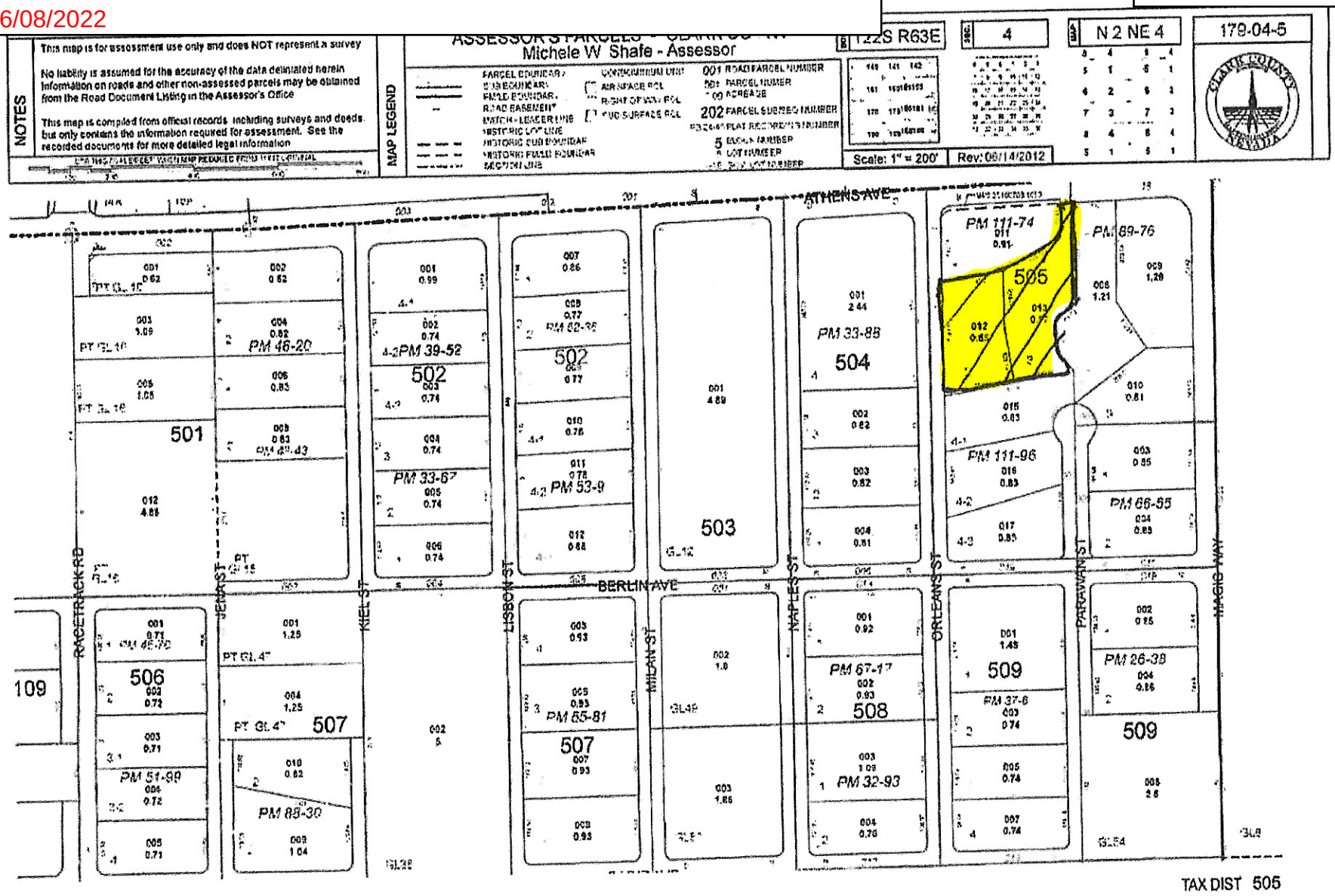
Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

49334- mod 04= REN @ 2.0
mod 03= REN @ 2.0
mod 02= REN @ 2.0
mod 01= REN @ 2.0
mod 00= 2.0

SL- 06/08/2022

179 04 505 013



BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Sheenaleigh Lucas

From: Sheenaleigh Lucas
Sent: Wednesday, June 8, 2022 4:10 PM
To: john Gondini
Subject: RE: Renewal DCOP 49334- John Gondini- Gondini Residence

Hi John,

Per our phone conversation, I will process your application as is since those dirt areas are not being disturbed.

Regards,

Sheenaleigh Lucas
Air Quality Specialist I
Clark County Department of Environment and Sustainability
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Phone: (702) 455-1684 Fax: (702) 383-9994

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

From: john Gondini [mailto:gondiniracing1@gmail.com]
Sent: Wednesday, June 8, 2022 3:54 PM
To: Sheenaleigh Lucas <Sheenaleigh.Lucas@ClarkCountyNV.gov>
Subject: Re: Renewal DCOP 49334- John Gondini- Gondini Residence

This is a renewal so I don't know if the portion in yellow was on there or not. Grading is done and all that is left is to do utilities on the parcel ending in 012 . Also it is my understanding that the yellow is not our property it's right of way . I left you a message if you have any questions please call 702 279-1503

On Wed, Jun 8, 2022 at 9:27 AM Sheenaleigh Lucas <Sheenaleigh.Lucas@clarkcountynv.gov> wrote:

> Greetings,
>
> Please **reply to this email only** as soon as possible so not to delay the approval process. I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so **please reply to this email. You cannot correct the application on the portal, only the reviewer can.** If you have questions, feel free to email me those inquiries. If you wish to come in to discuss the application with me, please make an appointment.
>
> You must include all dirt areas that will be disturbed by means of but not limited to utility tie ins, grading, parking, road development and/or staging. Based on the aerial photo below, I recommend going out to half street along Olsen St because there are already stockpiles going out of the permitted area. Is the 0.037 acres

highlighted in yellow below along Athens Ave being disturbed to access the property? If that is being disturbed, I would also recommend permitting it as well. Please be aware when the inspector comes out and you are not within your permitted area you could be subject to pay extra fees to modify your permit.

Please review your project plans and ensure all of the areas where soil disturbance will occur are included and resubmit the map via email.

Regards,

Sheenaleigh Lucas

Air Quality Specialist I

Clark County Department of Environment and Sustainability

Division of Air Quality

4701 W. Russell Rd., Suite 200

Las Vegas, NV 89118

Phone: (702) 455-1684 Fax: (702) 383-9994

For any dust permit information or forms, please click on the link below.

Dust Control Permitting Portal, Forms & Requirements

Exhibit II – Parcel #179-04-505-013, DCOP #49334

DCOP Mod 5 issued 7/5/2023, Renewal

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.F)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 49334

Version No: 5

Permittee: John Gondini

Project: Gondini Residence (49334)

Physical Location: Orleans St. SE of Athens Ave.

Cross Streets: Lake Mead Pkwy/Athens Ave, E

Effective Date: Jun 29, 2023

Expiration Date: Jun 28, 2024

Revision Date: N/A

Revision Type: N/A

Project Acreage: 2

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions
RENEWAL *Permit closure is conditional upon compliance with the Standards in Section 92 Regulations.

Designated Onsite Representative	Responsible Official
Name: Daniel Rossal	Name: John Gondini
Company: Eagle Excavation LLC	Company: John Gondini
Mobile Number: 702-591-8949	Office Number: 702-279-1513
Email: DANIEL@EAGLEEXCAVATIONNV.COM	Mobile Number: 702-279-1503
Dust Card No.: DC74561 Expires: Jan 4, 2024	Email: mrgondini@gmail.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: John Gondini

Mailing Address: P.O. Box 90995

City/State/Zip Code: Henderson, NV 89009

Office Number: 702-279-1513

Fax Number:

Additional Project Information

Project Description: Renewal- New Home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of disturbed soil at any given time, the permittee shall identify the on-site Dust Control Monitor for the project(s). In addition, this requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of disturbed soil at any given time, but the combined project has 50 or more acres of disturbed soil at any given time.
   If a Dust Control Monitor had not been identified at the time of this permit issuance, the permittee shall notify DAQ by revising the permit in the DAQ Permitting Portal, before disturbing 50 or more acres of soil at any given time. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
c. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
d. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 179-04-505-013

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Fire Hose

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

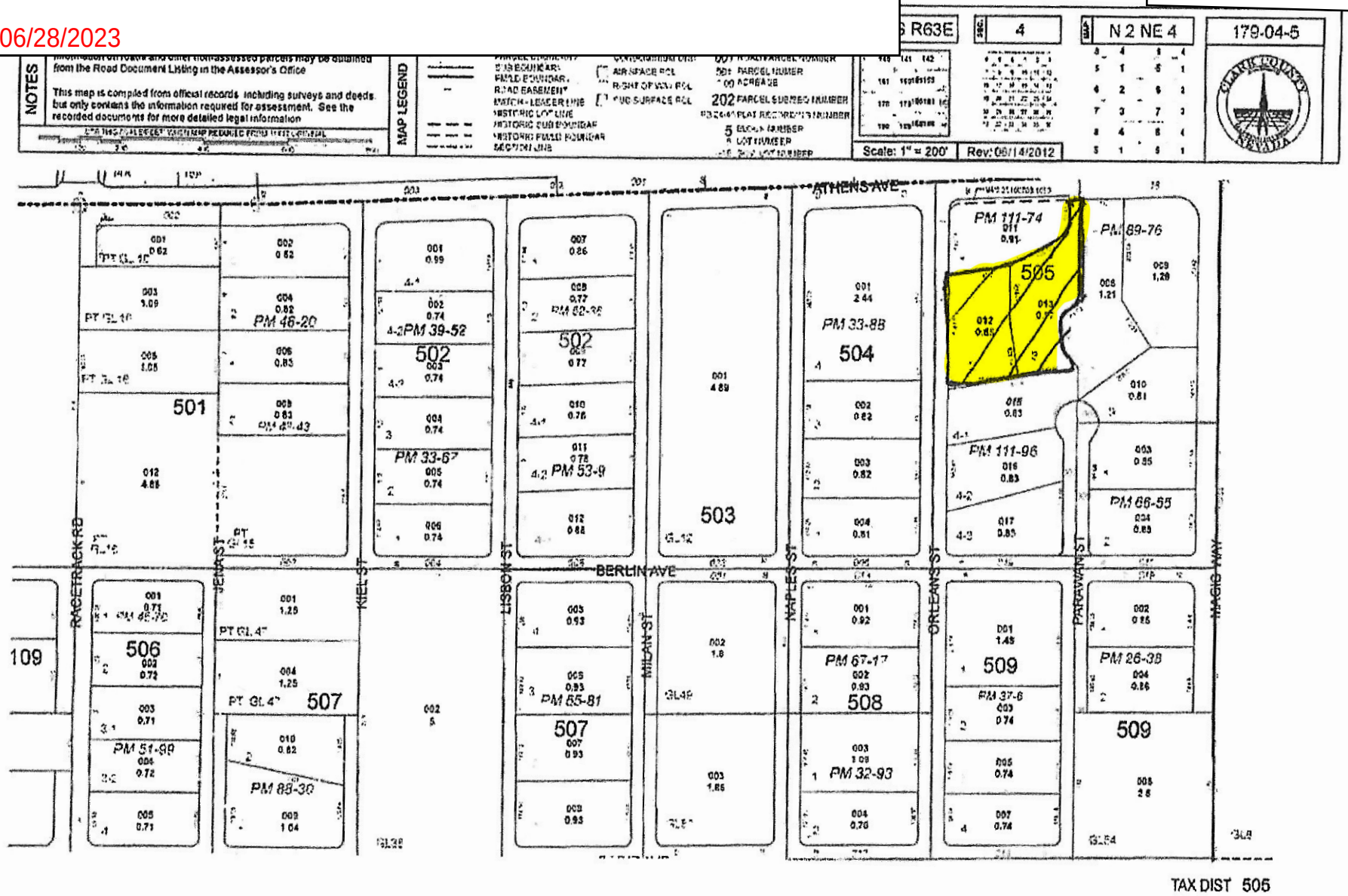
Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

49334- M5= REN @ 2.0
M4= REN @ 2.0
M3= REN @ 2.0
M2= REN @ 2.0
M1= REN @ 2.0
M0= 2.0

SL- 06/28/2023

179 04 505 013



BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit JJ – Parcel #179-04-505-013, DCOP #49334

Notice of Noncompliance issued on 6/14/2023

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.G)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: John Gondini | Project Name: Gondini Residence

Location: Orleans St. SE of Athens Ave.

Dust Control Permit No: 49334 | Date: Jun 14, 2023 | Time: 10:40 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

SITE DOES NOT MEET BMP-11 Long-Term Stabilization Requirements. Project Closure Disapproved**.**

Additional Instructions / Other Noncompliance Items

***Meet BMP 11 requirements by close of business on 6/28/23 by doing the following:
-Stabilize soil in the northeast corner area with gravel
-Apply gravel to all access points, parking areas, and storage area.
-Resubmit Permit Closure Form once gravel has been applied.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

John Gondini	Responsible Official	John Gondini
(Printed Name)	(Title)	(Company)

mrgondini@gmail.com
(Email Address)

Person Notified:

Daniel Rossal	Designated Onsite Representative	Eagle Excavation LLC
(Printed Name)	(Title)	(Company)

DANIEL@EAGLEEXCAVATIONNV.COM
(Email Address)

DAQ Representative:

Nahulu Kahananui		725-272-3550
KLB (Printed Name)		(Phone Number)

Exhibit KK – Parcel #179-04-505-013, DCOP #49334

Notice of Noncompliance issued on 5/1/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.H)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: John Gondini | Project Name: Gondini Residence

Location: Orleans St. SE of Athens Ave.

Dust Control Permit No: 49334 | Date: May 1, 2024 | Time: 3:20 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

This site does not meet BMP-11 Long-Term Stabilization Requirements. PC request is disapproved.

Additional Instructions / Other Noncompliance Items

- Apply clean gravel rock or recycled asphalt product (RAP) over disturbed soil surface along right of way in front of house and re-submit a PC request to Air Quality by Monday, 5/11/24.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

John Gondini	Responsible Official	John Gondini
(Printed Name)	(Title)	(Company)

mrgondini@gmail.com
(Email Address)

Person Notified:

Daniel Rossal	Designated Onsite Representative	Eagle Excavation LLC
(Printed Name)	(Title)	(Company)

daniel@eagleexcavationnv.com
(Email Address)

DAQ Representative:

Mike Englehart		702-249-8594
KLB (Printed Name)		(Phone Number)

Exhibit LL – Parcel #179-04-505-013, DCOP #49334

Internal Notes created on 5/2/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.I)

No. 49334.5

Internal Notes

A Closure Form submitted on 4/18/2024 was disapproved. I inspected the project area and observed the site does not meet BMP-11 Requirements for Long-Term Stabilization. The right of way area between the property and Orleans Street needs to be long-term stabilized. Air Quality is disapproving the PC request and issuing a NON to apply clean gravel rock or other approved material to the disturbed soil area and re-submit a PC request to DAQ by 5/13/24.	Katrinka Byers	5/2/24 10:44 AM

Exhibit MM – Parcel #179-04-505-013, DCOP #49334

BMP-11 Compliance Photographs taken on 5/15/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.J)

05/15/2024 12:35:39

HYUNDAI
05/15/2024 12:35:16

05/15/2024 12:35:26

Exhibit NN – Parcel #179-04-505-013, DCOP #49334

Permit closed on 5/16/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH A, ATT 109.K)

Dust Control Operating Permit (DCOP) Closure

Permit #: 49334.5

Closure Request Submittal Date: 5/9/2024 **DCOP Expiration Date:** 6/28/2024

Project Name: Gondini Residence **Permittee:** John Gondini

Location: Orleans St. SE of Athens Ave.

1st Cross Street: Lake Mead Pkwy **2nd Cross Street:** Athens Ave **Proximity:** E

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

YES

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

NO

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Rock was added per request, of Mike Englehart, in easement next to street.

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

NO

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

NO

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Mike Englehart	5/15/2024	Andrew Kirk	5/16/2024

Inspector Notes: I inspected the project area and observed it to meet BMP-11 Long-Term Stabilization standards. The former exposed soil on the right of way along the street has been covered with clean gravel rock and this site is now ready for closure. Approved DCOP closure.

Exhibit OO – Nevada Secretary of State Information for Assured Development, Inc.

(Previously submitted for 10/2/2024 HB Meeting, EXH B)

Entity Information

Entity Information

Entity Name:

ASSURED DEVELOPMENT INC

Entity Number:

E0404012018-3

Entity Type:

Domestic Corporation (78)

Entity Status:

Revoked

Formation Date:

08/27/2018

NV Business ID:

NV20181614891

Termination Date:

Annual Report Due Date:

8/31/2022

Compliance Hold:

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC.

Status:

Active

CRA Agent Entity Type:

CRA - Corporation

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

3085 E POST RD, HENDERSON, NV, 89120, USA

Mailing Address:

P O BOX 530778, HENDERSON, NV, 89053, USA

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
President	JOSEPH YAKUBIK	PO BOX 530778, LAS VEGAS, NV, 89053, USA	08/27/2018	Active

Page 1 of 1, records 1 to 1 of 1

CURRENT SHARES

Class/Series	Type	Share Number	Value

No records to view.

Number of No Par Value Shares:

1000

Total Authorized Capital:

1,000

Filing History Name History Mergers/Conversions

Return to Search Return to Results

Exhibit PP – Nevada Secretary of State Information for Atlas Holdings International LLC

(Previously submitted for 10/2/2024 HB Meeting, EXH C)

Entity Information

Entity Information

Entity Name:

ATLAS HOLDINGS INTERNATIONAL LLC

Entity Number:

E0422882011-1

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

07/26/2011

NV Business ID:

NV20111492681

Termination Date:

Annual Report Due Date:

7/31/2025

Compliance Hold:

Series LLC:

☐ **Restricted LLC:** ☐

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC.

Status:

Active

CRA Agent Entity Type:

CRA - Corporation

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

3085 E POST RD, HENDERSON, NV, 89120, USA

Mailing Address:

P O BOX 530778, HENDERSON, NV, 89053, USA

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
Manager	Global Equity Holdings, Inc.	PO Box 530778, Henderson, NV, 89053, USA	09/20/2021	Active

Page 1 of 1, records 1 to 1 of 1

Filing History Name History Mergers/Conversions

Exhibit QQ – Nevada Secretary of State Information for Milan Customs LLC

(Previously submitted for 10/2/2024 HB Meeting, EXH D)

Entity Information

Entity Information

Entity Name:

MILAN CUSTOMS LLC

Entity Number:

E0289232019-9

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

06/24/2019

NV Business ID:

NV20191464343

Termination Date:

Annual Report Due Date:

6/30/2025

Compliance Hold:

Series LLC:

☑ **Restricted LLC:** ☐

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Non-Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

Street Address:

6835 S EASTERN AVE, LAS VEGAS, NV, 89119, USA

Mailing Address:

PO BOX 530702, HENDERSON, NV, 89053

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
Manager	JOE YAKUBIK	PO BOX 530778, Henderson, NV, 89053, USA	06/30/2021	Active

Page 1 of 1, records 1 to 1 of 1

Filing History Name History Mergers/Conversions

Return to Search Return to Results

Exhibit RR – Nevada Secretary of State Information for Global Equity Holdings, Inc. (Domestic Corporation)

(Previously submitted for 10/2/2024 HB Meeting, EXH E)

Entity Information

Entity Information

Entity Name:

GLOBAL EQUITY HOLDINGS, INC.

Entity Number:

E0528022007-0

Entity Type:

Domestic Corporation (78)

Entity Status:

Active

Formation Date:

07/26/2007

NV Business ID:

NV20071304560

Termination Date:

Annual Report Due Date:

7/31/2025

Compliance Hold:

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC.

Status:

Active

CRA Agent Entity Type:

CRA - Corporation

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

3085 E POST RD, HENDERSON, NV, 89120, USA

Mailing Address:

P O BOX 530778, HENDERSON, NV, 89053, USA

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
President	JOSEPH YAKUBIK	PO BOX 530778, HENDERSON, NV, 89053, USA	07/31/2018	Active
Secretary	JOSEPH YAKUBIK	PO BOX 530778, HENDERSON, NV, 89053, USA	07/31/2018	Active
Treasurer	JOSEPH YAKUBIK	PO BOX 530778, HENDERSON, NV, 89053, USA	07/31/2018	Active
Director	JOSEPH YAKUBIK	PO BOX 530778, HENDERSON, NV, 89053, USA	07/31/2018	Active

Page 1 of 1, records 1 to 4 of 4

CURRENT SHARES

Class/Series	Type	Share Number	Value
	Authorized	5,000	1.000000000000

Page 1 of 1, records 1 to 1 of 1

Number of No Par Value Shares:

0

Total Authorized Capital:

5,000

Filing History Name History Mergers/Conversions

Return to Search Return to Results

Exhibit SS – Nevada Secretary of State Information for Global Equity Holdings, Inc. (Commercial Registered Agent)

(Previously submitted for 10/2/2024 HB Meeting, EXH F)

Entity Information

Entity Information

Entity Name:

GLOBAL EQUITY HOLDINGS, INC.

Entity Number:

E0588302008-7

Entity Type:

Commercial Registered Agent

Entity Status:

Active

Formation Date:

09/15/2008

NV Business ID:

Termination Date:

Annual Report Due Date:

Compliance Hold:

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC.

Status:

Active

CRA Agent Entity Type:

CRA - Corporation

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

3085 E POST RD, HENDERSON, NV, 89120, USA

Mailing Address:

P O BOX 530778, HENDERSON, NV, 89053, USA

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
No records to view.				

Filing History Name History Mergers/Conversions

Return to Search Return to Results

Exhibit TT – Nevada Secretary of State Information for Southwest Enterprise Holdings LLC

(Previously submitted for 10/2/2024 HB Meeting, EXH G)

Entity Information

Entity Information

Entity Name:

SOUTH WEST ENTERPRISE HOLDINGS LLC

Entity Number:

E0395272012-5

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

07/27/2012

NV Business ID:

NV20121463974

Termination Date:

Annual Report Due Date:

7/31/2025

Compliance Hold:

Series LLC:

☐ **Restricted LLC:** ☐

Registered AGENT INFORMATION

Name of Individual or Legal Entity:

GLOBAL EQUITY HOLDINGS, INC.

Status:

Active

CRA Agent Entity Type:

CRA - Corporation

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

NEVADA

Street Address:

3085 E POST RD, HENDERSON, NV, 89120, USA

Mailing Address:

P O BOX 530778, HENDERSON, NV, 89053, USA

OFFICER INFORMATION

☐ **View Historical Data**

Title	Name	Address	Last Updated	Status
Manager	JOE YAKUBIK	PO BOX 530778, HENDERSON, NV, 89053, USA	07/31/2018	Active

Page 1 of 1, records 1 to 1 of 1

Filing History Name History Mergers/Conversions

Exhibit UU – Additional photographs from inspection on 1/19/2024 (NOV #9981)

(Previously submitted for 10/2/2024 HB Meeting, EXH Q)

01/19/2024 11:10:53

FedEx
Ground
FedEx
01/19/2024 11:10:55

01/19/2024 11:10:57

01/19/2024 11:11:34

01/19/2024 11:11:36

01/19/2024 11:11:42

01/19/2024 11:11:44

01/19/2024 11:11:53

01/19/2024 11:12:12

01/19/2024 11:12:15

01/19/2024 11:12:17

Bobcat
01/19/2024 11:12:31

ASSURED
DEVELOPMENT
01/19/2024 11:12:55

01/19/2024 11:13:03

01/19/2024 11:13:10

01/19/2024 11:13:20

01/19/2024 11:13:24

01/19/2024 11:13:36

STOP
01/19/2024 11:30:21

01/19/2024 12:36:41

01/19/2024 11:05:04

01/19/2024 11:07:38

Bobcat
01/19/2024 11:07:44

01/19/2024 11:07:47

Bobcat
CATERPILLAR
01/19/2024 11:07:54

01/19/2024 11:07:58

01/19/2024 11:08:10

01/19/2024 11:10:45

Exhibit VV – DCOP #49811 Mod 2 issued to Athens Customs on 12/15/2020

(Previously submitted for 10/2/2024 HB Meeting, EXH T)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 49811

Version No: 2

Permittee: Athens Customs

Project: Loon LLC (49811)

Physical Location: 1028 E. Athens Ave., Henderson

Cross Streets: Racetrack Rd/Athens Ave, NE

Effective Date: Oct 9, 2020

Expiration Date: Oct 8, 2021

Revision Date: N/A

Revision Type: N/A

Project Acreage: 5.2

Region: ESE - East/Southeast

Notes/Additional Permit Conditions
RENEWAL

Designated Onsite Representative	Responsible Official
Name: Dave Reynolds	Name: Joe Yakubik
Company: Global Equity Holdings	Company: Athens Customs
Mobile Number: 702-499-3283	Office Number: 702-868-0900
	Mobile Number: 702-241-4040

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Mod 02 AS

Dust Control Operating Permit (DCOP) Application

Clark County Department of Environment and Sustainability
Division of Air Quality

For DES Use Only

Invoice Number: #045775

LATE FEES APPLY, EXPIRED

RECEIVED CC DAQ
2020 NOV 2 PM 4:29

postmark 10/29/2020

10/29/20

NOTE: Demolition by implosion is not covered by this application -- use Implosion Operating Permit Application.

Application Type (Select One):	Applicant Type (Select One):	
○ New	◉ Property Owner	○ Developer
◉ Renewal	○ Easement Holder	○ Contractor
○ Modification	○ Government	

1. Responsible Official (Applicant) Information:

Responsible Official Name:	Responsible Official Title:	Permittee (Owner/Company/Organization Name):
JOE YAKUBIK	MANAGER	ATHENS CUSTOMS HRM

Permittee Mailing and Email Address Information

Number:	Direction:	Street:	Street Type:	Suite:	PO Box:
					530778

City:	HENDRESON	State:	NV	Zip:	89035

Email: JOE@ASSUREDNV.COM Primary Communication Method: ◉ Email ○ US Postal

Phone Numbers

Office:	702-868-0900	Extension:	1007	Cell:	702-241-4040	Fax:	866-248-6564

2. Construction Site Superintendent or other designated On-site Representative:

Name:	Title:	Company:
DAVE REYNOLDS	PROJECT MANAGER	GLOBAL EQUITY HOLDINGS

Email:	DAVE@ASSUREDNV.COM	Dust Card #:	DM1902002	Card Expires:	2/5/22

Office:	702-868-0900	Extension:		Cell:	702-499-3283	Fax:	866-248-6564

3. Project Information:

Permit # (For new permit, enter NEW; otherwise, enter existing DCOP #): 49811

Project Name (same as signage): LOON LLC

Project Description:

NEW RESIDENTIAL SINGLE FAMILY HOMES

Modification Acreage Added:	0	Modification Acreage Removed:	0

Project Modification Description:

Project Attributes (check all that apply):

- ☒ Residential
- ☐ Commercial
- ☐ Government Facility
- ☐ Infrastructure Utilities
- ☐ Flood Control
- ☐ Airport
- ☐ Soil Remediation
- ☐ Structure Demolition
- ☐ Roadway
- ☐ Blasting

Portable crushing and/or powered screening equipment supporting an on-site single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.

Will portable crushing or powered screening occur onsite? ○ Yes ◉ No

If yes, what is the anticipated date that equipment will be brought onsite?

What is the duration equipment will remain onsite? DAQ_370

Projects less than two weeks in duration may qualify for a sign waiver.

Does the project qualify for a sign waiver request? ○ Yes ◉ No

Is a sign waiver requested for this project? ○ Yes ◉ No

R-HRM 12/14/20

Project Physical Location					
Number:	Direction:	Street:		Street Type:	Suite:
1028	E	ATHENS		AVE	
City:	HENDERSON	State:	NV	Zip:	89015

List major cross streets and the proximity to the intersection:

1st Cross Street:	2nd Cross Street:	Proximity:
RACETRACK RD	ATHENS Ave	NE

4. Project Disturbed Surface Area:

a. Project Disturbed Surface Area Information:

Nonlinear Area Disturbed (Acreage in Tenths)

(e.g., project site, stockpiles, staging areas, etc.)

New/Current Total Nonlinear Project Acreage:	4.7	Total Proposed Nonlinear Project Acreage (new/renewal/modifications):	5.2

Linear Area Disturbed (Not Within Nonlinear Area)

(e.g., new unpaved access roads, off-site that may include trenching for utilities, street development, road work, etc.)

Enter total number of linear segments:	0

New/Current DCOP Maximum Linear Dimensions: (enter dimensions for new/current DCOP)			Proposed DCOP Maximum Linear Dimensions: (enter dimensions for DCOP modification/renewal DCOP)		
Linear Length:	Length Unit of Measure:	Linear Width (feet):	Linear Length:	Length Unit of Measure:	Linear Width (feet):
0	Feet	0	0	Feet	0
New/Current Total Linear Project Acreage:		0	Proposed Total Linear Project Acreage:		0

(1) Nonlinear Area Acreage Subtotal:	5.2	*(2) Linear Area Acreage Subtotal:*	0	*Total Project Area Disturbed (1) + (2):*	5.2	*Modification Acreage Increase:*	0

b. Project Parcel. List a parcel number for the project. Particulate Emission Potential (PEP) will automatically be determined by the parcel number. If your project spans multiple parcel numbers, DES reserves the right to request the parcel number be changed to account for a higher soil PEP.

Parcel Number	Project PEP
160 33 801 018 HRM	LOW/MODERATE LOW

If the project acreage is ten acres or more or if project trenching activities are one mile in length or more, a detailed supplement to the Dust Mitigation Plan must be submitted with this application in accordance with Section 94.5.5 of the Clark County Air Quality Regulations (AQRs) and Appendix B of the Construction Activities Dust Control Handbook.

Project Map Must Be Attached to DCOP Application
NOTE: Department of Environment and Sustainability (DES) does not accept engineering drawings.

5. Responsible Official (Applicant) Certification Statement. By signing this permit application, the signatory certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) listed in Section 1 to apply for this Dust Control Operating Permit (DCOP) and to commit to all of the terms and conditions therein.

b. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DES (Title 30 Notice) and the municipality with jurisdiction.

c. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.

d. If applying on behalf of the permittee listed in Section 1, the permittee shall be responsible for complying with requirements of this DCOP and the AQRs. Otherwise, the applicant listed in Section 1 shall be the responsible party.

e. The permittee accepts responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

f. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by DES staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

g. If the project has 50 or more acres of actively disturbed soil, the permittee shall notify DES and identify the on-site Dust Control Monitor for the project(s). In addition, this notification requirement applies to the following circumstances:
   - When the permittee has common control of multiple adjacent projects that individually have less than 50 acres of actively disturbed soil, but the combined project has 50 or more acres of actively disturbed soil; or
   - When the permittee has common control of multiple projects that are not adjacent, but are within a common master-planned community and have 50 or more acres of actively disturbed soil.

   The permittee shall notify DES using the current notification form, which is available on the DES website and at the front counter of the main office, before disturbing the soil. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.

Applicant Certification

JOE YAKUBIK		10/29/2020
Responsible Official Name	**Applicant's Signature**	**Signature Date**

Advisories

a. DCOP acreage fee is based on total project acreage of disturbed surface area (Item 4.a. of this application), which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes. All fees must be paid in full at the time of application; otherwise, the application cannot be accepted.

b. Any payment made to the department in conjunction with this application may only be refunded to the permittee with the approval of the Board of County Commissioners. Approved refunds may not be issued to a preparer. Only the applicant or permittee may request a refund, which must contain written justification, a completed federal W-9 Form, a copy of the invoice/receipt, a completed Clark County Supplier Addition/Maintenance/Update form, and a copy of the cancelled check (front & back) . The Control Officer shall have sole discretion to approve/disapprove the request for refund approval.

c. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

d. Payment : Invoice payments must be made by check, money order, or credit card. Checks and money orders must be made payable to **DIVISION of Air Quality** or **DAQ.** Credit card payment must be made in person at the DES main office.

ESE/212
HRM
12/15/20

R-HRM
12/14/20

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

DUST MITIGATION PLAN

		Permit # :	49811
Project Name:	ATHENS CUSTOMS		
Company (Permittee):	ATHENS CUSTOMS HRM		
Total Project Area Disturbed:	5.2	Particulate Emission Potential (PEP):	LOW/MODERATE LOW

If the project acreage is ten acres or more or if project trenching activities are one mile in length or more, a detailed supplement to the Dust Mitigation Plan must be submitted with this application in accordance with Section 94.5.5 of the Clark County Air Quality Regulations (AQRs) and Appendix B of the Construction Activities Dust Control Handbook.

Water Source (check all that apply)	Water Application Method (check all that apply)
[x] Hydrant with Jones Valve	[ ] Fire Hose
[ ] Stand Tanks	[x] Water Trucks/Pulls
[ ] Ponds	[ ] Other (Describe Below):
[ ] Well	
[ ] Other (Describe Below):	

Project Activities:

The Dust Mitigation Plan applies to the following project activities: **Backfilling** (Filling area previously excavated or trenched); **Blasting - Abrasive** (Sandblasting and/or abrasive blasting); **Blasting Soil & Rock** (Explosive blasting of soil and rock); **Clearing & Grubbing** (Clearing and grubbing for site preparation and vacant land cleanup); **Clearing Forms, Foundations and Slabs** (Clearing and cleaning of forms, foundations and slabs prior to pouring concrete); **Crushing** (Crushing of construction and demolition debris, rock and soil); **Cut and/or Fill** (Cut and/or fill soils for site grade preparation); **Demolition - Mechanical/Manual** (Mechanical and manual demolition of walls, stucco, concrete, freestanding structures, buildings, load-bearing walls and/or removal of transit pipe); **Disturbed Soil** (Disturbed soil throughout project including between structures); **Disturbed Land - Long Term Stabilization** (Large tracts of disturbed land that will not have continuing activity for more than 30 days); **Dust Suppressants** (Selection and use of chemical and organic dust suppressing agents and other dust palliatives); **Importing/Exporting Materials** (Importing or exporting of soil, aggregate, decorative rock, debris, Type II and other bulk material); **Landscaping** (Installation of sod, decorative rock, desert or other landscape material); **Paving/Subgrade Preparation** (Subgrade preparation for paving streets, parking lots, etc.); **Sawing/Cutting Material** (Sawing or cutting materials such as concrete, asphalt, block or pipe); **Screening** (Screening of rock, soil or construction debris); **Staging Areas** (Staging areas, equipment storage, vehicle parking lots, and material storage areas); **Stockpiles** (Stockpiling of materials, such as Type II, other soils, rock or debris, for future use or export); **Trackout Prevention and Cleanup** (Prevention and cleanup of mud, silt and soil tracked out onto paved roads); **Traffic - Unpaved Routes and Parking** (Construction related traffic on unpaved interior and/or access roads and unpaved employee/worker parking areas); **Trenching** (Trenching with track or wheel mounted excavator, shovel, backhoe or trencher); and **Truck Loading** (Loading trucks with materials including construction and demolition debris, rock and soil).

This DCP Application and Dust Mitigation Plan does not include project activities related to **Demolition - Implosion** (Implosive demolition of a structure, using explosives).

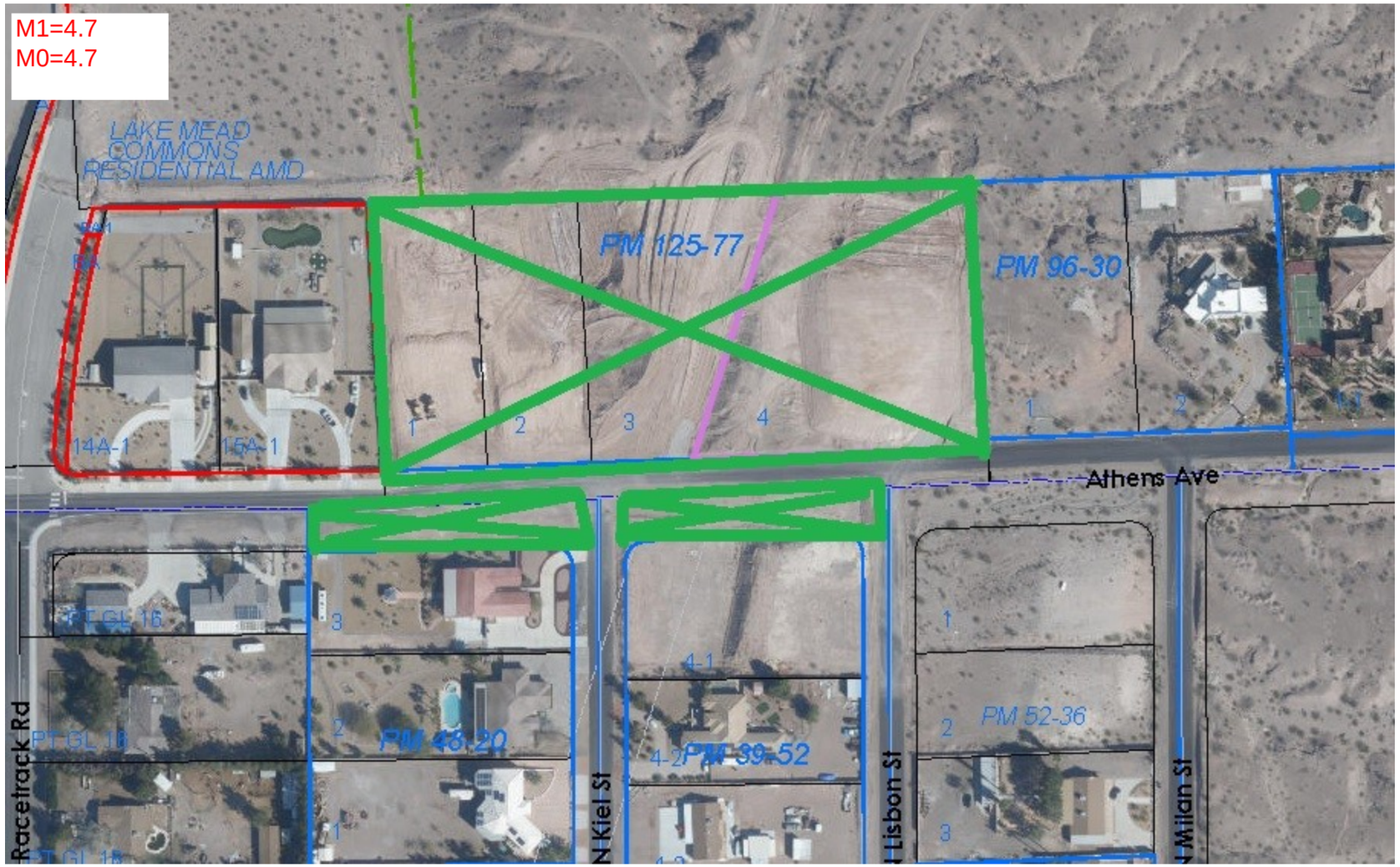
Best Management Practices (BMPs) - Control Measures:

The permittee shall comply with all requirements of Section 94 of the AQRs, all requirements of the current *Clark County Dust Control Handbook*, and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated BMPs in the *Dust Control Handbook*. Where options are listed for a BMP requirement, the permittee shall apply one or more of the control measures to comply with the requirement. The permittee will apply corresponding control measures for the PEP for the project soil type(s).

49811-02 = REN @ 5.2
R-HRM 12/14/20

160 33 801 018



From:	Phoebe Fricke
To:	Heather Mackinnon; Joe Yakubik
Cc:	Noel Crandall
Subject:	RE: 49811-ATHENS CUSTOMS LLC-LOON LLC
Date:	Tuesday, December 15, 2020 1:36:48 PM
Attachments:	image001.png image002.png

Hello,

The card number is DM1902002 and it expires 2/5/2022 still Dave Reynolds.

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, December 14, 2020 11:21 AM
To: Phoebe Fricke <phoebe@assurednv.com>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC
Importance: High

One last thing that I missed: Dave Reynolds Dust Card expired on 3/16/20. This application cannot be approved without a certified card holder. Will the person in section 2 be updated to a certified individual?

DAQ will be teaching Dust Classes online by WebEx Events. The class duration will be approximately 1 ½ hours during which time you will be required to participate in polling quizzes to confirm your attendance in the class. We are now accepting dust class registration forms and payment for dust classes by mail. The fee of $44.90 per attendee must be paid by check or money order payable to DAQ and mailed to 4701 W. Russell Rd., Suite 200, Las Vegas, NV 89118 until offices reopen.
For assistance in joining a WebEx meeting, please see the information below:

- A video detailing steps to Joining a WebEx Meeting is available at https://www.youtube.com/watch?v=7l_W-iiGi_Q
- The Dust Class dates and Registration Form can be found at the following link: https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/compliance/dust_classes.php

Have a wonderful day.

Heather Mackinnon

Effective July 27, 2020 – New office hours are M-TH, 7:30 – 5:30.
DES offices are not open to the public at this time.
All County offices are closed on Fridays.

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on link.

For Dust Control Applications and Forms, click on this link: DUST FORMS

You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, December 14, 2020 11:06 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

Sorry! Please see attached.

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, December 14, 2020 11:02 AM
To: Phoebe Fricke <phoebe@assurednv.com>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

I need page 1.

Have a wonderful day.

Heather Mackinnon
Effective July 27, 2020 – New office hours are M-TH, 7:30 – 5:30.
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All County offices are closed on Fridays.

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200

Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on link.

For Dust Control Applications and Forms, click on this link: DUST FORMS

You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, December 14, 2020 10:05 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

Please see attached and let me know if this is correct.

Thank you

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, December 14, 2020 9:55 AM
To: Phoebe Fricke <phoebe@assurednv.com>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

Please select 1 APN, I don't care what you pick, just one that is part of the MAIN project. Your CURRENT ACREAGE IS 4.7, your NEW acreage is 5.2.

Have a wonderful day.

Heather Mackinnon

Effective July 27, 2020 – New office hours are M-TH, 7:30 – 5:30.
DES offices are not open to the public at this time.
All County offices are closed on Fridays.

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on link.

For Dust Control Applications and Forms, click on this link: DUST FORMS

You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, December 14, 2020 9:52 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

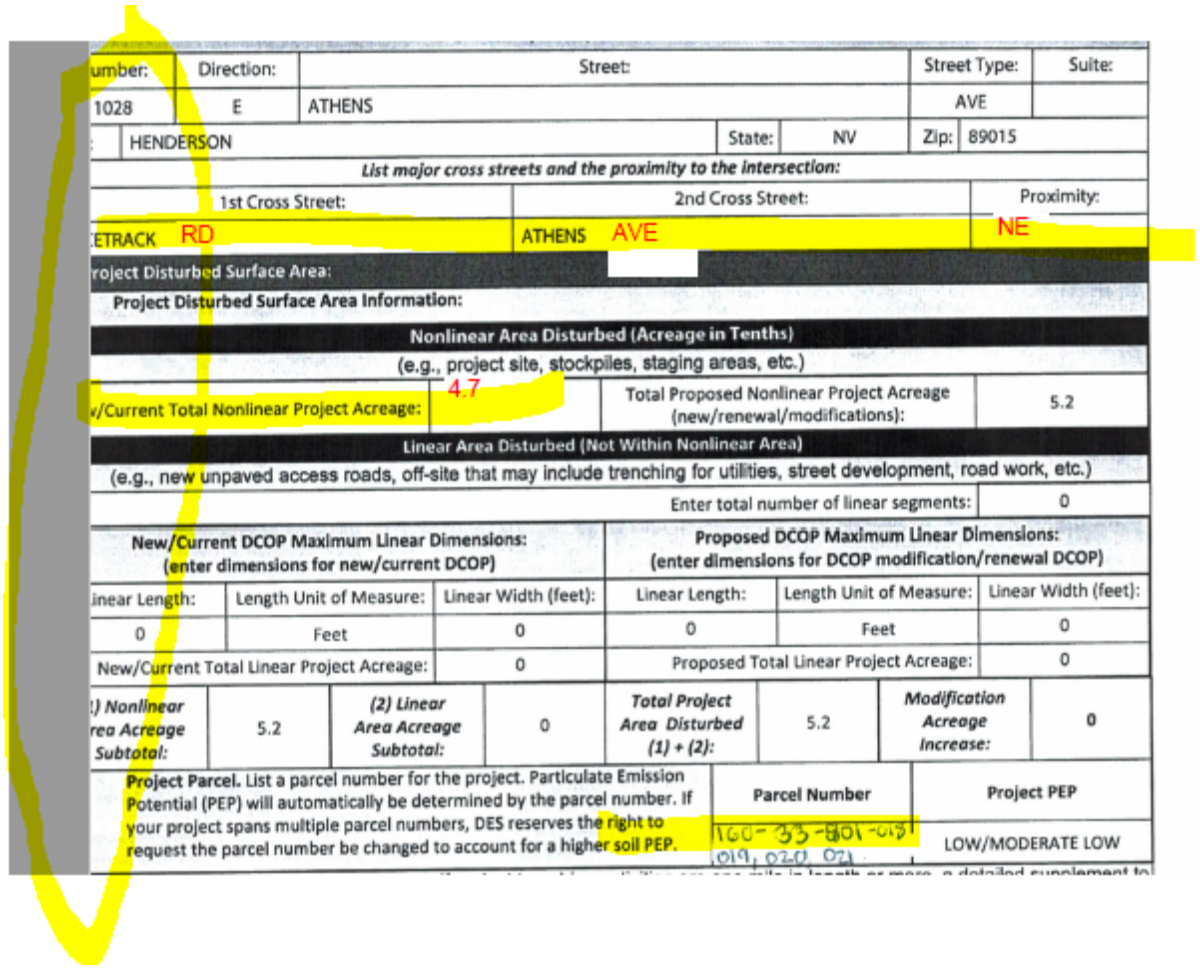
Hello,

Per Joes response in his email that APN is correct, I am not sure which one I am supposed to put on the sheet? Also I spoke with Mike Engleheart and he stated that the 5.2 is the correct acreage on the project. Please let me know how to proceed and I will resend.

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, December 14, 2020 9:06 AM
To: Phoebe Fricke <phoebe@assurednv.com>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC
Importance: High

Please resubmit the first 4 pages, you have cut off the sides.

Redo page 2 correctly by putting only 1 APN and fixing the issues is red.



umber:	Direction:	Street:	Street Type:	Suite:
1028	E	ATHENS	AVE	
	HENDERSON	State: NV	Zip: 89015	

List major cross streets and the proximity to the intersection:

	1st Cross Street:	2nd Cross Street:	Proximity:
	ETRACK RD	ATHENS AVE	NE

roject Disturbed Surface Area:

Project Disturbed Surface Area Information:

Nonlinear Area Disturbed (Acreage in Tenths) (e.g., project site, stockpiles, staging areas, etc.)			
v/Current Total Nonlinear Project Acreage:	4.7	Total Proposed Nonlinear Project Acreage (new/renewal/modifications):	5.2

Linear Area Disturbed (Not Within Nonlinear Area) (e.g., new unpaved access roads, off-site that may include trenching for utilities, street development, road work, etc.)	
Enter total number of linear segments:	0

New/Current DCOP Maximum Linear Dimensions: (enter dimensions for new/current DCOP)			Proposed DCOP Maximum Linear Dimensions: (enter dimensions for DCOP modification/renewal DCOP)		
inear Length:	Length Unit of Measure:	Linear Width (feet):	Linear Length:	Length Unit of Measure:	Linear Width (feet):
0	Feet	0	0	Feet	0
New/Current Total Linear Project Acreage:		0	Proposed Total Linear Project Acreage:		0

) Nonlinear rea Acreage Subtotal:	5.2	*(2) Linear Area Acreage Subtotal:*	0	*Total Project Area Disturbed (1) + (2):*	5.2	*Modification Acreage Increase:*	0

Project Parcel. List a parcel number for the project. Particulate Emission Potential (PEP) will automatically be determined by the parcel number. If your project spans multiple parcel numbers, DES reserves the right to request the parcel number be changed to account for a higher soil PEP.	**Parcel Number**	**Project PEP**
	160-33-801-018, 019, 020, 021	LOW/MODERATE LOW

DUST MITIGATION PLAN

Permit # : 49811

ect Name:	ATHENS CUSTOMS		
pany (Permittee):	ASSURED DEVELOPMENT		
l Project Area Disturbed:	5.2	Particulate Emission Potential (PEP):	LOW/MODERATE LO

If the project acreage is ten acres or more or if project trenching activities are one mile in length or more, a detailed supplement to the Dust Mitigation Plan must be submitted with this application in accordance with Section 94.5.5 of the Clark County Air Quality Regulations (AQRs) and Appendix B of the Construction Activities Dust Control Handbook.

Water Source (check all that apply)	**Water Application Method (check all that apply)**
Hydrant with Jones Valve	☐ Fire Hose
Stand Tanks	☒ Water Trucks/Pulls
Ponds	☐ Other (Describe Below):
Well	
Other (Describe below):	

Project Activities:

Dust Mitigation Plan applies to the following project activities: **Backfilling** (Filling area previously excavated or trenched); **Blasting**

Have a wonderful day.

Heather Mackinnon

Effective July 27, 2020 – New office hours are M-TH, 7:30 – 5:30.
DES offices are not open to the public at this time.
All County offices are closed on Fridays.

Air Quality Specialist II
Department of Environment and Sustainability
Air Quality Division – Enforcement Section
4701 W. Russell Road #200
Las Vegas NV 89118
Phone: (702) 455-1524 Fax: (702) 383-9994

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From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, December 14, 2020 8:48 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

Hello,

Please see attached, I updated the application based on the notes in blue below and also attached a new map.
Please let me know if you need anything else!

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Monday, December 14, 2020 7:37 AM
To: Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>; Phoebe Fricke <phoebe@assurednv.com>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC
Importance: High

- Please submit the correct pages 1-4 and a map as PDF.

- The application only requires 1 APN

Have a wonderful day.

Heather Mackinnon

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You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Joe Yakubik [mailto:joe@assurednv.com]
Sent: Friday, December 11, 2020 4:55 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>; Phoebe Fricke <phoebe@assurednv.com>
Subject: RE: 49811-ATHENS CUSTOMS LLC-LOON LLC

See below in BLUE

From: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Sent: Thursday, December 10, 2020 8:03 AM
To: Joe Yakubik <joe@assurednv.com>
Cc: Noel Crandall <Crandall@ClarkCountyNV.gov>
Subject: 49811-ATHENS CUSTOMS LLC-LOON LLC
Importance: High

- **ATHENS CUSTOMS** is currently listed as the Permittee for ONE OF THE RENEWALS, Dust Control Operating Permit #**49811**. ONE renewal form lists **ASSURED DEVELOPMENT** as the Permittee. Form DCOP 11 must be submitted for the permit to be transferred. Should the

permittee remain as **ATHENS CUSTOMS** or will you be submitting a transfer application? If you transfer the permit, you will need to update your dust control signage. Please clarify. Please keep Athens Customs

- The current project name is **LOON LLC**. The form submitted lists the project name as **ATHENS CUSTOMS**. Should the project name be changed on the permit or stay the same? **NOTE:** If it is changed, the Dust Control Operating Permit sign must be updated to match the permit. // Please change to Athens Customs

- One lists the current renewal as 4.7 and the other lists it as 5.2, please clarify.// 5.2 -

- One list an APN of 160 33 899 004, this is not part of the project. Please list the CORRECT APN. // 160-33-801-018, 019, 020, 021 are the correct APN – the APN was listed was the prior before the lots were split – we will correct.

- The other lists an APN of 160 33 801 003, this is not a valid APN, please resubmit page 2 with the correct APN for your project. // note above

- The maps submitted: One is not marked, the other is a blurry aerial. Please submit the required assessor's parcel maps CLEARLY marked. Attached is a sample of how the maps need to look. // we will attached the map attached to this email to the corrected submittal

Let me know if you need anything else.

Joe

BMP 01 **BACKFILLING**

Definition: Filling area previously excavated or trenched.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize backfill material when not actively handling.

01-01 Water backfill material to maintain moisture or to form crust when not actively handling.

01-02 Apply and maintain a dust palliative to backfill material to form crust when not actively handling.

01-03 Cover or enclose backfill material when not actively handling.

Requirement: Stabilize backfill material during handling.

01-04 Empty loader bucket slowly and minimize drop height from loader bucket.

01-05 Dedicate water truck or large hose to backfilling equipment and apply water as needed.

Requirement: Stabilize backfill material during handling based on project soil type.

01-07 L & ML: Apply and mix water into the backfill material until optimum moisture is reached.

01-08 MH: Apply and mix water and tackifier solution into the backfill material until optimum moisture is reached.

01-09 H: Apply and mix water and surfactant solution into the backfill material until optimum moisture is reached.

Requirement: Stabilize soil at completion of backfilling activity.

01-10 Apply water and maintain disturbed soils in a stable condition until permanent stabilization is complete.

01-11 Apply and maintain a dust palliative on disturbed soils to form a crust following backfilling activity.

Requirement: Stabilize material while using pipe padder equipment.

01-12 Mix moist soil with dry soil until the optimum moisture is reached.

01-13 Dedicate water truck or large hose to equipment and apply water as needed.

BMP 02 **BLASTING – ABRASTIVE**

Definition: Sandblasting and/or abrasive blasting.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

02-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

02-02 Apply and maintain a dust palliative on surface soils where support equipment and vehicles will operate.

Requirement: Limit visible emissions to no more than an average of 40% opacity for any period aggregating 3 minutes in any 60-minute period pursuant to Air Quality Regulations.

02-03 Hydro-blasting, using water as the propellant, must be conducted in a manner to maintain visible emissions within opacity standards.

02-04 Dry, unconfined blasting with abrasive material must use only those abrasives that are approved and certified by the California Air Resources Board (CARB) for such use (see Attachment 3: CARB-Approved Abrasives Information).

Requirement: Stabilize particulate matter in surrounding area following blasting.

02-05 Clean particulate material from surrounding area and water disturbed soils following blasting.

02-06 Apply and maintain a dust palliative to surrounding area following blasting.

BMP 03 **BLASTING – SOIL & ROCK**

Definition: Explosive blasting of soil and rock.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: A Blasting Supplemental form must be filled out, submitted and approved by the DAQEM prior to any blasting (see Appendix A: Dust Control Permit Supplemental Forms)

Requirement: No blasting within 1,500 feet of a residential area, occupied building or major roadway, when wind direction is toward these structures.

Requirement: Blasting shall be between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays and holidays unless prior permission is obtained from the Control Officer.

Requirement: No blasting allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

03-01 Prior to setting explosive charges in holes, document current and predicted weather conditions as provided by the National Weather Service. If the current forecast is for wind gusts of 25 mph or greater or they are forecasted to be 25 mph or greater within the next 24 hours, do not charge any blast holes. When setting explosive charges, monitor weather reports for wind gusts of 25 mph or greater on the National Weather Service Radio and/or Internet sites. If wind gusts above 25 mph are stated, d

Requirement: Stabilize surface soils where drills, support equipment and vehicles will operate.

03-02 Pre-water and maintain surface soils in a stabilized condition where drills, support equipment and vehicles will operate.

03-03 Apply and maintain a dust palliative on surface soils where drills, support equipment and vehicles will operate.

Requirement: Stabilize soil during blast preparation activities.

03-04 Limit the blast footprint area to no larger than what can be practically stabilized immediately following the blast.

03-05 Maintain surface rock and vegetation where possible to reduce exposure of disturbed soil to wind.

Requirement: Stabilize soil during blast preparation activities based on project soil type.

03-06 L & ML: Presoak surface soils to depth of the caliche or bedrock with water using water trucks, water pulls, sprinklers or wobblers.

03-07 MH: Presoak surface soils to depth of the caliche or bedrock with water and tackifier mixture using water trucks, water pulls, sprinklers or wobblers.

03-08 H: Presoak surface soils to depth of the caliche or bedrock with water and surfactant mixture using water trucks, water pulls, sprinklers or wobblers.

Requirement: Stabilize soil after blasting.

03-09 Water disturbed soils to form crust immediately following blast and safety clearance. 03-10 Apply and maintain a dust palliative to form crust immediately following blast and safety clearance.

BMP 04 **CLEARING & GRUBBING**

Definition: Clearing and grubbing for site preparation and vacant land cleanup.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

04-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

04-02 Apply and maintain a dust palliative on surface soils where support equipment and vehicles will operate.

Requirement: Stabilize soil during clearing and grubbing activities.

04-03 L & ML: Apply water during clearing and grubbing activities.

04-04 MH: Apply water and tackifier mixture during clearing and grubbing activities.

04-05 H: Apply water and surfactant mixture during clearing and grubbing activities.

Requirement: Stabilize disturbed soil immediately after clearing and grubbing activities.

04-06 Water disturbed soils to form crust immediately following clearing and grubbing activities.

04-07 Apply and maintain a dust palliative on disturbed soils to form crust immediately following clearing and grubbing activities.

BMP 05 **CLEARING FORMS, FOUNDATIONS AND SLABS**

Definition: Clearing and cleaning of forms, foundations and slabs prior to pouring concrete.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Limit visible emissions to no more than an average of 20% opacity for any period aggregating 3 minutes in any 60-minute period pursuant to Air Quality Regulations.

05-01 Use single stage pours, unless prohibited by engineering design or building code, to minimize clearing.

Requirement: Limit visible emissions to no more than an average of 20% opacity for any period aggregating 3 minutes in any 60-minute period by complying with at least one of the additional control measures.

05-02 Use water spray to clear forms, foundations and slabs.

05-03 Use sweeping and water spray to clear forms, foundations and slabs.

05-04 Use industrial vacuum to clear forms, foundations and slabs prior to the use of high pressure air to blow soil and debris.

05-05 Use industrial vacuum to clear forms, foundations and slabs.

BMP 06 **CRUSHING**

Definition: Crushing of construction and demolition debris, rock and soil.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity. Comply with permit conditions.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

06-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

06-02 Apply and maintain a dust palliative to surface soils where support equipment and vehicles will operate.

Requirement: Stabilize material before crushing.

06-03 Pre-water material prior to loading into crusher.

06-04 Test material to determine moisture content and silt loading, crush only material that is at optimum moisture content.

Requirement: Stabilize material during crushing.

06-05 Apply water to stabilize material so as to remain in compliance with opacity standards and permit conditions, during crushing.

06-06 Monitor emissions opacity. Make adjustments to remain in compliance with opacity standards and permit conditions.

Requirement: Stabilize material after crushing.

06-07 Water crushed material to form crust immediately following crushing. 06-08 Apply and maintain a dust palliative to crushed material.

BMP 07 **CUT AND/OR FILL**

Definition: Cut and/or fill soils for site grade preparation.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

07-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

07-02 Apply and maintain a dust palliative to surface soils where support equipment and vehicles will operate.

Requirement: Pre-water soils based on project soil type.

07-03 Dig a test hole to depth of cut or equipment penetration to determine if soils are moist at depth. Continue to pre-water if not moist to depth of cut.

07-04 L & ML: Pre-water with sprinklers or wobblers to allow time for penetration.

07-05 L & ML: Pre-water with water trucks or water pulls to allow time for penetration.

07-06 MH: Pre-water with a water and tackifier mixture using sprinklers or wobblers to allow time for penetration.

07-07 MH: Pre-water with a water and tackifier mixture using water trucks or water pulls to allow time for penetration.

07-08 H: Pre-water with a water and surfactant mixture using sprinklers or wobblers to allow time for penetration.

07-09 H: Pre-water with a water and surfactant mixture using water trucks or water pulls to allow time for penetration.

Requirement: Stabilize soil during cut activities.

07-10 Apply water, using water truck or water pull, to depth of cut prior to subsequent cuts.

07-11 No cut activities fill only.

Requirement: Stabilize soil after cut and fill activities.

07-12 Water disturbed soils to form crust following fill and compaction.

07-13 Apply and maintain a dust palliative on disturbed soils to form crust following fill and compaction.

BMP 08 **DEMOLITION – IMPLOSION**

Definition: Implosive demolition of a structure, using explosives.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: A Demolition Supplemental form (see Appendix A) and a Supplement To The Dust Mitigation Plan (see Appendix B) must be filled out, submitted and approved by the Control Officer prior to implosion.

Requirement: An asbestos survey must be conducted on any facility before demolition can commence.

Requirement: A complete Clark County NESHAP Notification form must be submitted to the DAQEM at least ten working days prior to demolition. The asbestos survey must be attached to this notification.

Requirement: All friable and non-friable asbestos containing material must be removed from the facility prior to implosion.

Requirement: Confine blasting to times when wind direction is away from closest residential areas, occupied buildings and major roadways.

Requirement: Implosion time must be pre-approved by the Control Officer.

Requirement: Monitor and document current weather conditions and weather predictions from National Weather Service.

08-01 Prior to setting explosive charges, obtain and document current and predicted weather conditions as provided by the National Weather Service. If wind advisory (over 20 miles per hour gusts or average wind speed of 10 miles per hour) is current or forecasted for blast period, do not set charges and do not blast. Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

Requirement: Stabilize surface area where support equipment and vehicles will be operated.

08-02 Restrict support equipment and vehicles to existing paved and/or stable areas.

08-03 If paved and/or stable areas do not already exist, pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

08-04 If paved and/or stable areas do not already exist, apply and maintain a dust palliative on surface soils where support equipment and vehicles will be operated.

Requirement: Stabilize demolition debris immediately following blast and safety clearance.

08-05 Apply water to debris immediately following blast and safety clearance.

08-06 Apply and maintain a dust palliative to debris immediately following blast and safety clearance.

Requirement: Stabilize and clean surrounding area immediately following blast and safety clearance.

08-07 Water all disturbed soil surfaces to establish crust and prevent wind erosion of soil.

08-08 Thoroughly clean blast debris from paved and other surfaces following blast and safety clearance.

BMP 09 **DEMOLITION – MECHANICAL/MANUAL**

Definition: Mechanical and manual demolition of walls, stucco, concrete, freestanding structures, buildings, load-bearing walls and/or removal of transit pipe.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: For renovation or demolition of a structure, a Demolition Supplemental form (see Appendix A) must be filled out, submitted and approved by the Control Officer prior to commencing demolition.

Requirement: An asbestos survey must be conducted on any facility or structure that is subject to NESHAP requirements before demolition can commence.

Requirement: A complete Clark County NESHAPS Notification form must be submitted to the DAQEM at least ten working days prior to demolition. The asbestos survey must be attached to this notification.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

09-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

09-02 Apply and maintain a dust palliative to surface soils where support equipment and vehicles will operate.

09-03 Area where support equipment and vehicles will operate is completely covered with paving or concrete.

Requirement: Stabilize demolition debris during handling.

09-04 Apply water to demolition debris during handling.

Requirement: Stabilize debris following demolition.

09-05 Apply water to stabilize demolition debris.

09-06 Apply a dust palliative to stabilize demolition debris.

Requirement: Stabilize surrounding area following demolition.

09-07 Apply water to stabilize surrounding area following demolition.

09-08 Apply and maintain a dust palliative to stabilize surrounding area following demolition.

BMP 10 **DISTURBED SOIL**

Definition: Disturbed soil throughout project including between structures.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: For each non-linear project to be permitted for 5 acres or less; install perimeter wind barrier 3 feet or more in height made of material with a porosity of 50% or less.

Requirement: Limit vehicle traffic and disturbance of soils where possible.

10-01 Limit vehicle traffic and disturbance of soils with the use of fencing, barriers, barricades, and/or wind barriers.

Requirement: Stabilize and maintain stability of all disturbed soil throughout construction site.

10-02 Apply water to stabilize disturbed soils. Soils must be kept in a sufficiently damp, crusted or covered condition.

10-03 Apply and maintain a dust palliative based on soil type and future plans.

Requirement: Soil conditions, including preventive and corrective measures, must be recorded every day the construction project is active.

10-04 Record soil conditions and dust control actions in daily project records.

BMP 11 **DISTURBED LAND – LONG TERM STABILIZATION**

Definition: Large tracts of disturbed land that will not have continuing activity for more than 30 days.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize soil to meet standards required by Air Quality Regulation Section 90.

11-01 Apply and maintain a dust palliative on disturbed soils for long-term stabilization.

11-02 Stabilize disturbed soil with vegetation for long-term stabilization.

11-03 Pave or apply surface rock for long-term stabilization.

11-04 Use wind breaks in accordance with a site-specific plan approved by the Control Officer and Region IX Administrator of the EPA.

11-05 Apply water and maintain soils in a visible damp or crusted condition for temporary stabilization.

Requirement: Prevent access to limit soil disturbance.

11-06 Prevent access by fencing, ditches, vegetation, berms or other suitable barrier or means approved by the Control Officer.

BMP 12 **DUST SUPRESSANTS – SELECTION AND USE**

Definition: Selection and use of chemical and organic dust suppressing agents and other dust palliatives.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Follow CCHD "Interim Policy on Dust Palliatives Use In Clark County, Nevada".

Requirement: Record use of suppressants and dust palliatives and retain records. Requirement: Follow applicable federal and state regulations.

Requirement: Select method of long-term stabilization taking into consideration future land use.

12-01 For traffic area applications use Table 1: Traffic Area Application Requirements, Appropriate Use of Liquid Dust Palliatives and Application Rates, from the Interim Policy on Dust Palliatives Use in Clark County, Nevada.

12-02 For non-traffic area applications use Table 2: Non-Traffic Area Application Requirements, Appropriate Use of Liquid Dust Palliatives and Application Rates, from the Interim Policy on Dust Palliatives Use in Clark County, Nevada.

BMP 13 **IMPORTING/EXPORTING MATERIALS**

Definition: Importing or exporting of soil, aggregate, decorative rock, debris, Type II and other bulk material.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Limit visible dust opacity from vehicular operations.

13-01 Apply water and limit vehicle speeds to 15 mph on the work site.

13-02 Apply and maintain dust suppressant on haul routes.

Requirement: Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage.

Requirement: Maintain 3-6 inches of freeboard to minimize spillage. Requirement: Stabilize materials during transport on site.

13-03 Use tarps or other suitable enclosures on haul trucks.

13-04 Stabilize materials with water.

Requirement: Clean wheels and undercarriage of haul trucks prior to leaving construction site.

BMP 14 **LANDSCAPING**

Definition: Installation of sod, decorative rock, desert or other landscape material.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize soils, materials and slopes during handling.

14-01 L & ML: Apply water prior to leveling or any other earth moving activity to keep the soil moist throughout the process.

14-02 MH: Apply a water and tackifier mixture prior to leveling or any other earth moving activity to keep the soil moist throughout the process.

14-03 H: Apply a water and surfactant mixture prior to leveling or any other earth moving activity to keep the soil moist throughout the process.

Requirement: Stabilize soils, materials and slopes at completion of activity.

14-04 Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slope.

14-05 Apply water and maintain sloping surfaces in a crusted condition.

14-06 Maintain effective cover over materials.

BMP 15 **PAVING/SUBGRADE PREPARATION**

Definition: Subgrade preparation for paving streets, parking lots, etc.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize soils prior to activities.

15-01 Pre-water subgrade surface until optimum moisture content is reached and maintained.

Requirement: Stabilize soils during activities.

15-02 Maintain at least 70% of optimum moisture content for Type II material while aggregate is being applied.

Requirement: Stabilize soils following activities.

15-03 Place tack coat on Type II aggregate base immediately after it is applied.

15-04 Apply water to Type II aggregate base immediately after it is applied.

Requirement: Stabilize adjacent disturbed soils following paving activities.

15-05 Stabilize adjacent disturbed soils following paving activities by crusting with water.

15-06 Stabilize adjacent disturbed soils following paving activities by applying a dust palliative.

15-07 Stabilize adjacent disturbed soils following paving activities with immediate landscaping activity or installation of vegetative or rock cover.

15-08 There are no soils adjacent to paving activities.

BMP 16 **SAWING/CUTTING MATERIAL**

Definition: Sawing or cutting materials such as concrete, asphalt, block or pipe.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Limit visible emissions to no more than an average of 20% opacity, pursuant to Air Quality Regulations.

16-01 Use water to control dust when cutting materials.

16-02 Use a vacuum to collect dust when cutting materials.

BMP 17 **SCREENING**

Definition: Screening of rock, soil or construction debris.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: If using a powered screen, obtain the appropriate Operating Permit for powered screens prior to engaging in screening activity. Comply with permit conditions.

Requirement: Drop material through the screen slowly and minimize drop height. Requirement: Stabilize surface soils where support equipment and vehicles will operate.

17-01 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

17-02 Apply and maintain a dust palliative on surface soils where support equipment and vehicles will operate.

Requirement: Pre-treat material prior to screening.

17-03 Apply sufficient water to obtain at least 70% optimum moisture in material prior to screening.

17-04 Apply a dust suppressant to material prior to screening.

Requirement: Stabilize material during screening.

17-05 Dedicate water truck or large hose to screening operation and apply water as needed to prevent dust.

17-06 Apply water to material as it is being dropped through the screen.

17-07 Install wind barrier upwind of screen as high as the screen drop point and made of material with a porosity of 50% or less.

Requirement: Stabilize material and surrounding area immediately after screening.

17-08 Apply water to stabilize screened material and surrounding area after screening.

17-09 Apply and maintain a dust palliative to stabilize screened material and surrounding area after screening.

BMP 18 **STAGING AREAS**

Definition: Staging areas, equipment storage, vehicle parking lots, and material storage areas.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Limit visible dust opacity from vehicular operations.

18-01 Limit vehicle speeds to 15 mph in the staging area and on all unpaved access routes.

18-02 Apply and maintain dust suppressant on all vehicle traffic areas in the staging areas and unpaved access routes.

Requirement: Stabilize staging area soils during use.

18-03 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

18-04 Apply and maintain a dust palliative to surface soils where support equipment and vehicles will be operated.

Requirement: Stabilize staging area soils at project completion.

18-05 Apply a dust palliative.

18-06 Apply screened or washed Type II aggregate.

18-07 Use wind breaks in accordance with a site-specific plan approved by the Control Officer and Region IX Administrator of the EPA.

18-08 Pave with thin paving.

18-09 Completed project will cover staging area with buildings, paving, and/or landscaping.

18-10 Apply water to form adequate crust and prevent access.

BMP 19 **STOCKPILES**

Definition: Stockpiling of materials, such as Type II, other soils, rock or debris, for future use or export.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: To the extent possible, maintain stockpile to avoid steep sides or faces.

Requirement: Stockpile location and height must be maintained pursuant to Air Quality Regulations. Stockpiles located within 100 yards of occupied buildings must not be constructed over 8 feet in height.

19-01 Stockpiles will not be constructed over 8 feet in height.

19-02 Stockpiles will be constructed over 8 feet high and must have a road bladed to the top to allow water truck access or must have a sprinkler irrigation system installed, used and maintained.

Requirement: Stabilize surface soils where support equipment and vehicles will operate.

19-03 Pre-water and maintain surface soils in a stabilized condition where support equipment and vehicles will operate.

19-04 Apply and maintain a dust palliative on surface soils where support equipment and vehicles will operate.

Requirement: Stabilize stockpile materials during handling.

19-05 Maintain stockpile materials with at least 70% optimum moisture content.

19-06 Remove material from the downwind side of the stockpile, when safe to do so.

Requirement: Stabilize stockpile materials during handling based on the project soil type.

19-07 L & ML: Apply water during stacking, loading and unloading operations.

19-08 MH: Apply a water and tackifier mixture during stacking, loading and unloading operations.

19-09 H: Apply a water and surfactant mixture during stacking, loading and unloading operations.

Requirement: Stabilize stockpiles at completion of activity.

19-10 Water stockpiles to form a crust immediately at the completion of activity.

19-11 Apply and maintain a dust palliative to all outer surfaces of the stockpiles.

19-12 Provide and maintain wind barriers on 3 sides of the pile, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and made of material with a porosity of 50% or less.

19-13 Apply a cover or screen to stockpiles.

BMP 20 **TRACKOUT PREVENTION AND CLEANUP**

Definition: Prevention and cleanup of mud, silt and soil tracked out onto paved roads.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: In soils that have a PEP classification of "High", pave construction activities roadways as early as possible.

Requirement: Use of soil to create a ramp for vehicle access over a curb is prohibited.

Requirement: Trackout conditions, including preventive and corrective measures, must be recorded daily for every day that the construction project access is used by vehicles.

20-01 Record soil conditions and dust control actions in daily project records.

Requirement: Prevent dust from trackout.

20-02 Immediately clean trackout from paved surfaces to maintain dust control. Trackout must not extend 50 feet or more.

20-03 Maintain dust control during working hours and clean trackout from paved surfaces at the end of the work shift/day. Trackout must not extend 50 feet or more and must be cleaned daily, at minimum.

Requirement: Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.

20-04 Install gravel pad(s) consisting of 1" to 3" rough diameter, clean, wellgraded gravel or crushed rock. Minimum dimensions must be 30 feet wide by 3 inches deep, and, at minimum, 50' or the length of the longest haul truck, whichever is greater. Re- screen, wash or apply additional rock in gravel pad to maintain effectiveness.

20-05 Install wheel shakers. Clean wheel shakers on a regular basis to maintain effectiveness.

20-06 Install wheel washers. Maintain wheel washers on a regular basis to maintain effectiveness.

20-07 Install wheel shakers in the event that trackout cannot be controlled with gravel pads.

20-08 Install wheel washer in the event that trackout cannot be controlled with gravel pads and wheel shakers.

20-09 Motorized vehicles will only operate on paved surfaces.

Requirement: All exiting traffic must be routed over selected trackout control device(s).

20-10 Clearly establish and enforce traffic patterns to route traffic over selected trackout control device(s).

20-11 Limit site accessibility to routes with trackout control devices in place by installing effective barriers on unprotected routes.

BMP 21 **TRAFFIC – UNPAVED ROUTES AND PARKING**

Definition: Construction related traffic on unpaved interior and/or access roads and unpaved employee/worker parking areas.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Limit visible dust opacity from vehicular operations.

21-01 Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

21-02 Apply and maintain dust palliative on all vehicle travel areas.

Requirement: Stabilize all haul routes.

21-03 Apply water to haul routes and maintain in a stabilized condition.

21-04 Apply a dust palliative to haul routes and maintain in a stabilized condition.

21-05 Apply gravel to haul routes and maintain in a stabilized condition.

21-06 Supplement dust palliative or aggregate applications with watering, if necessary.

Requirement: Stabilize all off-road and parking areas.

21-07 Apply water to off-road traffic and parking areas and maintain in a stabilized condition.

21-08 Apply gravel to off-road traffic and parking areas and maintain in a stabilized condition.

21-09 Apply recycled asphalt (or other suitable material) to off-road traffic and parking areas and maintain in a stabilized condition.

21-10 Apply and maintain a dust palliative (designed for vehicle traffic) to off-road traffic and parking areas and maintain in a stabilized condition.

BMP 22 **TRENCHING**

Definition: Trenching with track or wheel mounted excavator, shovel, backhoe or trencher.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize surface soils where trenching equipment, support equipment and vehicles will operate.

22-01 Pre-water and maintain surface soils in a stabilized condition where trenching equipment, support equipment and vehicles will operate.

22-02 Apply and maintain a dust palliative to surface soils where trenching equipment, support equipment and vehicles will operate.

Requirement: Presoak soils prior to trenching activities based on the project soil type.

22-03 Pre-water surface, pre-trench to 18” depth, soak soils via pre-trench prior to deep trenching.

22-04 L & ML: Presoak soil with water using sprinklers or wobblers.

22-05 L & ML: Presoak with water, using water truck and/or water pull.

22-06 MH: Presoak soil with a water and tackifier mixture using water pulls and/or water trucks.

22-07 MH: Presoak soil with a water and tackifier mixture using sprinklers or wobblers.

22-08 H: Presoak soil with a water and surfactant mixture using water pulls and/or water trucks.

22-09 H: Presoak soil with a water and surfactant mixture using sprinklers or wobblers.

Requirement: Stabilize soil during trenching activities based on the project soil type.

22-10 L & ML: Complete trenching with a dedicated water truck or large hose maintaining water as needed to prevent dust.

22-11 L & ML: Use spray nozzles mounted on trenching machine.

22-12 MH: Complete trenching with a dedicated water truck or large hose maintaining a water and tackifier mixture as needed to prevent dust.

22-13 H: Complete trenching with a dedicated water truck or large hose maintaining a water and surfactant mixture as needed to prevent dust.

Requirement: Stabilize soils at the completion of trenching activities.

22-14 Use water to form crust on excavated soil windrow as it is formed.

22-15 Use dust palliative to form crust on excavated soil windrow as it is formed.

BMP 23 **TRUCK LOADING**

Definition: Loading trucks with materials including construction and demolition debris, rock and soil.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Ensure all loads are covered prior to leaving the construction site and traveling on public roadways.

Requirement: Stabilize surface soils where loaders, support equipment and vehicles will operate.

23-01 Pre-water and maintain surface soils in a stabilized condition where loaders, support equipment and vehicles will operate.

23-02 Apply and maintain a dust palliative on surface soils where loaders, support equipment and vehicles will operate.

Requirement: Stabilize material during loading.

23-03 Empty loader bucket slowly and keep loader bucket close to the truck to minimize the drop height while dumping.

Requirement: Stabilize material during loading based on the project soil type.

23-04 L & ML: Mix material with water prior to loading.

23-05 L & ML: Spray material with water while loading.

23-06 MH: Mix material with a water and tackifier mixture prior to loading.

23-07 MH: Spray material with a water and tackifier mixture while loading.

23-08 H: Mix material with a water and surfactant mixture prior to loading.

23-09 H: Spray material with a water and surfactant mixture while loading.

Exhibit WW – DCOP #49811 Permit closure disapproved on 9/23/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH U)

Dust Control Operating Permit (DCOP)/ Implosion Dust Control Operating Permit (IDCOP) Closure Form

Clark County Department of Environment and Sustainability - Division of Air Quality

For DES Use Only

Received by email on 9/21/2021 5:18 AM
From: Phoebe Fricke
ESE
pt

Form Submittal Date:	09/20/2021
Permit #: 49811	Expiration Date: 10/08/2021
Project Name: LOON LLC	AQS Name:
Owner Builder/Company/Organization (Permittee): ATHENS CUSTOMS	Copy Requested: NO

1. Project Location:

Number:	Direction:	Street:	Street Type:	Suite:
1024		ATHENS	AVE	

City:	State:	Zip:
HENDERSON	NV	89015

List major cross streets and the proximity to the intersection:

1st Cross Street:	2nd Cross Street:	Proximity:
RACETRACK	ATHENS	

2. Submitter:

Name:	Title:	Email:
PHOEBE	CONTROLLER	INFO@ASSUREDNV.COM

Phone Numbers

Office:	Extension:	Cell:	Fax:
(702) 868-0900	1007	(702) 241-4040	(866) 248-6564

3. Closure Information:

By submitting this Dust Control Operating Permit Closure Form, I verify that no further soil-disturbing construction activities will occur at this project. All project soils designated in the DCOP/IDCOP have been stabilized by one or more of the following methods (check all that apply):

- [x] Project is complete. All permitted areas are built out and no disturbed areas remain.
- [ ] Project is complete. Any remaining areas greater than ¼ acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked.
- [ ] Less than ¼ acre of disturbed soil remains.
- [ ] Replaced by DCOP/IDCOP #:
- [ ] Other (Describe Below):

DISAPPROVED

Unpaved roads or easements remain on or lead to the permitted site: ○ Yes ◉ No

Unpaved areas that could be used for parking or storage lots remain on the site: ○ Yes ◉ No

DES Use Only:

Reset All Results

Inspection Results:

○ Pass	◉ Fail
○ Pass	○ Fail
○ Pass	○ Fail
○ Pass	○ Fail
○ Pass	○ Fail
○ Pass	◉ Fail
○ Pass	◉ Fail

Inspection Notes - DES Use Only:

AQ Specialist:	Inspected:	Reviewer:	Reviewed:
Ramon Lindsay	09/23/2021	Andrew Kirk	9/23/2021

This project does not meet BMP 11 long-term stabilization requirements. There is still stockpiling, material storage, mechanized trenching, and approximately 3 acres of disturbed soil that has not been treated for long-term stabilization, or had public access blocked.

Exhibit XX – DCOP #49811 Permit closure record of communication dated 9/23/2021 through 10/25/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH V)

From: Damon Lindsay
To: Anna Sutowska
Cc: Heather Mackinnon
Subject: FW: Disapproved Project Closure for DCOP 49811 - Loon LLC
Date: Tuesday, November 23, 2021 8:06:42 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Anna,

Please see below and let's discuss when you can.

Thank you,
Damon

702-659-0168 (mobile)

From: Damon Lindsay
Sent: Monday, October 25, 2021 4:02 PM
To: Phoebe Fricke <phoebe@assurednv.com>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

You're welcome.

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, October 25, 2021 3:58 PM
To: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Thank you for your understanding, I will make sure to forward you any updates I get from them.

From: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Sent: Monday, October 25, 2021 3:55 PM
To: Phoebe Fricke <phoebe@assurednv.com>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Good afternoon Phoebe,

Thank you for copying me on the AQDCP email. I understand with the portal there are some issues with getting the permit renewal submitted by close of business today. The permit renewal does need to be submitted through the portal so I will work with you on giving you more time to submit the renewal. Please keep me posted when you hear back from AQDCP. They are really busy and will respond to your email in the order that it was submitted. Thanks again for getting for trying to get this issue resolved today.

Thank you,
Damon

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, October 25, 2021 3:25 PM
To: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Do you have the ability to add our permit to the portal? No one has responded to my email to get that done. Or can I just renew it with the form?

From: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Sent: Monday, October 25, 2021 11:07 AM
To: Phoebe Fricke <phoebe@assurednv.com>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Correct. Please modify the acreage in the renewal to reflect removing those two parcels.

Thank you,
Damon

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, October 25, 2021 10:26 AM
To: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Okay, do I do the same permit renewal form and just update the acreage?

From: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Sent: Monday, October 25, 2021 10:24 AM
To: Phoebe Fricke <phoebe@assurednv.com>
Cc: David Dean <Dean@ClarkCountyNV.gov>

Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Yes, the two properties to the west meet BMP 11 requirement. I will sign off on those properties acreage being complete.

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, October 25, 2021 10:22 AM
To: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Cc: David Dean <Dean@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Would we be able to modify the permit to remove lots 1, 2 and 4 and just have the sq footage for lot 3 on it?

From: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Sent: Monday, October 25, 2021 10:06 AM
To: Phoebe Fricke <phoebe@assurednv.com>
Cc: David Dean <Dean@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

Good morning Phoebe,

Submitting the project closure form does not release the permittee from the responsibility of meeting BMP 11 long-term stabilization requirements. I spoke with Joe Yakubik, Responsible Official, and made it very clear that this project does not meet BMP 11 standards and could not be closed out. Then, I sent the disapproved project closure email explaining the options to satisfy Air Quality Regulations prior to the expiration of the permit. No action was taken prior to the expiration of the Dust Control Operating Permit and a Notice of Noncompliance was also sent out on the 10/14/2021 with instructions to submit a renewal before 10/18/2021. You are more than welcome to discuss this with my Supervisor David Dean, 702-455-1645, but he is off today and will be back tomorrow. However, if a renewal application is not submitted by the close of business today a Notice of Violation will be issued with civil penalties.

Thank you,
Damon Lindsay

From: Phoebe Fricke [mailto:phoebe@assurednv.com]
Sent: Monday, October 25, 2021 9:49 AM
To: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: RE: Disapproved Project Closure for DCOP 49811 - Loon LLC

I never received this disapproving project email. Also, is there a supervisor or someone we could talk to about this? We had already sold the properties and had crusted the areas prior to submitting the closure of the permit.

From: Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Sent: Monday, October 25, 2021 9:34 AM
To: Phoebe Fricke <phoebe@assurednv.com>
Subject: FW: Disapproved Project Closure for DCOP 49811 - Loon LLC

Good morning, Phoebe. I sent out this email disapproving the project closure and explained the options back in September before the permit expired. At this point the permit needs to be renewed by the close of business today in your name and then you could transfer it to the owners if you choose.

Thank you,
Damon

From: Damon Lindsay
Sent: Thursday, September 23, 2021 10:06 AM
To: info@assurednv.com; joe@assurednv.com
Cc: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>
Subject: Disapproved Project Closure for DCOP 49811 - Loon LLC

Good morning,

Please see the attached Disapproved Project Closure Form for DCOP# 49811 the Loon LLC project. I spoke with Joe briefly yesterday, and informed him the project does not meet our BMP 11 long-term stabilization requirements (see below) due to construction activities still occurring at **Parcel:** 16033801020 and 16033801021.

Best Management Practices (BMPs) & Control Measures

BMP 11 **DISTURBED LAND – LONG TERM STABILIZATION**

Definition: Large tracts of disturbed land that will not have continuing activity for more than 30 days.

PEP/Soil Type: L (Low), ML (Moderate Low), MH (Moderate High) & H (High).

The permittee shall comply with all applicable requirements for activities performed pursuant to this Dust Control Operating Permit (DCOP). If a requirement has control measures listed, permittee shall comply with one or more of the control measures. If control measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the control measure for the designated PEP/Soil Type.

Requirement: Stabilize soil to meet standards required by Air Quality Regulation Section 90.

11-01 Apply and maintain a dust palliative on disturbed soils for long-term stabilization.

11-02 Stabilize disturbed soil with vegetation for long-term stabilization.

11-03 Pave or apply surface rock for long-term stabilization.

11-04 Use wind breaks in accordance with a site-specific plan approved by the Control Officer and Region IX Administrator of the EPA.

11-05 Apply water and maintain soils in a visible damp or crusted condition for temporary stabilization.

Requirement: Prevent access to limit soil disturbance.

11-06 Prevent access by fencing, ditches, vegetation, berms or other suitable barrier or means approved by the Control Officer.

The dust control permit is expiring on Oct. 08, 2021, and you have a couple options to consider:

1. Renew the Permit before expiration to avoid paying the late fee penalty, and continue maintaining compliance with all applicable Air Quality Regulations (AQRs).
   You could modify the acreage during the renewal and remove **Parcel:** 16033801018 and 16033801019, these properties meet BMP 11 long-term stabilization Standards.
2. Meet BMP 11 long-term stabilization requirements; remove all construction materials being staged, stockpiles, and long-term stabilize the disturbed soils, etc., on **Parcels:** 16033801020 and 16033801021, then submit a Project Closure Form.
3. Have another entity apply for Dust Control Permits for **Parcels:** 16033801020 and 16033801021 prior to the dust control permit expiring on Oct. 08, 2021 and then submit a Project Closure Form.

Please contact me to let me know what your intensions are and let me know if you have any questions, comments, or concerns.

Sincerely,
Damon Lindsay

Damon Lindsay | **Air Quality Specialist I**

Clark County Department of Environment & Sustainability
Division of Air Quality
4701 W Russell Road | Suite 200
Las Vegas, NV 89118
702-455-0151 (office)
702-659-0168 (mobile)

Effective July, 2021 – My new working hours are Monday – Thursday, 6:00 AM – 4:30 PM

For Dust Control Applications and Forms, click on this link: DUST FORMS

You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

Exhibit YY – DCOP #49811 Notice of Noncompliance issued 10/14/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH W)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Athens Customs | Project Name: Loon LLC

Location: 1028 E. Athens Ave., Henderson

Dust Control Permit No: 49811 | Date: Oct 14, 2021 | Time: 12:15 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

No Valid Dust Control Permit – Submit a complete application for a Dust Control Permit to the Division of Air Quality. Comply by close of business on Oct 18, 2021. Permit late fees will apply.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Responsible Official	Athens Customs
(Printed Name)	(Title)	(Company)

JOE@ASSUREDNV.COM
(Email Address)

Person Notified:

Dave Reynolds	Designated Onsite Representative	Global Equity Holdings
(Printed Name)	(Title)	(Company)

dave@assurednv.com
(Email Address)

DAQ Representative:

Damon Lindsay	702-455-0151
(Printed Name)	(Phone Number)

AMK

Exhibit ZZ – DCOP #49811 Letter from Assured Development to withdraw application for renewal dated 11/22/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH X)

ASSURED
DEVELOPMENT

November 22, 2021

Department of Environment and Sustainability
Air Quality Division – Enforcement Section
Attention Heather Mackinnon
4701 W. Russell Road #200
Las Vegas NV 89118

Re: 49811 Athens Customs

Attention: Heather Mackinnon

I am in receipt of your email with respect to the above-mentioned project. Prior to the expiration, we submitted a closure form on this project. Prior to the closure form submission, the project was crusted and stabilized, and all four homes were sold. Post stabilization and prior to your inspection team visiting the property, work was conducted on site that was not under our dust permit as we had demobilized off of the site. We were advised by Damon Lindsay that he conducted a site inspection and that we were required to submit an updated dust control permit application. I advised Mr. Lindsay over the phone that we would not be submitted as we were no longer working on this site.

My office inadvertently submitted an application for modification. We have inspected the site and have verified that Assured Development is not conducting any activity on the site. As a courtesy, we again stabilized the property. We cannot be held responsible for activities commencing on the site after our demobilization and can find no source statute or code that we have a duty or obligation to retain a dust control permit when subsequent ownership conducts such activities.

We submitted the closure document prior to the expiration and completed the projected under the requirements of the permit. We are again asking that the permit be closed and the Department seek any additional permitting requirement from the appropriate party.

Sincerely,

Joe Yakubik
President

PO BOX 530778
HENDERSON, NV 89053
(702) 868-0900
WWW.ASSUREDNV.COM

LICENSE: 0085518
A-15 Sewers, Drains & Pipes
A-19 Pipeline & Conduits
A-7 Excavating & Grading

LICENSE: 0085519
C-18 Masonry

LICENSE: 0085290
B-2 Residential & Small Commercial

LICENSE: 0085520
C-5 Concrete Contracting

BID LIMIT
$1,000,000

Exhibit AAA – DCOP #49811 Photographs from inspection on 11/23/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH Y)

297C
ASSURED
DEVELOPMENT
85290 B2 GENERAL BUILDING
85518 A UTILITIES & UNDERGROUND
85519 C18 MASONRY
85520 C5 CONCRETE
ISUZU NPR
EMPTY WEIGHT 8,050
GROSS WEIGHT 12,000
11/23/2021 09:05:49

ASSURED
DEVELOPMENT
11/23/2021 09:05:52

11/23/2021 09:06:09

F24324
GMC
11/23/2021 09:06:17

11/23/2021 09:06:30

11/23/2021 09:48:52

11/23/2021 09:49:44

11/23/2021 09:49:46

11/23/2021 09:49:49

1028
AIR QUALITY
11/23/2021 09:03:08

1028
11/23/2021 09:03:35

11/23/2021 09:03:51

CAT
297C
11/23/2021 09:04:37

11/23/2021 09:04:56

11/23/2021 09:05:20

CAT
11/23/2021 09:05:24

Exhibit BBB – DCOP #49811 application communication with inspector on 11/23/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH Z)

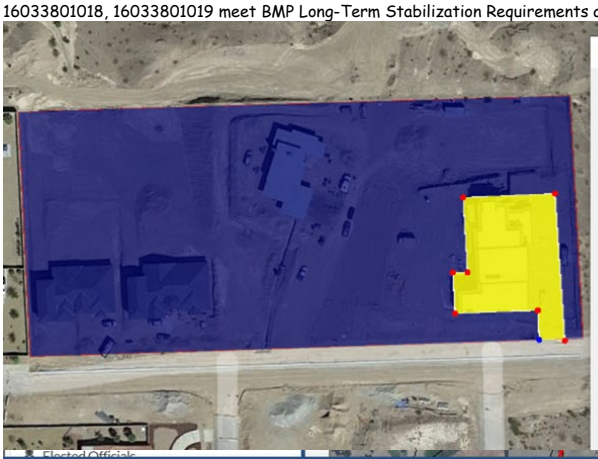
From: Damon Lindsay
To: Anna Sutowska
Subject: 49811 Expired Permit/Follow-Up Inspection
Date: Tuesday, November 23, 2021 11:41:00 AM
Attachments: image003.png
image002.png
image009.png
image010.png

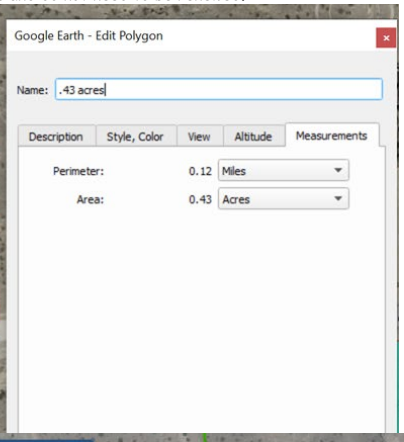
Good morning Anna,

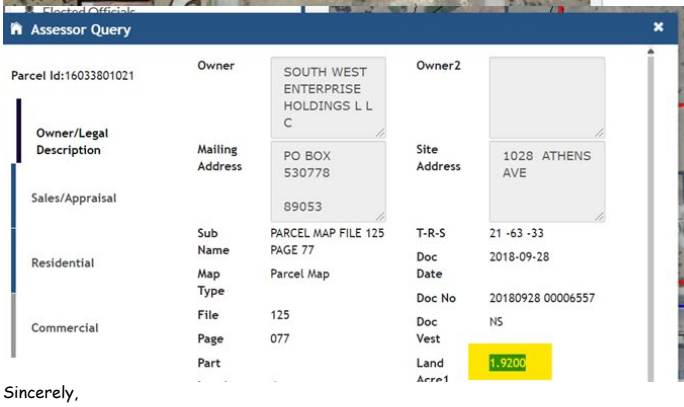
I conducted an Expired Permit/Follow-Up Inspection at DCOP# 49811 Athens Customs project: Loon LLC, and observed construction activity still occurring on parcel 16033801021. There was staging of construction material, landscaping still being installed, construction of an approximately 0.25 acre building in the northern parcel of the property, and an Assured Development box truck and other construction vehicle equipment on property. The house and the driveway are completed, but this area is only approximately 0.43 acres on the parcel (see google earth measurement below). The remaining 1.49 acres of this parcel would still need to be renewed; which rounds up to 2 acres permitted anyway. The entire parcel is 1.92 acres and should be renewed since the permit will be rounded up to 2 acres (see assessor's parcel map below for verification of acreage).

I spoke to the land owners on parcel 16033801020 and they have agreed that they can install a gravel driveway by Friday, December 3, 2021. This parcel will meet our BMP 11 Long-Term Stabilization Requirements; once the gravel driveway is installed.

16033801018, 16033801019 meet BMP Long-Term Stabilization Requirements and do not need to be renewed.







Sincerely,

Damon Lindsay

Damon Lindsay | Air Quality Specialist I

Clark County Department of Environment & Sustainability
Division of Air Quality
4701 W Russell Road | Suite 200
Las Vegas, NV 89118
702-455-0151 (office)
702-659-0168 (mobile)

Effective July, 2021 – My new working hours are Monday – Thursday, 6:00 AM – 4:30 PM
For Dust Control Applications and Forms, click on this link: Dust Control Permitting
You must use **INTERNET EXPLORER** as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

DES DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

air quality

Exhibit CCC – DCOP #49811 application for renewal email communication dated 11/23/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH AA)

From: Anna Sutowska
To: Joe Yakubik
Cc: Heather Mackinnon; Damon Lindsay
Subject: RE: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC
Date: Tuesday, November 23, 2021 3:18:00 PM
Attachments: Permit_Transfer_App_2020-10-14-new.pdf

Mr. Yakubik,
I have already read your letter. You stated that you "can find no source statute or code that we have a duty or obligation to retain a dust control permit when subsequent ownership conducts such activities." You are the Responsible Official on DCOP #49811.

Air Quality Regulation Section 94.5(g)(3) states that the Responsible Official shall ensure compliance with all Permit conditions until a Permit Closure form has been submitted to *and approved by the Control Officer*. The permit closure was not approved as construction is still occurring.

(g) The Responsible Official shall:

(1) Ensure that all contractors, subcontractors, and other Persons on the Construction site abide by the conditions of the Permit and the AQRs.

(2) Supply complete copies of the Permit, including the Dust Mitigation Plan, to all project contractors and subcontractors.

(3) Ensure compliance with all Permit conditions until a Permit Closure form has been submitted to and approved by the Control Officer.

You stated that you would like a new permit for this property. Please confirm that you understand that late fees will still apply as construction is ongoing.

Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

Dust Control Permitting Portal, Forms & Requirements

From: Joe Yakubik [mailto:joe@assurednv.com]
Sent: Tuesday, November 23, 2021 2:44 PM
To: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Cc: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: Re: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Please refer to my letter that was sent yesterday as it speaks for itself with respect to our position on renewing the application, stabilization that was complete on the project and our responsibility on a project.

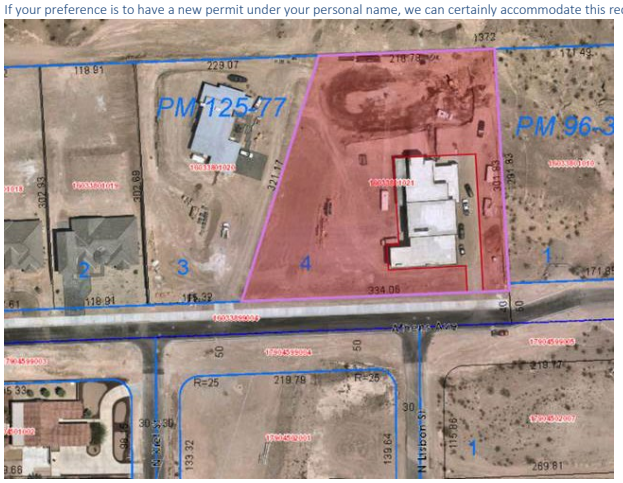
The application that was submitted today is under the proper ownership, the correct property and should be processed per the request.

From: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Sent: Tuesday, November 23, 2021 2:36 PM
To: Joe Yakubik <joe@assurednv.com>
Cc: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: RE: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Mr. Yakubik,
Late fees will still apply whether the renewal is processed or a new application is submitted as soil disturbing activities greater than 0.25 acres are still occurring. A permit cannot be closed if any construction activities are occurring including any staging or storage of materials. Right now, there is staging of construction material, landscaping still being installed, construction of an approximately 0.25 acre building in the northern parcel of the property, and an Assured Development box truck and other construction vehicle equipment on property. You are currently working without a permit.

A closure form was submitted on 9/21/2021 and Damon Lindsay performed his inspection two days later notifying you that "stockpiling, material storage, mechanized trenching" were still occurring onsite. As long as the permit is open, Assured Development is the responsible party.

If your preference is to have a new permit under your personal name, we can certainly accommodate this request, but the late fees will still apply as you are currently working without a Dust Control Operating Permit.



Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

Dust Control Permitting Portal, Forms & Requirements

From: Joe Yakubik [mailto:joe@assurednv.com]
Sent: Tuesday, November 23, 2021 2:24 PM
To: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Cc: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: Re: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

I am not the owner of the LLC, I am the Manager, however, this has no relevance to the situation at hand.

The application that was submitted today is under the proper ownership, the correct property and should be processed per the request.

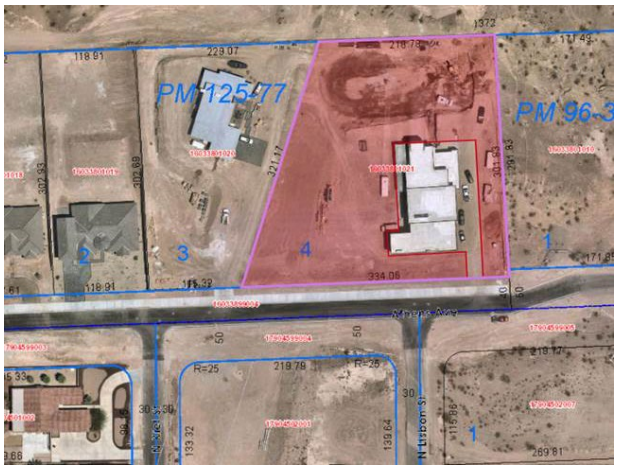
From: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Sent: Tuesday, November 23, 2021 12:46 PM
To: Joe Yakubik <joe@assurednv.com>
Cc: support@assurednv.zendesk.com <support@assurednv.zendesk.com>; Help Desk <helpdesk@assurednv.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Heather Mackinnon <MacKinno@ClarkCountyNV.gov>; Damon Lindsay <Damon.Lindsay@ClarkCountyNV.gov>
Subject: FW: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Good afternoon Joe,
A renewal application for Dust Control Operating Permit (DCOP) #49811 was submitted on 11/4/2021. This application renewal application is still pending awaiting a marked map for the renewal area. Compliance Officer Damon Lindsay performed an onsite inspection today to confirm the acreage that needs to be renewed. The area shown in the screenshot below is the 1.5 acres that needs to be renewed. The area is within parcel number 16033801021 owned by South West Enterprise Holdings LLC. According to the Nevada Secretary of State, this LLC is owned by you, Joe Yakubik.

Please confirm that the 1.5 acres shown below is the renewal area for DCOP #49811 and I will submit this application for processing.

A late fee will apply to this permit. This permit expired on 10/8/2021. A closure form was submitted by you, but was disapproved by the compliance officer on 9/23/2021 due to soil disturbance still occurring. Your representative Phoebe Fricke did not contact Air Quality until 10/25/2021 to inquire about renewing the permit.

You submitted a new DCOP application for this parcel today. It will be withdrawn.



Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118

Office: 702-455-0666
Cell: 702-378-9780
Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.

Dust Control Permitting Portal, Forms & Requirements

From: Case Management - Level II (Assured Real Estate, Inc.) [mailto:support@assurednv.zendesk.com]
Sent: Tuesday, November 23, 2021 7:27 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>

Subject: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

##- Please type your reply above this line -##
Your Help Case (78124) has been updated. To add additional comments, reply to this email.

Case Management - Level II (Assured Real Estate, Inc.)
Nov 23, 2021, 7:27 AM PST

I am sorry, but on my end it is attached as a pdf. Please let me know if this works.

Attachment(s)
CCF11222021.pdf

Heather Mackinnon
Nov 23, 2021, 6:24 AM PST

Please do not send me these as a link I must go to. Our county system will not allow that. Send it as an attachment, PDF. I cannot open what you sent.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.clarkcountynv.gov_government_departments_environment-5Fand-5Fsustainability_division-5Fof-5Fair-5Fquality_permitting_applications-5Fforms_dust-5Fpermitting-5Fforms.php-23outer-2D4005&d=DwMGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=QE9V7ci8TFdxeLCRtt9-q5nrKEYJMlQANmq5Al2tlQc&m=b_AA46Tk0V7d-SPlUWqQHU3QQrA8wdk9u4xa3tb_tHg&s=tQv_keU5qTij45QdYr9LI8TFWijKu6fNYySV20ZR0cY&e=)

From: Case Management - Level II (Assured Real Estate, Inc.) [mailto:support@assuredrnv.zendesk.com]
Sent: Monday, November 22, 2021 4:12 PM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Case Management - Level II (Assured Real Estate, Inc.)
Nov 22, 2021, 4:12 PM PST

Hello,

Please see the attached letter.

Thank you

Attachment(s)
CCF11222021.pdf

Heather Mackinnon
Nov 22, 2021, 11:52 AM PST

Greetings,

I have not been contacted or received the information below requested as of today. I have sent multiple emails (see below) and left a voice mail. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Supply the information requested by end of day TODAY, 11/22/21 or the application will be cancelled.

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS
(https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

Greetings,

I have not been contacted or received the information below requested as of today. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Supply the information requested by end of day 11/17/21 or the application will be cancelled.

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

In browsers other than Internet Explorer download the form by right-clicking the link, selecting "Save link as" and opening it with Adobe Acrobat Reader OR

You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Heather Mackinnon
Sent: Tuesday, November 9, 2021 10:04 AM
To: Assured Real Estate, Inc <support+id78124@assurednv.zendesk.com>
Subject: RE: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC
Importance: High

Greetings,

I have not been contacted or received the information below requested as of today. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

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You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Heather Mackinnon
Sent: Monday, November 8, 2021 11:27 AM
To: Assured Real Estate, Inc <support+id78124@assurednv.zendesk.com>
Subject: RE: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC
Importance: High

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

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You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Case Management - Level II (Assured Real Estate, Inc.) [mailto:support@assuredny.zendesk.com]
Sent: Monday, November 8, 2021 11:04 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Heather Mackinnon
Nov 16, 2021, 9:09 AM PST

Greetings,

I have not been contacted or received the information below requested as of today. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Supply the information requested by end of day 11/17/21 or the application will be cancelled.

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

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Greetings,

I have not been contacted or received the information below requested as of today. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

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(https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

In browsers other than Internet Explorer download the form by right-clicking the link, selecting "Save link as" and opening it with Adobe Acrobat Reader OR

You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Heather Mackinnon
Sent: Monday, November 8, 2021 11:27 AM
To: Assured Real Estate, Inc <support+id78124@assuredny.zendesk.com>
Subject: RE: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC
Importance: High

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

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You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Case Management - Level II (Assured Real Estate, Inc.) [mailto:support@assurednv.zendesk.com]
Sent: Monday, November 8, 2021 11:04 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Heather Mackinnon
Nov 9, 2021, 10:04 AM PST

Greetings,

I have not been contacted or received the information below requested as of today. Please reply ASAP so all the information can be obtained and the application can be submitted for processing.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

In browsers other than Internet Explorer download the form by right-clicking the link, selecting "Save link as" and opening it with Adobe Acrobat Reader OR

You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

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You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

From: Case Management - Level II (Assured Real Estate, Inc.) [mailto:support@assurednv.zendesk.com]
Sent: Monday, November 8, 2021 11:04 AM
To: Heather Mackinnon <MacKinno@ClarkCountyNV.gov>
Subject: [Assured Real Estate, Inc.] Re: 49811-ATHENS CUSTOMS-LOON LLC

Heather Mackinnon
Nov 8, 2021, 11:27 AM PST

One map is not marked, the other is blurry. Please submit a CLEAR map showing your work area.

The map submitted shows a NONLINEAR area of approximately 3.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

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Case Management - Level II (Assured Real Estate, Inc.)
Nov 8, 2021, 11:03 AM PST

Hello,

Please see attached. I am attaching as a PDF. I just tried again to see if these will work.

Attachment(s)
map160338 (1) (1).pdf
CCFJ1082021_0001 (1) (2).pdf

Heather Mackinnon
Nov 8, 2021, 11:01 AM PST

I cannot open these, please attach as a pdf. Your DCOP was expired, that's why Damon asked for a renewal submittal.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://www.clarkcountynv.gov/government/departments/environment_and_sustainability/division_of_air_quality/permitting/applications_forms/dust_permitting_forms.php#outer-4005)

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You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

Case Management - Level II (Assured Real Estate, Inc.)
Nov 8, 2021, 10:50 AM PST

Hello,

I apologize, Damon Lyndsey had asked me to update the acreage and take off two of the lots. Please see attached new maps and let me know if this will work.

Thank you

Attachment(s)
CCFJ1082021_0001 (1).pdf
map160338 (1).pdf

Heather Mackinnon
Nov 8, 2021, 9:04 AM PST

Greetings,

Please reply to this email only as soon as possible so not to delay the approval process. I have reviewed your Dust Control Operating Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so please reply to this email. You cannot correct the application on the portal, only the reviewer can. If you have questions, feel free to email me those inquiries. If you wish to come in to discuss the application with me, please make an appointment.

The map submitted shows a NONLINEAR area of approximately 5.2 acres which is more than the 2.6 acres listed on the application. Please resolve the inconsistency.

The map submitted is not the correct map. If you wish to use the Mapping Assistant, please turn off the dust permit layer and use the tools to mark out a polygon showing all the acreage you wish to renew.

Regards,

Heather Mackinnon

Air Quality Specialist II

Department of Environment and Sustainability

Air Quality Division - Enforcement Section

4701 W. Russell Road #200

Las Vegas NV 89118

Phone: (702) 455-1524 Fax: (702) 383-9994

For Dust Control Applications and Forms, click on this link: DUST FORMS (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.clarkcountynv.gov_government_departments_environment-5Fand-5Fsustainability_division-5Fof-5Fair-5Fquality_permitting_applications-5Fforms_dust-5Fpermitting-5Fforms.php-23outer-2D4005&d=DwMF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=OE9V7ciBTFdxeLCRtt9-q5nrKEYJMIOANmo5Al2tlQc&m=eQxBLG_uvoQtwnrKv1Xt_eVdxddjXtq1syCkmCwTiSg&s=-suD4FVwTSTSwPUKNaDkX1WudDFSNlMkEXKBC3N9cug&e=)

In browsers other than Internet Explorer download the form by right-clicking the link, selecting "Save link as" and opening it with Adobe Acrobat Reader OR

You must use INTERNET EXPLORER as your search engine. If you have your default browser set to anything else, such as Chrome, the forms will not work.

This email is a service from Assured Real Estate, Inc.. Delivered by Zendesk

Exhibit DDD – DCOP #49811 closed on 11/29/2021

(Previously submitted for 10/2/2024 HB Meeting, EXH BB)

Dust Control Operating Permit (DCOP)/ Implosion Dust Control Operating Permit (IDCOP) Closure Form

Clark County Department of Environment and Sustainability - Division of Air Quality

For DES Use Only
Submitted by Air uality Supervisor Anna Suto ska.

Form Submittal Date:	11/29/2021
Permit #: 49811	Expiration Date: 10/08/2021
Project Name:	
LOON LLC	AQS Name:
Owner Builder/Company/Organization (Permittee):	Copy Requested:
ATHENS CUSTOMS	YES

1. Project Location:

Number:	Direction:	Street:	Street Type:	Suite:
1028	EAST	ATHENS	AVE	

City:	HENDERSON	State:	NV	Zip:	89015

List major cross streets and the proximity to the intersection:

1st Cross Street:	2nd Cross Street:	Proximity:
RCAETRACK RD	ATHENS AVE	NORTHEAST

2. Submitter:

Name:	Title:	Email:

Phone Numbers

Office:		Extension:		Cell:		Fax:	

3. Closure Information:

By submitting this Dust Control Operating Permit Closure Form, I verify that no further soil-disturbing construction activities will occur at this project. All project soils designated in the DCOP/IDCOP have been stabilized by one or more of the following methods (check all that apply):

DES Use Only:

Reset All Results

Inspection Results:

- ☐ Project is complete. All permitted areas are built out and no disturbed areas remain. — ○ Pass ○ Fail
- ☐ Project is complete. Any remaining areas greater than ¼ acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. — ○ Pass ○ Fail
- ☐ Less than ¼ acre of disturbed soil remains. — ○ Pass ○ Fail
- ☒ Replaced by DCOP/IDCOP #: 54772 — ◉ Pass ○ Fail
- ☐ Other (Describe Below): — ○ Pass ○ Fail

Unpaved roads or easements remain on or lead to the permitted site: ○ Yes ◉ No — ○ Pass ○ Fail

Unpaved areas that could be used for parking or storage lots remain on the site: ◉ Yes ○ No — ○ Pass ○ Fail

Inspection Notes - DES Use Only:

AQ Specialist:	ANNA SUTOWSKA	Inspected:	11/29/2021	Reviewer:	AS	Reviewed:	11/29/2021

Exhibit EEE – DCOP #54772 Mod 0 issued to Joe Yakubik on 11/29/2021, NEW

(Previously submitted for 10/2/2024 HB Meeting, EXH CC)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Dust Control Operating Permit (DCOP) For Construction Activities

This permit does not exempt the permittee from compliance with the Endangered Species Act

Permit No: 54772

Version No: 0

Permittee: Joe Yakubik

Project: Athens Customs (54772)

Physical Location: 1028 E Athens Ave, Henderson, NV 89015

Cross Streets: Racetrack Rd/Athens Ave, NE

Effective Date: Nov 29, 2021

Expiration Date: Nov 28, 2022

Revision Date: N/A

Revision Type: N/A

Project Acreage: 1.5

Region: ESE(N) - East/Southeast (North)

Notes/Additional Permit Conditions	
Designated Onsite Representative Name: Dave Reynolds Company: Assured Development, Inc. Mobile Number: 702-499-3283 Email: info@assurednv.com Dust Card No.: DM1902002 Expires: Feb 5, 2022	**Responsible Official** Name: Joe Yakubik Company: Joe Yakubik Office Number: 702-868-0900 Mobile Number: 702-241-4040 Email: joe@assurednv.com

Dust control measures must occur 24 hours a day, 7 days a week.

This permit is not valid until all fees are paid in full and a complete copy of the permit with conditions and the dust mitigation plan is posted on the project site.

It is a condition of the issuance of any operating permit required by the commission or pursuant to any local ordinance for the control of air pollution that the holder of the operating permit agrees to permit inspection of the premises to which the permit relates by authorized officer of the department at any time during the holder's hours of operation without prior notice. This condition must be stated on each application form and operating permit. NRS 445B.580.

The issuance of this PERMIT does not relieve the PERMITTEE from compliance with all other applicable federal, state, county and local ordinances and regulations. Issuance of this PERMIT shall not be a defense to violations of any applicable ordinances or regulations.

Permittee Information

Permittee Name: Joe Yakubik

Mailing Address: PO Box 530778

City/State/Zip Code: Henderson, NV 89053

Office Number: 702-868-0900

Fax Number: 866-248-6564

Additional Project Information

Project Description: Residential Home

Project Attributes: Residential Construction

Portable Crushing and/or Powered Screening: *Portable crushing and/or powered screening equipment supporting any onsite single construction activity and remaining onsite for less than 12 months is exempt from the stationary source permitting requirements of AQR Section 12.1 and will instead be subject to the conditions of the Dust Control Operating Permit issued pursuant to AQR Section 94. This exemption does not apply to equipment listed as emission units in a current minor source permit unless the permit states otherwise.*

- Will portable crushing or powered screening occur onsite: No
- If yes, what is the anticipated date that equipment will be brought onsite: N/A
- What is the duration equipment will remain onsite: N/A

Dust Control Monitor Information

Name: N/A

Company: N/A

Mobile Number: N/A

Email: N/A

Dust Monitor Card No.: **Expires**:

Blasting Supplemental Information

Blasting Company: N/A

Contact Name: N/A

Mailing Address: N/A

Office Number: N/A

Mobile Number: N/A

Blasting Date: N/A **Blasting Time**: N/A

Blasting Frequency: N/A

Material to be Blasted: N/A

Acreage to be Blasted: N/A

Blasting Depth: N/A Feet

Distance to Nearest Residence: N/A Feet

Distance to Nearest Business: N/A Feet

Have Nearby Residents Been Informed: N/A

Have Nearby Businesses Been Informed: N/A

Responsible Official Certification/Acknowledgement Statement

By submitting this permit application electronically, the user (Responsible Official) certifies the following:

a. As the Responsible Official (applicant), I am authorized on behalf of the Owner Builder/Company/Organization (permittee) to apply for this DCOP and to commit to all of the terms and conditions therein.
b. If applying on behalf of the permittee listed, the permittee shall be responsible for complying with requirements of this DCOP and the Air Quality Regulations (AQRs). Otherwise, the applicant listed shall be the responsible party.
c. I accept responsibility for assuring that all contractors, subcontractors, and other persons on the construction site defined by this permit comply with the terms and conditions of the DCOP, the associated Dust Mitigation Plan and the AQRs.

By submitting this permit application electronically, the user (Responsible Official) acknowledges the following:

a. The permit issued in response to this application is not a substitute for obtaining the property owner's permission to use land associated with the project. Issuance of the DCOP is intended only for controlling the emission of air pollutants and assuring compliance with the AQRs. Clark County cannot be held liable for any unauthorized use of the land.
b. In accordance with the DCOP and the AQRs, the applicant and the permittee shall consent to inspection of the site during normal hours of operation by Division of Air Quality (DAQ) staff without prior notice to determine compliance with the terms and conditions of the DCOP and the AQRs.

Additional Instructions/Advisories

a. Before disturbing soils on a parcel, enacting a grade change, constructing a structure and/or appurtenances, or installing, constructing, or modifying equipment that emits an air pollutant, you must contact and obtain all required permits from Clark County's Department of Comprehensive Planning, Building Department, DAQ (Title 30 Notice) and the municipality with jurisdiction.
b. If the project has 50 or more acres of actively disturbed soil, the permittee shall notify DAQ and identify the on-site Dust Control Monitor for the project(s). In addition, this notification requirement applies when the permittee has common control of multiple adjacent projects that individually have less than 50 acres of actively disturbed soil, but the combined project has 50 or more acres of actively disturbed soil.
c. The permittee shall notify DAQ using the current notification form, which is available on the DAQ website and at the front counter of the main office, before disturbing the soil. The Dust Control Monitor must be on-site at all times when construction activities occur and shall manage dust prevention and control on-site.
d. DCOP acreage fee is based on total project acreage of disturbed surface area, which is rounded up to the next whole acre. If the project is less than 1 acre, a minimum of 1 acre shall apply to the project for fee purposes.
e. Stormwater Advisory: Be advised that all land disturbances that exceed 1 acre or are adjacent to a waterway must submit a "Notice of Intent" to the Nevada Division of Environmental Protection that certifies a Storm Water Pollution Prevention Plan has been developed and is maintained for the site. Contact NDEP at (775) 687-9429 for an application, information, and instructions.

Dust Mitigation Plan

Parcel Number: 160-33-801-021

Soil PEP: Moderate Low

Water Source: Hydrant with Jones Valve

If other, describe:

Water Application Method: Water Trucks/Pulls

If other, describe:

Best Management Practices (BMPs) – Control Measures

The permittee shall comply with all requirements of Section 94 of the AQRs and all provisions of the DCOP issued from this application.

For each project activity listed in this Dust Mitigation Plan, the permittee shall comply with the requirements for the associated Best Management Practices (BMPs). Where options are listed for a BMP requirement, the permittee shall apply one or more of the Control Measures to comply with the requirement. The permittee will apply corresponding Control Measures for the PEP for the project soil type(s).

Table 1 provides the required Control Measures to be implemented for each soil type based on PEP. Some Control Measures apply to Construction Activities regardless of soil type. The Control Measures implemented must address the PEP for the area in which the Construction project is permitted.

Table 1: Soil Types

Particulate Emission Potential (PEP)	Control Measure
Low	Apply water and mix moist soil with dry soil until optimum moisture content is reached.
Moderate Low	Apply and mix water into soil and/or material until optimum moisture content is reached.
Moderate High	Apply and mix water and tackifier solution into soil and/or material until optimum moisture content is reached.
High	Apply and mix water and surfactant solution into soil and/or material until optimum moisture content is reached.

The permittee shall comply with all applicable requirements for activities performed pursuant to this DCOP. If a requirement has Control Measures listed, permittee shall comply with one or more of the Control Measures. If Control Measures for the requirement are contingent on the project PEP/Soil Type, permittee shall comply with one or more of the Control Measure for the designated PEP/Soil Type.

54772 mod 0 1.5 acres

160 33 801 021

DAQ_444

AS 11/29/2021

BMP 01 BACKFILLING (Filling area previously excavated or Trenched)

01 Requirements

(a) Maintain optimum moisture content in backfill material and operate equipment in a manner that limits Fugitive Dust to comply with the AQRs before, during, and after handling of material and during storage until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Dedicate an adequate water source to backfilling equipment and apply water as needed to minimize Dust.

(3) Empty loader bucket slowly and minimize drop height from loader bucket.

(4) Ensure backfill material is moist or crusted at all times.

(5) Apply water, surfactant, or tackifier to maintain disturbed soils in a stable condition to limit Fugitive Dust.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 02 BLASTING – Abrasive (Sandblasting, abrasive blasting, and/or hydro-blasting)

02 Requirements

(a) Ensure soil moisture is maintained to limit Fugitive Dust where support equipment and vehicles will operate until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Limit visible Emissions to no more than an average of 40% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(c) Hydro-blasting (using water as the propellant) must be conducted in a manner that maintains visible Emissions within Opacity standards.

(d) Stabilize Particulate Matter in the surrounding area following blasting.

(1) Clean Particulate Matter from the surrounding area and water disturbed soils after blasting.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on the surrounding area following blasting.

Note: Whenever possible, abrasive blasting should be conducted within an enclosed structure to limit the release of visible Emissions to the atmosphere.

BMP 03 BLASTING – Soil and Rock (Explosive blasting of soil and rock)

03 Requirements

(a) Maintain optimum moisture content in soil where drills, support equipment, and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where drills, support equipment, and vehicles will operate, and maintain in a stabilized condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) A Blasting Supplemental form must be filled out, submitted, and approved by DAQ prior to any blasting.

(c) No blasting may be conducted within 1,500 feet of a residential area, occupied building, or major roadway when the wind direction is toward these structures.

(d) Blasting shall take place between the hours of 8:00 a.m. and 4:30 p.m., excluding Saturdays, Sundays, and holidays, unless prior permission is obtained from the Control Officer.

(e) No blasting is allowed when the National Weather Service forecasts wind gusts above 25 miles per hour (mph).

(f) Before setting explosive charges in holes, document current and predicted weather conditions according to the National Weather Service. If the forecast is for wind gusts of 25 mph or more, do not load explosives or blast holes. If wind conditions are forecasted to be 25 mph or more during a future scheduled blast, do not load explosives or blast holes.

(g) If DAQ issues a Construction Notice or Dust Advisory when a blast has been scheduled, do not load explosives or blast holes during the time period listed on the notice/advisory. If holes were loaded before the notices were issued, call a DAQ Compliance Supervisor or Manager for permission to blast.

(h) Maintain the optimum moisture content in soil before, during, and after blasting activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit the blast area to what can be stabilized immediately following the blast.

(2) Limit disturbed areas by maintaining natural rock and vegetation.

(3) Presoak surface soils to the depth of caliche or bedrock with water, surfactant, or tackifier to limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following blasting activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 04 CLEARING AND GRUBBING (Definition: Clearing and grubbing for site preparation and vacant land cleanup)

04 Requirements

(a) Maintain optimum moisture content in soil before, during, and after clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a stabilized condition.

(2) Apply water, surfactant, or tackifier during clearing and grubbing activities to prevent unstable soil conditions and limit Fugitive Dust.

(3) Apply water, surfactant, and/or Dust Palliative on disturbed soils to form a crust immediately following clearing and grubbing activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 05 CLEARING FORMS, FOUNDATIONS AND SLABS (Clearing and cleaning of forms, foundations and slabs)

05 Requirements

(a) Limit visible Emissions before, during, and after the clearing of forms, foundations, and slabs to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs.

(1) Avoid the use of high pressure air to blow soil and/or debris from forms, foundations, and slabs.

(b) At least one of the following must be used to clear forms, foundations, and slabs:

(1) Water spray.

(2) Sweeping and water spray.

(3) Industrial vacuum.

BMP 06 CRUSHING (Crushing of Construction and demolition debris, rock, and soil)

06 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after crushing activities to limit Emissions.

(1) Pre-water material before loading it into the crusher.

(2) Apply water to material during crushing to ensure compliance with Opacity standards and Permit conditions.

(3) Monitor Emissions Opacity. Make adjustments to ensure compliance with Opacity standards and Permit conditions.

(4) Apply water to crushed material immediately following crushing.

Note: If required, obtain the appropriate Operating Permit for powered crushers prior to engaging in crushing activity and comply with Permit conditions.

BMP 07 CUT AND FILL (Cut and/or fill soils for site grade preparation)

07 Requirement

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils.

(b) Maintain optimum moisture content in soils before, during, and after cut and fill activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water to cut depth and maintain surface soils in a stabilized condition.

(2) Rip soil and add water and/or surfactant as needed to reach moisture throughout the cut depth.

(3) During cut and fill activities, apply water, surfactant, or tackifier to ensure moisture content is maintained to cut depth.

(4) Immediately following cut and fill activities, apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 08 DEMOLITION – Implosion (Implosive blasting demolition of structure)

08 Requirements

(a) A Demolition Supplemental Form and a Supplement to the Dust Mitigation Plan must be filled out, submitted to, and approved by the Control Officer prior to implosion.

(b) An asbestos survey must be conducted on any facility before demolition can commence.

(c) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(d) All friable and non-friable asbestos-containing material must be removed from the facility prior to implosion.

(e) Blasting must be confined to times when the wind direction is away from the closest residential areas, occupied buildings, and major roadways.

(f) Implosion time must be preapproved by the Control Officer.

(g) Current weather conditions and weather predictions from the National Weather Service must be monitored and documented.

(1) Prior to setting explosive charges, obtain and document current and predicted weather conditions from the National Weather Service.

(2) If a wind advisory (over 20 mph gusts or average wind speed of 10 mph) is current or forecasted for the blast period, do not set charges and do not blast.

(3) Maintain a calibrated anemometer and log ambient air velocity and direction within 1,000 feet of the implosion site, beginning at least 1 (one) hour prior to and 15 minutes after the implosion.

(h) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Restrict support equipment and vehicles to existing Paved and/or stable areas.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(i) Maintain optimum moisture content in demolition debris before, during, and after implosion activities to limit Emissions.

(1) Apply water to debris immediately following blast and safety clearance, and maintain optimum moisture content in debris throughout cleanup and exporting activities.

(2) If water is not effective, apply and maintain a surfactant to debris immediately following blast and safety clearance.

(3) Clean and stabilize surrounding areas immediately following blast and safety clearance by applying water to all disturbed soil surfaces to establish a crust.

(4) Thoroughly clean blast debris from Paved and other surfaces following blast and safety clearance.

BMP 09 DEMOLITION - Mechanical/Manual (Mechanical and manual demolition of walls, stucco, concrete, free-standing structures, buildings, and load-bearing walls)

09 Requirements

(a) An asbestos survey must be conducted on any facility or structure subject to NESHAP requirements before demolition can Commence.

(b) A separate, complete Clark County NESHAP Demolition Notification Form must be submitted to DAQ for each structure at least 10 working days prior to demolition. The asbestos survey must be attached to this notification.

(c) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(d) Maintain optimum moisture content in demolition debris before, during, and after demolition activities to limit Emissions.

(1) Apply water to demolition debris during handling.

(2) Apply water to stabilize demolition debris immediately following demolition.

(3) If water is not effective, apply and maintain a Dust Palliative to demolition debris immediately following demolition.

(e) Stabilize surrounding area immediately following demolition by applying water and/or Dust Palliative to all disturbed soil surfaces.

BMP 10 DISTURBED SOIL (Disturbed soil throughout project, including between structures)

10 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all Construction Activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Limit vehicle traffic and disturbance of soils to areas not being immediately developed using fencing, barriers, and/or barricades.

(2) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(3) Apply water, surfactant, or tackifier during Construction Activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to disturbed soils to form a crust immediately following Construction Activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) If interior block walls are planned, install walls as early as possible in the Construction project.

BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm orsimilar barrier is used or if Clean Gravel is applied.

(1) Install orange “No Parking/Trespassing” signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County’s harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

BMP 12 DUST PALLIATIVE – Selection and Use (Selection and use of chemical and organic dust suppressing agents and other Dust Palliatives)

12 Requirement

The selection and use of chemical and organic Dust Suppressing agents and other Dust Palliatives shall adhere to all local, State, and federal regulations as well as all manufacturer specifications.

BMP 13 IMPORTING/EXPORTING OF BULK MATERIAL (Importing or exporting of soil, aggregate, decorative rock, debris, Type II, and other bulk material)

13 Requirement

(a) Maintain optimum moisture content in surface soils and bulk material before, during, and after all importing/exporting activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where importing/exporting activities occur, including haul routes, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative, or Clean Gravel, on surface soils where importing/exporting activities occur, including haul routes.

(3) Limit vehicle speeds to 15 mph on the work site.

(4) Maintain 3–6 inches of freeboard to prevent spillage.

(5) Apply tarps or other suitable enclosures that completely cover the load on haul trucks before they exit the project onto Public Roads, and maintain throughout transport. Tarps must be well-maintained and serviceable at all times.

(b) Clean the wheels and undercarriage of haul trucks before they leave the Construction site.

(c) Check belly/end dump truck seals regularly, and remove trapped rocks to prevent spillage.

BMP 14 LANDSCAPING (Installation of sod, decorative rock, desert or other landscape material)

14 Requirements

(a) Maintain optimum moisture content in soils and landscaping material before, during, and after landscaping activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(b) Apply water, surfactant, or tackifier to maintain disturbed soils and landscaping material in a stable condition until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 15 SUBGRADE PREPARATION FOR PAVING (Subgrade preparation for paving streets, parking lots, etc.)

15 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all paving/subgrade preparation activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water subgrade surfaces until optimum moisture content is reached.

(2) Maintain optimum moisture content in material while aggregate is being applied.

(3) Place tack coat on aggregate base.

BMP 16 SAWING/CUTTING MATERIALS (Sawing or cutting materials such as concrete, asphalt, block or pipe)

16 Requirements

(a) Limit visible Emissions to no more than an average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, or to no more than 50% instantaneous Opacity, pursuant to the AQRs. One of the following two control methods must be used when sawing/cutting materials:

(1) Use water to control Dust.

(2) Use a vacuum to collect Dust.

BMP 17 SCREENING (Screening of rock, soil, or Construction debris)

17 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after screening activities to limit Emissions until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Apply sufficient water or a Dust Suppressant prior to screening.

(2) Drop material through the screen slowly; minimize drop height.

(3) Dedicate an adequate water source to the screening operation, and apply water as needed to minimize Dust.

(4) Monitor visible Emissions; make adjustments to Control Measures to ensure compliance with Opacity standards and Permit conditions.

(5) Apply water, surfactant, or Dust Palliative to screened material and surrounding areas following screening activities until long-term stabilization is achieved.

Note: If required, obtain the appropriate Operating Permit for powered screens before engaging in screening activity and comply with Permit conditions.

BMP 18 STAGING AREAS (Staging areas and equipment/material storage areas)

18 Requirements

(a) Maintain optimum moisture content in soils before, during, and after all staging area activities to prevent unstable soils and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(3) Limit vehicle speed to 15 mph in staging area(s) and on all unpaved access routes.

(4) Apply water, Clean Gravel, recycled asphalt, or Dust Palliative to staging area soils for the duration of the project.

BMP 19 STOCKPILING (Stockpiling of materials, such as Type II, rock or debris, for future use or export)

19 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after stockpiling activities to limit Fugitive Dust until long-term stabilization is achieved.

(1) Stockpiles located within 100 yards of occupied buildings shall not be constructed over 8 feet in height unless otherwise approved by the Control Officer.

(2) Stockpiles located farther than 100 yards from any occupied building and constructed over 8 feet in height must have a road bladed to the top to allow water truck access, or shall demonstrate another means to provide effective Dust control.

(3) Apply water, surfactant, or tackifier during stockpiling activities to prevent unstable soil conditions and limit Fugitive Dust.

(4) Apply water, surfactant, and/or Dust Palliative to material and surface soils to form a crust immediately following stockpiling activities until the long-term stabilization requirements listed in BMP 11 are achieved.

(c) All stockpiles must be removed or leveled prior to project completion unless otherwise approved by the Control Officer. Stockpiles approved to be left in place must be in compliance with the long-term stabilization requirements listed in BMP 11.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 20 TRACKOUT PREVENTION AND CLEANUP (Prevention and cleanup of mud, silt, and soil tracked out onto Paved surfaces)

20 Requirements

(a) Install and maintain a Trackout control device in an effective condition at all access points where Paved and unpaved access or travel routes intersect.

(1) Install gravel pad(s) consisting of a minimum of 2 inches in rough diameter of Clean Gravel or crushed rock on a well-graded surface (Type II material is not acceptable). Minimum dimensions must be 30 feet wide by 6 inches deep by 50 feet in length or the length of the longest haul truck, whichever is greater. Re-screen, wash, or apply additional rock to gravel pads to maintain effectiveness.

(A) Install wheel shakers if gravel pads are not effective in pre- venting Trackout. Clean wheel shakers regularly to maintain their effectiveness.

(B) Install wheel washers if wheel shakers are not effective in preventing Trackout. Maintain wheel washers regularly to maintain effectiveness.

(C) Alternative Trackout control devices may be used if approved by the Control Officer.

(2) All exiting traffic must be routed over selected Trackout control device(s) by clearly establishing and enforcing traffic patterns on-site.

(b) Maintain Dust control and clean all Trackout from Paved surfaces.

(1) Maintain Dust control during working hours and clean all Trackout from Paved surfaces, including sidewalks and gutters, at the end of each work shift.

(2) Immediately clean up Trackout that extends 50 feet or more, or more than ¼ inch in depth, from Paved surfaces, including sidewalks and gutters, or any amount of Trackout that causes one or more of the following:

(A) A Dust plume that extends more than 100 feet horizontally or vertically.

(B) An average of 20% Opacity for any period totaling 3 minutes in any 60-minute period, pursuant to the AQRs.

(C) 50% instantaneous Opacity, pursuant to the AQRs.

(3) Use street sweeper(s) in addition to Trackout control devices to ensure the cleanup of Trackout is maintained. If one street sweeper is not effective in controlling Trackout to Air Quality Standards, bring in additional street sweepers.

(4) The use of blower devices to remove deposited mud/dirt Trackout from a Paved road is prohibited.

(5) The use of rotary brushes without water is prohibited.

(6) The use of soil to create a ramp for vehicle access over a curb is prohibited.

BMP 21 TRAFFIC—Unpaved Routes and Parking Areas (Construction-related traffic on unpaved roads and parking areas)

21 Requirements

(a) Limit visible Dust Emissions from vehicle operations and stabilize all unpaved routes, including unpaved parking areas.

(1) Limit vehicle speeds to 15 mph on all unpaved routes and parking areas.

(2) Apply water to unpaved haul routes and off-road traffic areas, including parking areas, and maintain in a stabilized condition.

(3) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on unpaved routes, off-road traffic areas, and parking areas.

(4) If water, surfactant, and/or Dust Palliative is not effective, apply and maintain Clean Gravel (or other suitable material approved by the Control Officer) on unpaved routes, off-road traffic areas, and parking areas.

(5) If a preexisting unpaved road or haul route is being used but is not permitted, it must be maintained in a stabilized condition. These unpaved roads or haul routes must not be changed in any way unless permitted or as approved by the Control Officer.

BMP 22 TRENCHING (Trenching with track- or wheel-mounted excavator, shovel, backhoe, or trencher)

22 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in soils before, during, and after Trenching activities to limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils before Trenching.

(2) Apply water, surfactant, or tackifier during Trenching activities to prevent unstable soil conditions, and limit Fugitive Dust by dedicating a water truck or large hose.

(3) Apply water, surfactant, and/or Dust Palliative to excavated soils to form a crust immediately following Trenching activities until the long-term stabilization requirements listed in BMP 11 are achieved.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

BMP 23 TRUCK LOADING (Loading trucks with materials including Construction and demolition debris, rock, and soil)

23 Requirements

(a) Maintain optimum moisture content in soil where support equipment and vehicles will operate to prevent unstable soil conditions and limit Fugitive Dust until the long-term stabilization requirements listed in BMP 11 are achieved.

(1) Pre-water surface soils where support equipment and vehicles will operate, and maintain in a moist condition.

(2) If water is not effective, apply and maintain a surfactant and/or Dust Palliative on surface soils as needed.

(b) Maintain optimum moisture content in material before, during, and after truck loading activities to limit Fugitive Dust.

(1) Mix material with water, surfactant, or tackifier prior to truck loading activities to limit Fugitive Dust.

(2) Empty loader bucket slowly and minimize the drop height while dumping.

Note: The appropriate Control Measure for the project soil type must be selected from Table 1.

Exhibit FFF – DCOP #54772 Notice of Noncompliance issued 12/6/2022

(Previously submitted for 10/2/2024 HB Meeting, EXH DD)

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Joe Yakubik | Project Name: Athens Customs

Location: 1028 E Athens Ave, Henderson, NV 89015

Dust Control Permit No: 54772 | Date: Dec 6, 2022 | Time: 10:30 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

No Valid Dust Control Permit – Meet BMP 11 – Long-Term Stabilization Requirements by close of business on 12/14/22.

Additional Instructions / Other Noncompliance Items
* All stockpiles and staging material must be removed and all soils stabilized to comply with BMP-11.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Responsible Official	Joe Yakubik
(Printed Name)	(Title)	(Company)

joe@assurednv.com
(Email Address)

Person Notified:

Dave Reynolds	Designated Onsite Representative	Assured Development, Inc.
(Printed Name)	(Title)	(Company)

info@assurednv.com
(Email Address)

DAQ Representative:

Nahulu Kahananui	725-272-3550
(Printed Name)	(Phone Number)

AMK

Exhibit GGG – DCOP #54772 closed on 12/13/2022

(Previously submitted for 10/2/2024 HB Meeting, EXH EE)

Dust Control Operating Permit (DCOP) Closure

Permit #: 54772.0

Closure Request Submittal Date: 12/8/2022 **DCOP Expiration Date:** 11/28/2022

Project Name: Athens Customs **Permittee:** Joe Yakubik

Location: 1028 E Athens Ave, Henderson, NV 89015

1st Cross Street: Racetrack Rd **2nd Cross Street:** Athens Ave **Proximity:** NE

Soil Stabilization

All permitted areas are built out and no disturbed areas remain. Project is complete.

YES

Any remaining areas greater than 1/4 acre that are not built out, paved, or landscaped have been treated for long term stabilization and access to the area has been blocked. Project is complete.

NO

Less than 1/4 acre of undeveloped area remains. DCOP is no longer required.

NO

Replaced by Permit No.

Other

Unpaved Areas

Are there any unpaved roads or easements remaining on or leading to the permitted site?

NO

Are there any unpaved areas remaining on the site that could be used for future parking or storage lots?

NO

Result:	Inspected By:	Inspected On:	Reviewer:	Reviewed On:
Approved	Nahulu Kahananui	12/12/2022	Katrinka Byers	12/13/2022

Inspector Notes: This site meets BMP 11 - Long-Term Stabilization Requirements. Site soil are stabile and less than 1/4 acre will be landscaped in the future.

Exhibit HHH – 911 audio recording from 1/19/2024

(Previously submitted for 10/2/2024 HB Meeting, EXH FF)

Exhibit - 911 audio recording from 1/19/2024

Exhibit III – City of Henderson Incident Report for 1/19/2024

THIS RECORD HAS BEEN REDACTED PURSUANT TO NRS 239B.030 / 603A.040 PERSONAL INFORMATION

Henderson Police Department

223 Lead Street, Henderson, Nevada 89015

Incident Report

Incident Number:

24-01257

HP240119000364

Administrative:

Incident Type:	**447 - CIVIL MATTER**	Report Type:	**Original Report**
Inc. Occurred Address:	**1028 Athens Ave**	Sector/Beat:	**C / E1**
Inc. Occurred Start:	**1/19/2024 11:24:00 AM**	Report Taken:	
Contact Nature:	**911**	Reported Date/Time:	**1/19/2024 11:24:00 AM**
Reporting Officer:	**GIORDANO, LOUIE**	Primary Assigned Officer:	**.**
Case Status:	**Closed**	Disposition: **Closed**	Disposition Date: **01/19/2024**

Mitigating Circumstances For Not Arrested:

Offenses:

Suspects:

Arrestees:

Victims:

Witnesses:

Other Entities:

Other Entitiy Type: **Other Individual** Name: **YAKUBIK, JOSEPH W**

SSN: **< Redacted >**	D.O.B: **< Redacted >**	Age:	Sex: **M - Male**	Race: **W - White**
Height: **6' 1"**	Weight: **195**		Eye Color: **BRO - Brown**	Hair Color: **BRO - Brown**
DL State: **Nevada**	DL #: **< Redacted >**		DL Exp Date:	
Address:	**1028 E Athens Ave, Henderson, NV 89015-4768, H - Home**			
Phone:	**(702) 868-0900 - M -**		Email Address:	
Occupation:			Employer/School:	

Other Entitiy Type: **Other Individual** Name: **DEAN, DAVID BURTON**

SSN: **< Redacted >**	D.O.B: **< Redacted >**	Age:	Sex: **M - Male**	Race: **W - White**
Height: **5' 10"**	Weight: **165**		Eye Color: **BLU - Blue**	Hair Color: **BRO - Brown**
DL State: **Nevada**	DL #: **< Redacted >**		DL Exp Date:	
Address:	**848 Hideaway Ter, Henderson, NV 89002-9686, H - Home**			

Phone:	**(702) 232-1183 - M -**	Email Address:	
Occupation:		Employer/School:	

Other Entitiy Type: **Other Individual** Name: **BYERS, KATRINKA LYNNA**

SSN: **< Redacted >**	D.O.B: **< Redacted >**	Age:	Sex: **F - Female**	Race: **W - White**
Height: **5' 7"**	Weight: **135.00**		Eye Color: **GRN - Green**	Hair Color: **BLN - Blond**
DL State: **Nevada**	DL #: **< Redacted >**		DL Exp Date:	
Address:	**8260 Coyado St,, LAS VEGAS, NV, H - Home**			
Phone:	**(702) 249-6093 - M -**		Email Address:	
Occupation:			Employer/School:	

Property:

Narrative:

1	Date:	Officer:	Subject:
	01/19/2024	GIORDANO, LOUIE	447 DR#24-01257

On 01/19/2024 at approximately 1119 hours Officer T. Travers P#2454 and I, Officer L. Giordano P#2493 were dispatched to 1028 Athens Avenue, Henderson, Nevada in reference to suspicious circumstances.

The details of the call stated that a white female adult and a white male adult were walking around the backyard of 1028 Athens Avenue taking pictures of the property while in the back yard of the residence. Henderson Dispatch also advised the two subjects arrived in a white truck that was parked behind the residence.

Officer Travers arrived on scene first and contacted a white female adult along with a white male adult, who the person reporting was calling about, in a desert lot nearby at 1028 Athens Avenue. There was also a white vehicle parked nearby the two subjects.

Officer Travers identified the two subjects as Katrinka Byers and David Dean It should be noted that the white vehicle nearby in the desert lot was marked with Clark County insignias, and also had Nevada exempt license plate of (EX79702). Katrinka and David had their Clark County identification badges hanging around their necks when officers spoke with them in the desert lot on 01/19/2024 during this call for service.

Katrinka stated that she is a senior air quality specialist with Clark County and David is the supervisor of air quality compliance for Clark County.

They also provided officers with Clark County Department emails which stated they had air quality compliance issues with the owner at 1028 Athens Avenue, Joseph Yakubik Katrinka provided officers with the emails and regarding this case and they were uploaded into digital evidence.Katrinka also completed a witness statement regarding what occurred.

Katrinka and David stated they were following up with an air quality compliance issue at 1028 Athens Avenue in Henderson, Nevada. They arrived at 1028 Athens Avenue at approximately 1120 hours on 01/19/2024, to investigate and take pictures of at 1028 Athens Avenue on their Clark County Air Quality case.

David stated that he drove their white department vehicle up the driveway entrance to 1028 Athens Avenue. He proceeded up the driveway and entered an open gate to the residence. Katrinka exited the vehicle with her department issued camera and badge hanging around her neck, and began walking around the backyard of the property documenting Clark County Air Quality violations she was investigating. Joseph was under investigation due to numerous violations at several of the homes he was building in the area and was supposed to have court yesterday. The court case was continued.

David stayed in the vehicle while Kartrinka was walking around the backyard taking pictures. He also advised officers that an

unknown female at the residence threatened to close an interior gate on him, so he would be stuck in the property. After hearing this, David moved the vehicle to avoid it from being stuck at 1028 Athens Avenue. Katrinka finished up taking pictures of the violations she was investigating and left the property with David.

While on scene, Katrinka allowed officers to view the pictures she took in the backyard of 1028 Athens Avenue. While viewing the pictures, I did not see any of the occupants at 1028 Athens Avenue being directly photographed. Katrinka took pictures of the desert area in the back yard and other building projects currently under construction for her Clark County Air Quality case she's investigating.

Officers also spoke with Joseph Yakubik who was on scene. Joseph stated that was notified by his family members currently staying inside at 1028 Athens Avenue, that they saw two subjects walking around their backyard. Joseph completed a witness statement and also wanted the two subjects who were later identified as Katrinka and David, trespassed from his property at 1028 Athens Avenue. Joseph also wanted to press charges against Katrinka and David for invasion of privacy since they were walking in his back yard. Joseph was also provided with extra witness statements which he wanted the workers at his residence to fill out as they saw Katrinka and David on the property.

Joseph advised that they did not drive down the driveway and entered through a closed back gate. While looking at the residence the "driveway" David drove down appears to be the main driveway/entrance however there is another driveway further up. It should also be noted that Katrinka took photos of the entrance prior to entering showing the gate was wide open. Furthermore once driving down the entrance a Fedex truck was leaving the property and driving down the same entrance David was driving down.

Joseph also was adamant about telling Katrinka and David they were trespassed from his property, but due to the fact Katrinka and David were their for a lawful reason (Clark County Air Quality Control), along to the fact Joseph is still actively conducting construction projects on his property, which require city/county inspections at 1028 Athens Avenue, officers did not trespass either subject.

Joseph was upset with officers after being told no criminal charges were being filed and that the two subjects (Katrinka and David) were not being trespassed from his property. Joseph was provided an Henderson report number and advised a report was being taken to document this incident.

Sergeant N. Stier P#1416 was summoned by Joseph after being told the subjects would not be trespassed or criminally charged. He arrived on scene to speak with Joseph regarding this incident. Joseph left the scene after speaking with Sergeant Stier and returned home which was nearby the desert lot. Sergeant Stier also spoke with Katrinka and David to fully understand why they were taking pictures in Joseph's back yard.

Sergeant Stier finished up speaking with Katrinka and David. Joseph was no longer on scene and was at his residence nearby.

Sergeant Stier drove over to Joseph's residence to speak with him and Joseph advised he was not interested in talking any further. Joseph also did not provide Sergeant Stier with the remaining witness statements he wanted to give to the workers at his residence to fill out.

Sergeant Stier further advised he has had to standby with City of Henderson inspectors at another one of Joseph's businesses due to his aggressive behavior.

This report was taken at the request of Joseph and was determined to be a civil matter. Katrinka and David were also provided with a copy of the report number.

I request this case to be closed.

CC: None
Attach: Yes
MVICS: Yes
Status: Closed

Narratives: (Officer Narratives)

HENDERSON POLICE DEPARTMENT

WITNESS STATEMENT

HPD 0155

PAGE 1 OF 1

DR# 24-01257

STATE OF NEVADA)
)
COUNTY OF CLARK)

SS: HENDERSON

DATE: 01-19-2024

TIME: 1218 HOURS

I, KATRINA BYERS, date of birth _____

Social Security Number _____ Occupation SENIOR AIR QUALITY SPECIALIST

Home Address _____, Email Address _____

Business Address 4701 W. RUSSELL RD LV NV 89118

Phone #'s: (H) _____ (W) 7024551642 (C) _____

do hereby make the following true statements to: GIORDANO P#2493 of the Henderson Police Department, of my own free will. There have been no threats, or promises of immunity or reward made to me to make this statement. It is further understood that this statement may be used either wholly or in part as evidence in a Court of Law. I can read this and write the English language.

My Supervisor, DAVID DEAN & I ENTERED Paul YAKUBIKS DRIVEWAY that is SHARED WITH HIS SON (JOE YAKUBIK). I OBSERVED WORKERS ONSITE BUILDING A POOL SHED & DISTURBED SOIL OVER .25 ACRES REQUIRING A DUST CONTROL PERMIT. I TOOK PHOTOS OF ALL DISTURBED AREAS ON BOTH LOTS. DURING THIS TIME A LADY CAME OUT FROM Paul YAKUBIKS HOME & REQUIRED US TO LEAVE HER PROPERTY THEREFORE TO LOCK US IN. MY SUPERVISOR DROVE THE CANARY VEHICLE TO ATHENS AVENUE & I WAS REQUIRED TO WALK AROUND JOE YAKUBIKS GARAGE TO EXIT OUT HIS DRIVEWAY AS THE LADY LOCKED THE GATE & PREVENTED ME FROM LEAVING THE WAY I ENTERED. I ALSO SPOKE TO Paul YAKUBIK REGARDING WHY I WAS ONSITE & HE WAS VERY PLEASANT :) & UNDERSTOOD. :)

K. Giordano P#2493
Officer

K R
Witness Signature

Information collected per NRS 179A.075.

HENDERSON POLICE DEPARTMENT

WITNESS STATEMENT

HPD 0155

PAGE 1 OF 1

DR# 24-01257

STATE OF NEVADA)
)
COUNTY OF CLARK)

SS: HENDERSON

DATE: 1/19/2024

TIME: 1217 Hours

I, Joe Yakubic, date of birth ____

Social Security Number ____ Occupation Self

Home Address 1023 E Athens Ave 89015, Email Address n/a

Business Address ____

Phone #'s: (H) 702 869 0903 (W) ____ (C) ____

do hereby make the following true statements to: GIORDANO P#2493
of the Henderson Police Department, of my own free will. There have been no threats, or promises of immunity or reward made to me to make this statement. It is further understood that this statement may be used either wholly or in part as evidence in a Court of Law.
I can read this and write the English language.

I received a call that two people were in my back yard taking pictures of my daughter in our house. When I arrived, two Clark County Air Quality Employees were at my home. I requested them to be trespassed from our property. Call details denial stating that trespass. Call details also advised one person left a text due to the employees advised him they were authorized to be at our home.

D. Giordano P#2493
Officer

Witness Signature

Information collected per NRS 179A.075.

Exhibit JJJ – Henderson Police bodycam video footage from 1/19/2024, Giordano BWC (Previously submitted for 10/2/2024 HB Meeting, EXH GG)

Exhibit JJJ – Henderson Police bodycam video footage from 1/19/2024, Giordano BWC

Exhibit KKK – Henderson Police bodycam video footage from 1/19/2024, Stier BWC (Previously submitted for 10/2/2024 HB Meeting, EXH HH)

Exhibit – Henderson Police bodycam video footage from 1/19/2024, Stier BWC

Exhibit LLL – Henderson Police bodycam script from video footage 01:00 – 02:50 on 1/19/2024, Stier BWC

Exhibit LLL – Henderson Police bodycam video footage from 1/19/2024, Stier BWC

1:00 – 2:50

STIER: Alright. Are you done?
YAKUBIK: Yeah, unless you have something new for me.
STIER: No, I gotta… he was just asking…. Uhhhh. If you have 8 statements from them. I looked at the pictures. The, The back gates wide open, they took pictures from far and before they approach and as they are actually going up they take pictures and the FedEx truck is blocking their path and going past them. So, I mean the FedEx is using the same road.
YAKUBIK: The, The reality is, it's my backyard, not my front yard.
STIER: And if they weren't aware of that, they are now.
YAKUBIK: They were, because we have other documentation that talks about my parents' house and .. I just got a copy of an email, and the email does not say that they are coming back out to inspect. Nor does the email just actually mean. They're in an active investigation per 1983? Issue, it's not your issue, I , we will deal with this on our end.
STIER: I think we've met before down at Street Burger?
YAKUBIK: I don't know, did we?
STIER: Yeah, cuz I think they had me standing by with uh, inspectors because they were going through all that stuff.
YAKUBIK: They took me…
STIER: They finally got it all open
YAKUBIK: They took me off the F**** uh, they took me off the no no fly list finally, and so uh, the uh, now I'm allowed to do my inspections without having stand by's.
STIER: Oh Ok, good. That was one time.
YAKUBIK: Its crazy, Its, it's insane dude, I I
STIER: You're doing a lot of building though
YAKUBIK: It's just its crazy to me that, that. Put yourself in my shoes
STIER: No, I completely understand where you're coming from
YAKUBIK: Your daughter calls you and says there's somebody taking pictures of me, I'm in my F**** underwear at the counter doing homework and..
STIER: And I went through the camera personally and there's no pictures even remotely close to windows, or anything like that. It's overall pictures of the outside
YAKBUK: And we, we we pulled video already and she's standing in the backyard with camera in her hand.
STIER: Oh , I understand but it's not zoomed in on any windows I guarantee it so
YAKUBIK: So it's like, we'll uh, look into it
STIER: and, I mean obviously whatever you have to do with your attorneys and with the county that's your right to do uh, but as far as criminal trespass it's just, it's just not there
YAKUBIK: It's there!
STIER: I'll be honest

YAKUBIK: They feel, they feel it's there, they're, they're filing the complaint right now. So uh.
STIER: They can do it, they can do it but as far as criminally out here, uh…I'm telling you right now it's just, it's just not there.
YAKUBK: Well….
STIER: With all the evidence we have so
YAKUBIK: Well hope… hopefully we have more evidence so it will be it
STIER: So, but the civil aspect of it, the civil aspect that's on you guys. And that's between uh you and the Clark County
YAKUBIK: And that's the DR number, right?
STIER: That's the report number that it's all going to be documented under… Cool?
YAKUBIK: Thank you Have a good weekend
STIER: Yeah, you too man

Exhibit MMM – Henderson Police bodycam video footage from 1/19/2024, Stier BWC2 (Previously submitted for 10/2/2024 HB Meeting, EXH II)

Exhibit MMM – Henderson Police bodycam video footage from 1/19/2024, Stier BWC2

Exhibit NNN – Henderson Police bodycam script from video footage 09:20 – 09:45 on 1/19/2024, Stier BWC2

Exhibit NNN – Henderson Police bodycam video footage from 1/19/2024, Stier BWC2 (DAQ_08996

9:20-9:45

STIER: I forgot I dealt with him before
Speaker 2: Have you?
STIER: During Street Burger when they were building that they had to keep doing inspections because he had a lot of things wrong. And it got to the point where he was so controversial to the inspectors that I had to be there with the Senior Invest… Or I mean Senior Management to stand there while he did inspections.
SPEAKER 2: Oh for Management

Exhibit OOO – Henderson Police bodycam video footage from 1/19/2024, Travers BWC BWC (Previously submitted for 10/2/2024 HB Meeting, EXH JJ)

Exhibit OOO – Henderson Police bodycam video footage from 1/19/2024, Travers BWC

Exhibit PPP – Henderson Police bodycam script from video footage 45:50 – 46:25 on 1/19/2024, Travers BWC

Exh PPP HPD_DR24_01257_Travers_BWC[REDACTED].v4

45:50-46:25:

TRAVERS: You never said they went through a closed gate either?
YAKUBIK: You're right. I was simply at the point saying, "where is the paperwork"?
TRAVERS: Right
SPEAKER 3: And they were told it was an open gate. So that's what I'm saying and we will go talk to them as well
YAKUBIK: Yeah.. I'm gonna, I'm gonna get statements from all the people. Saying it was a closed gate to... Uh..
TRAVERS: From your construction workers? I'll go talk to them. We don't want you to like manipulate them. No I'll go talk to them.
YAKUBIK: You're not authorized to go on my property
TRAVERS: What's that?
YAKUBIK: You're not authorized to go on my property
TRAVERS: We're not, Now you don't want us to do the investigation?
YAKUBIK: No
TRAVERS: Ok, cuz if you go tell them to say it that's gonna cause issues
YAKUBIK: OK
TRAVERS: OK.

Exhibit QQQ – Henderson Police bodycam script from video footage 52:40 – 53:10 on 1/19/2024, Travers

Exh QQQ HPD_DR24_01257_Travers_BWC[REDACTED].v4

52:40-53:10

TRAVERS: Yeah, that's what they said to me.

SPEAKER 1: Yeah.

TRAVERS: It seems like nothing they are doing is like, is like, uh,

SPEAKER 1: Malicious

TRAVERS: Malicious

SPEAKER 1: Yeah, but. This guy, like I said, based on past experience he does this every single time. There is nothing criminal and he's gonna raise it above us and that's fine. We're going to document what we have and our department is very well aware of this guy.

TRAVERS: Ok, cool. He's over there now talking to his contractors about.

SPEAKER 1: Telling them to tell him there's a fence

TRAVERS: I mean there's a fence surrounding his whole yard but it looks like its open in the back, so I just drove by to see.

SPEAKER 1: Down on the very bottom?

TRAVERS: Hmm Mmm.

SPEAKER 1: Well they have pictures of it open when they got here.

Assured Development, Inc., and Joseph Yakubik, Individually (DCOP #50962)

Appeal of NOV #9907

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Exhibit I – Air Quality Complaint Report (#75215), dated August 2, 2023..... NOV_9907_032

Exhibit J – Air Quality Construction Site Inspection Form #117356, dated August 2, 2023……. NOV_9907_034

Exhibit K – Air Quality Notice of Noncompliance for August 2, 2023..... NOV_9907_036

Exhibit L – Air Quality Construction Site Inspection Form #117553, dated August 9, 2023……. NOV_9907_041

Exhibit M – Air Quality Construction Site Inspection Form #117633, dated August 11, 2023….. NOV_9907_042

Exhibit N – Air Quality Construction Site Inspection Form #117754, dated August 17, 2023…..
..... NOV_9907_043

United States Postal Service Certified Mail Delivery Receipt for NOV #9907 to Joseph Yakubik and Assured Development, Inc., dated October 16, 2023 ..... NOV_9907_044

United States Postal Service Certified Mail Delivery Receipt for NOV #9907 to Assured Development, Inc. c/o Yarmy Law Firm, dated October 10, 2023..... NOV_9907_045

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

RECEIVED CC DAQ
2024 JUN 25 PM3:52

Appeal of Hearing Officer's Order

1. **Date of Appeal:** June 24, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9907 Hearing Date: June 17, 2024

Hearing Officer: Holly Fic

2. **Name, address, telephone number of Appellant:**

Name: Assured Development Inc and Joseph Yakubik
(Please print)

Address: C/O Right Lawyers 600 S. Tonopah Dr. Suite 300 Las Vegas NV 89106

Telephone: 702-445-4425 Fax: NA

Email: rock@rightlawyers.com

3. **Other person or persons authorized to receive service of notice:**

Name: _____
(Please print)

Address: _____

Telephone: _____ Fax: _____

Email: _____

4. **Type of business or activity and location of activity involved in the request:**

Development / Construction

5. **Reason for appeal:** ☐ **Facts alleged** ☐ **Penalty assessed** ■ **Both**

Provide a detailed explanation of the reason for your appeal:
Motion supporting appeal is attached.

6. **An application filing fee of $140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: R. Rocheleau Date: 6/24/2024

Printed Name: Rock Rocheleau

Title: Attorney for Atlas Holdings International LLC & Joseph Yakubik

FOR OFFICE USE ONLY

Application Received on June 25, 2024

Application Fee $140.00 - Check ✓ #7019 Received Date: 6/25/2024

air quality

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

ASSURED DEVELOPMENT, INC. AND JOSEPH YAKUBIK, INDIVIDUALLY
C/O ROCK ROCHELEAU, ESQ., 600 S. TONOPAH DR., #300
LAS VEGAS, NV 89106

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
068775	6/25/2024	GREEN	DUST CONTROL ENFORCEMENT	6/25/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	$140.00	$140.00
	06/25/2024 CHECK (7019)	PAYMENT		($140.00)

Notes: NOV #9907, Hearing Officer Appeal, Submitted 6/25/2024

Subtotal:	$140.00
Paid:	($140.00)
Adjustments:	$0.00
Balance Due:	$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9907 Issued to ASSURED DEVELOPMENT, INC. and JOSEPH YAKUBIK, Respondents.	ORDER

The above-entitled matter was heard on June 17, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and ASSURED DEVELOPMENT, INC. and JOSPEH YAKUBIK (**ASSURED DEVELOPMENT** and **YAKUBIK**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9907 was issued by Air Quality to Respondents ASSURED DEVELOPMENT and YAKUBIK on October 3, 2023 for alleged violation(s) of Dust Control Operating Permit #50962 (**Permit**) and the Clark County Air Quality Regulations (**AQRs**) at the Milan Customs construction site located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada. The violation(s) alleged in the NOV include:

   (a) Violation of AQR Sections 94.5(n)(1) and (2), and 94.13(b) for failing to implement control measures for long-term stabilization, as described in BMP 11 at permit closure.

2. The penalty recommended by Air Quality in NOV #9907 was $5,000.00.

3. The Hearing Officer finds that the violation(s) alleged in NOV #9907 occurred in that ASSURED DEVELOPMENT and YAKUBIK violated AQR Sections 94.5(n)(1) and (2), and 94.13(b) on July 13, 2023, and August 2, 9, 11 and 17, 2023.

4. **IT IS HEREBY ORDERED** that ASSURED DEVELOPMENT and YAKUBIK pay a penalty of Five Thousand and no/100 Dollars ($5,000.00) within 30 days of the date of this ORDER.

5. ASSURED DEVELOPMENT and YAKUBIK have the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars ($140.00), and (3) received by Air Quality within ten (10) days of ASSURED DEVELOPMENT and YAKUBIK's receipt of this ORDER.

DATED this 20th day of June, 2024.

Holly Fic (Jun 20, 2024 08:25 PDT)

Holly Fic
Hearing Officer

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

ıssell
NV 8 31
2) 455 Fa

October 3, 2023

CERTIFIED MAIL #9489 0090 0027 6458 6076 82
Joseph Yakubik, President and Responsible Official
E-mail: joe@assurednv.com
Assured Development, Inc.
P.O. Box 530778
Henderson, NV 89053

CERTIFIED MAIL #9489 0090 0027 6458 6076 99
Assured Development, Inc.
c/o Yarmy Law Firm
E-mail: chris@yarmylaw.com
7464 West Sahara Avenue
Las Vegas, NV 89117

NOTICE OF VIOLATION #9907

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Assured Development, Inc. (**Assured Development**) and Joseph Yakubik (**Yakubik**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Five Thousand and no/100 Dollars ($5,000.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. On July 9, 2022, Air Quality issued renewed Dust Control Operating Permit (**DCOP**) #50962 to Assured Development, for the 7.0-acre construction project named Milan Customs. A Dust Mitigation Plan was submitted with the DCOP application and was incorporated into DCOP #50962 whereby Assured Development agreed to comply with the control requirements for the selected Best Management Practices (**BMPs**). The Dust Mitigation Plan remained in effect with this renewal.

B. Air Quality Specialist Nahulu Kahananui (**Kahananui**) and Senior Air Quality Specialist Katrinka Byers (**Byers**) discovered the alleged violations while performing a permit closure inspection on July 13, 2023, a complaint investigation on August 2, 2023, and follow-up

inspections on August 9, 11, and 17, 2023, at the Milan Customs construction project, located at the northeast corner of Milan Street and Berlin Avenue, in Clark County, Nevada.

C. On July 27, 2022, at approximately 9:25 a.m., Air Quality Specialist Richard Wyse (**Wyse**) arrived at the Milan Customs construction site to conduct an expired permit inspection. The inspection report is attached hereto as **Exhibit B** and incorporated herein. During his inspection, Wyse observed an active construction site operating under a DCOP that had expired on July 8, 2022. Wyse left a telephone message for Yakubik, Responsible Official for Assured Development, concerning his observations of noncompliance and the issuance of a Notice of Non-Compliance (**NON**). The NON was emailed to Yakubik and Dave Reynolds (**Reynolds**), Designated Onsite Representative for Assured Development, and is attached hereto as **Exhibit C** and incorporated herein. Wyse concluded his inspection at approximately 9:40 a.m.

D. On July 31, 2022, at approximately 9:37 a.m., Assured Development submitted an application to Air Quality to renew DCOP #50962.

E. On July 8, 2023, DCOP #50962 expired. On July 10, 2023, Assured Development submitted a request to close the permit.

F. On July 13, 2023, at approximately 10:00 a.m., Kahananui arrived at the Milan Customs construction site to conduct a permit closure inspection. The inspection report is attached hereto as **Exhibit D** and incorporated herein. During his inspection, Kahananui observed that the site did not meet BMP 11 Long-Term Stabilization requirements, as shown in Photographs 1 through 4, and Map 1 attached hereto as **Exhibits E and F**, respectively, and incorporated herein. While onsite, Kahananui left a telephone message for Yakubik concerning his observations of noncompliance and the issuance of a NON. The NON was emailed to Yakubik and is attached hereto as **Exhibit G** and incorporated herein. The NON detailed Yakubik's options which were to renew DCOP #50962 or meet the long-term stabilization requirements. Kahananui concluded his inspection at approximately 10:15 a.m.

G. On August 1, 2023, at approximately 11:05 a.m., Yakubik sent an e-mail correspondence to Air Quality attached hereto as **Exhibit H** and incorporated herein. Within this correspondence, Yakubik stated that Assured Development was no longer in business and all construction activities occurring on DCOP #50962 were being performed by the property owners, not Assured Development. Byers responded to this e-mail correspondence on August 1, 2023, at approximately 4:45 p.m., informing Yakubik that Assured Development had submitted a request to close out the DCOP without complying with Air Quality's BMP 11 Long-Term Stabilization requirements, so it had been disapproved. Byers informed Yakubik that he must implement BMP 11 Long-Term Stabilization requirements before the DCOP can be closed.

H. On August 2, 2023, at approximately 10:15 a.m., Air Quality received a complaint (#75215) alleging work was occurring without a dust control sign or dust control, and that soil debris was being tracked out onto the street. The complaint report is attached hereto as **Exhibit I** and incorporated herein. At approximately 11:50 a.m. on the same day, Kahananui arrived at the Milan Customs construction site to conduct a complaint investigation. The inspection report is

attached hereto as **Exhibit J** and incorporated herein. During his investigation, Kahananui observed dry, loose, powdery soil conditions on an expired DCOP that did not meet BMP 11 Long-Term Stabilization requirements (**Exh. E, Photographs 5 through 8**). While onsite, Kahananui sent an e-mail to Yakubik concerning his observations of continued noncompliance and the issuance of a NON. The NON was emailed to Yakubik and is attached hereto as **Exhibit K** and incorporated herein. Kahananui concluded his inspection at approximately 12:25 p.m.

I. On August 9, 2023, at approximately 11:55 a.m., Kahananui arrived at the Milan Customs construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit L** and incorporated herein. During his inspection, Kahananui observed that the site still did not meet BMP 11 Long-Term Stabilization requirements (**Exh. E, Photographs 9 through 12**). Kahananui concluded his inspection at approximately 12:10 p.m.

J. On August 11, 2023, at approximately 9:30 a.m., Byers and Air Quality Supervisor David Dean (**Dean**) arrived at the Milan Customs construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit M** and incorporated herein. During the inspection, Byers and Dean observed dry, loose, and powdery site soils on an expired DCOP that did not meet BMP 11 Long-Term Stabilization requirements and more than 0.25 acres remaining to be built out (**Exh. E, Photographs 13 through 20**). Byers and Dean also observed no trackout control device at the exit onto Milan Street and no dust permit signage. Byers and Dean concluded the inspection at approximately 10:15 a.m.

K. On August 17, 2023, at approximately 12:20 p.m., Kahananui arrived at the Milan Customs construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit N** and incorporated herein. During his inspection, Kahananui observed an active construction site that has not met BMP 11 Long-Term Stabilization requirements (**Exh. E, Photographs 21 through 24**). Kahananui concluded his inspection at approximately 1:00 p.m.

II. VIOLATIONS

Violation 1:

By failing to implement control measures for long-term stabilization, as described in BMP 11 at permit closure, Assured Development violated AQR Sections 94.5(n)(1) and (2), and 94.13(b).

AQR Section 94.5(n) states:

> "(n) The Responsible Official shall:
>
> (1) Notify the Control Officer in writing within 10 days following the cessation of active operations on all or part of a Construction site when cessation will extend 30 days or longer. Stabilization shall also be implemented within 10 days, in accordance with BMP-11.

(2) Complete and submit a Dust Control Operating Permit Closure Form for approval to the Department within 10 days following the completion of a Construction project and/or expiration of the Dust Control Operating Permit. Prior to the submittal of the closure form, the Responsible Official shall:

(A) Implement a control method for long-term stabilization, as described in BMP 11, on all disturbed areas that are not built out, landscaped or Paved."

AQR Section 94.13(b) states:

"(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2)."

AQR Appendix 1, BMP 11 states:

"BMP 11 LONG-TERM STABILIZATION (Applies to disturbed land that is not built out, landscaped, or Paved at Permit closure)

11 Requirements

(a) Stabilize all disturbed land within 10 days of the completion of a project, or when active operations on all or part of the Construction site will cease for 30 days or more. Restrict access to these areas to prevent soil disturbance and maintain long-term stabilization. The Control Officer must approve the control method selected by the Permittee before its implementation. The Permittee shall select one or more of the following control methods:

(1) Pave.

(2) Apply Clean Gravel.

(3) Install permanent metal or wood fencing and/or a post and cable at least 3 feet high, or other similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(4) Install a dirt berm at least 4 feet high, or a similar barrier approved by the Control Officer, and stabilize soil with one of the following to create adequate crust:

(A) Water, or

(B) Dust Palliative.

(b) Installation of signs, as described below, is required if a dirt berm or similar barrier is used or if Clean Gravel is applied.

(1) Install orange "No Parking/Trespassing" signs with black lettering, at least 24 inches wide by 18 inches high, every 50 feet or as approved by the Control Officer (Table 2).

(2) Construct the sign(s) from materials capable of withstanding Clark County's harsh environment (e.g., wood, metal, plastic).

(3) Attach the sign(s) to a sturdy post, such as metal or wood, placed securely in the ground, or attach the sign(s) to a fence, barricade, or other stable object that is clearly visible.

(4) Post on or near the property boundary, the property corners, and at all access points; post no further than 50 feet apart.

(c) New Construction or modification of Paved roads must be stabilized consistent with Section 93 before the Dust Control Operating Permit (DCOP) is closed.

(1) Roads with vehicular traffic equal to 3,000 vehicles or fewer per day shall have a 4 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(2) Roads with vehicular traffic greater than 3,000 vehicles per day shall have an 8 foot Paved road shoulder or be stabilized with Clean Gravel, recycled asphalt, or traffic-rated Dust Palliative.

(3) All disturbed areas outside the road shoulder boundaries must be treated for long-term stabilization.

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality recommends a civil penalty in the amount of $5,000.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, November 16, 2023, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by November 2, 2023. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul (Oct 3, 2023 15:38 PDT)

for

Marci Henson
Director and Control Officer

Exhibits:

A. Penalty Calculation Table, NOV #9907
B. Air Quality Construction Site Inspection Form #106158, dated July 27, 2022
C. Air Quality Notice of Noncompliance for July 27, 2022
D. Air Quality Construction Site Inspection Form #116860, dated July 13, 2023
E. Digital Photographs 1 through 24
F. Map 1: Showing locations that did not meet BMP 11 Long-Term Stabilization requirements on July 13, 2023
G. Air Quality Notice of Noncompliance for July 13, 2023
H. E-mail Correspondence dated August 1, 2023
I. Air Quality Complaint Report (#75215), dated August 2, 2023
J. Air Quality Construction Site Inspection Form #117356, dated August 2, 2023
K. Air Quality Notice of Noncompliance for August 2, 2023
L. Air Quality Construction Site Inspection Form #117553, dated August 9, 2023
M. Air Quality Construction Site Inspection Form #117633, dated August 11, 2023
N. Air Quality Construction Site Inspection Form #117754, dated August 17, 2023

V. CORRECTIVE ACTION ORDER

Pursuant to AQR Section 4.3, Air Quality hereby orders Assured Development and Yakubik to take corrective actions to resolve the noncompliance with the AQRs as per the conditions stated below.

1. Within 10 days of receipt of this Notice of Violation (**NOV**), Assured Development and Yakubik shall implement control measures for long-term stabilization, as described in BMP 11, on all disturbed areas that are not built out, landscaped or paved.

2. Yakubik, in his individual capacity or on behalf of another Person, shall not apply for or obtain a DCOP for any construction site until such time as the NOV and Corrective Action Order (**CAO**) are completely resolved.

3. Yakubik shall not act as a responsible official for a DCOP for any construction site until such time as this NOV and CAO are completely resolved

Pursuant to AQR Section 4.3(c), Assured Development and Yakubik has the right to appeal this Corrective Action Order (**Order**) to the Air Pollution Control Hearing Officer. Any appeal of this Order shall be by written request to the Control Officer and received by Air Quality within ten days of Assured Development and Yakubik's receipt of this NOV, or this Order becomes final. An appealed order is temporarily stayed pending its disposition. An appealed order becomes final immediately upon its affirmation by the Hearing Officer. Failure to comply with the terms of a final order is a violation of AQRs.

for

Marci Henson
Director and Control Officer

amk

Exhibit A

NOV # 9907
Penalty Calculation Table
Assured Development, Inc. and Joseph Yakubik

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	7/13/2023, 8/2/2023, 8/9/2023, 8/11/2023, 8/17/2023	Failed to implement control measures for long-term stabilization, as described in BMP 11.	94.5(n)(1) and (2), and 94.13(b)	Exh. E, Photos 1 thru 24 Exh. F, Map 1	$ 1,000	5	N/A	0%	$ -	$ 5,000.00
									Total Penalty:	**$ 5,000.00**

Regulatory maximum: $10,000 per day, per violation

[AQR Section 9.1 & NRS 445B.640]

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit B

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 106158

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Richard Wyse	Jul 27, 2022	9:25 AM	9:40 AM	Expired Permit		**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	90 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Joe Yakubik	Responsible Official	Phone Message
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Not Applicable

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **Yes**

Project Soils:	Stable	Size of Instability:	
Trackout Device:	No - Not Practical	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	7 acres	Observed Acreage:	7 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	Yes	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted an expired permit inspection and observed over .25 acres of active construction remaining onsite. I left a message for Joe Yakubik, Responsible Official, and informed him that he must submit a Dust Control Operating Permit renewal by close of business July 29, 2022. I issued a Notice of Noncompliance (NON) with possibility of NOV.

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Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit C

NOTICE OF NONCOMPLIANCE

Issued To: Assured Development, Inc. | Project Name: Milan Customs

Location: NEC of Milan Street and Berlin Ave., Henderson

Dust Control Permit No: 50962 | Date: Jul 27, 2022 | Time: 9:40 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

No Valid Dust Control Permit – Submit a complete application for a Dust Control Permit to the Division of Air Quality. Comply by close of business on Jul 29, 2022. Permit late fees will apply.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Responsible Official	Assured Development, Inc.
(Printed Name)	(Title)	(Company)

info@assurednv.com
(Email Address)

Person Notified:

Dave Reynolds	Designated Onsite Representative	Assured Development, Inc.
(Printed Name)	(Title)	(Company)

info@assurednv.com
(Email Address)

DAQ Representative:

Richard Wyse	702-277-1187
(Printed Name)	(Phone Number)

AMK

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Fax Number: (702)383-9994

Exhibit D

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 116860

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Nahulu Kahananui	Jul 13, 2023	10:00 AM	10:15 AM	Permit Closure		**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	100 degrees	00-04 mph	0 mph	SW	Project Complete

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
Yes	No	Joe Yakubik	Responsible Official	Phone Message
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Failed BMP11 Requirements	Size of Instability:	
Trackout Device:	No - Not Practical	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	7 acres	Observed Acreage:	7 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a PCF inspection and observed the site does not meet BMP 11 - Long-Term Stabilization Requirements. I left a message with Joe Yakubik, Responsible Official, and directed to renew his DCOP. I also gave Mr. Yakubik options to have the site compliance or close out the permit. The options I gave Mr. Yakibik are as follows:
1. Renew DCOP by close of business on 7/18/23.
2. Renew DCOP and transfer the permit to another party. If you choose this option, please submit a renewal application by close of business on 7/18/23.
3. Have another party that is involved with the construction to apply for a new DCOP to take over the permit by close of business on 7/18/23. Any area that is not taken over must meet BMP 11 – Requirements by close of business on 7/27/23 (please see option #4 for the BMP 11 requirements).
4. Meet BMP 11 – Requirements by close of business on 7/27/23. To meet BMP – 11 site soil must be stabilized, apply clean gravel on the right-of-ways, remove all construction material, remove any construction equipment, remove all stockpiles, and block access to the undeveloped parcel(s).

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Fax Number: (702)383-9994

A Notice of Noncompliance with a possible Notice of Violation was issued to Assured Development, Inc. Mr. Yakubik has yet to respond, an email will be sent to Mr. Yakubik.

Exhibit E

Digital Photographs

Dust Control Permit #: **50962** Permittee: **Assured Development, Inc.**

Project Name: **Milan Customs** Photos taken by: **See photo description**

Photograph # 1 **Alleged Violation # 1**

View looking north at the southwest corner of Assured Development, Inc. Milan Customs project that does not meet BMP 11 - Long-Term Stabilization Requirements. Photo taken by N. Kahananui.

Photograph # 2 **Alleged Violation # 1**

View looking at stockpiles in the backyard of 740 N Naples St. of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 3 **Alleged Violation # 1**

View looking east at the north side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 4 **Alleged Violation # 1**

View looking south at construction material at the southeast corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 5 **Alleged Violation # 1**

View looking south at the southwest corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 6 **Alleged Violation # 1**

View looking north at the west side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 7 **Alleged Violation # 1**

View looking east at the north side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 8 **Alleged Violation # 1**

View looking south at construction material at the southeast corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 9 **Alleged Violation # 1**

View looking north at the west side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 10 **Alleged Violation # 1**

View looking northeast at the northwest corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 11 **Alleged Violation # 1**

View looking south at the construction material on the northeast corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 12 **Alleged Violation # 1**

View looking east at the south side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 13 **Alleged Violation #1**

View looking southeast at the south side of the project that does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 14 **Alleged Violation #1**

View looking north at the south side of the project that does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 15 **Alleged Violation #1**

View looking west at active construction activity within the middle portion of the project without a valid dust control permit. Photo taken by Katrinka Byers.

Photograph # 16 **Alleged Violation #1**

View looking north at the north end of the project that does not meet BMP 11 requirements. Photo taken by Katrinka Byers.

Photograph # 17 **Alleged Violation #1**

View looking southwest at the north side of the project that does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 18 **Alleged Violation #1**

View looking east at the north side of the project that does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 19 **Alleged Violation #1**

View looking northeast at dry, loose, and powdery soils in an area of the project that also does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 20 **Alleged Violation #1**

View looking north at dry, loose, and powdery soils in an area of the project that also does not meet BMP 11 Requirements. Photo taken by Katrinka Byers.

Photograph # 21 **Alleged Violation #1**
View looking west at the north side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 22 **Alleged Violation #1**
View looking southwest at the south side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 23 **Alleged Violation # 1**

View looking west at the north side of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Photograph # 24 **Alleged Violation # 1**

View looking north at the construction material on the southeast corner of the project that does not meet BMP 11 Requirements. Photo taken by N. Kahananui.

Dust 1 of 1
Permit: 50962
Permittee: Assured Development, Inc.
Mod No: 3
Contact: Joe Yakubik
Location: NEC of Milan Street and Berlin Ave., Henderson
Acres: 7
Address: P O Box 530778
City: Henderson
Phone: 702-868-0900
Cell Phone: 702-241-4040
Fax: 866-248-2564
Email: joe@assurednv.com
Issue: 9/12/2022
Expiration: 7/8/2023
Parcel: 16033899002
Project Name: Milan Customs
RO_Contact: Joe Yakubik
RO_Email: joe@assurednv.com
RO_CellPhone: 702-241-4040
DO_Contact: Dave Reynolds
DO_Email: info@assurednv.com
DO_CellPhone: 702-499-3283
Vacant Land
Hydro Basin 1 of 1
Hydro Area: 212
Hydro Area Name: Las Vegas Valley

? Links

Current Tool: Select Property

MAP 1 - Showing location that does not meet BMP 11 - Long-Term Stabilization Requirements.

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Fax Number: (702)383-9994

Exhibit G

NOTICE OF NONCOMPLIANCE

Issued To: Assured Development, Inc. Project Name: Milan Customs

Location: NEC of Milan Street and Berlin Ave., Henderson

Dust Control Permit No: 50962 Date: Jul 13, 2023 Time: 10:15 AM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

THIS SITE DOES NOT MEET BMP-11 LONG-TERM STABILIZATION REQUIREMENTS- PROJECT CLOSURE DISAPPROVED

Additional Instructions / Other Noncompliance Items

*** To be in compliance with Air Quality Regulations or to close out the permit please chose one of the following options:

1. Renew DCOP by close of business on 7/18/23.

2. Renew DCOP and transfer the permit to another party. If you choose this option, please submit a renewal application by close of business on 7/18/23.

3. Have another party that is involved with the construction to apply for a new DCOP to take over the permit by close of business on 7/18/23. Any area that is not taken over must meet BMP 11 – Requirements by close of business on 7/27/23 (please see option #4 for the BMP 11 requirements).

4. Meet BMP 11 – Requirements by close of business on 7/27/23. To meet BMP – 11 site soil must be stabilized, apply clean gravel on the right-of-way (Milan St, Berlin Ave, Athen Ave), remove all construction material, remove any construction equipment, remove all stockpiles, and block access to the undeveloped parcel(s).

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Responsible Official	Assured Development, Inc.
(Printed Name)	(Title)	(Company)

joe@assurednv.com

(Email Address)

(Printed Name)	(Title)	(Company)

info@assurednv.com

(Email Address)

DAQ Representative:

Nahulu Kahananui		725-272-3550
KLB (Printed Name)		(Phone Number)

Nahulu Kahananui

From: Nahulu Kahananui
Sent: Thursday, July 13, 2023 3:54 PM
To: Joe Yakubik
Cc: info@assurednv.com
Subject: DCOP #50962 Notice of Noncompliance
Attachments: 50962_20230713_NON-Rvd.pdf

Importance: High

Good afternoon,

Please review the attached Notice of Noncompliance (NON) with Air Quality Regulations (AQRs) for the Milan Customs project, DCOP# 50962, and comply with the requirements by the specified dates.

Per voice message, the site does not meet BMP 11 – Long-Term Stabilization Requirements. I did speak with my seniors about your situation. We do understand that your statement that Assured Development Inc. is no longer doing construction work in Nevada, however, it is still your responsibility, as the permittee, to meet BMP 11 Requirements to close out the permit. Below are the options you can take to put the site in compliance with Air Quality or to close out the permit. I have listed in the order on what we highly recommend.

1. We do highly recommend you renew DCOP #50962 because there are multiple things that must be done to meet BMP 11 – requirements. We give 10-business day to meet BMP 11 and we believe you most likely need more time for that. Additionally, we cannot extend that deadline because your permit is expired. If you choose this option, please submit a renewal application by close of business on 7/18/23.
2. You could also have another party that is involved with the construction to apply for a new DCOP to take over the permit. This option may be difficult because that other party may not take over the entire permit and any area that is not taken over must meet BMP 11 requirement. If you choose this option, please submit a renewal application by close of business on 7/18/23. Any area that is not taken over must meet BMP 11 – Requirements by close of business on 7/27/23 (please see option #4 for the BMP 11 requirements).
3. For this option you could renew DCOP #50962 and transfer the permit to another party. If you choose this option, please submit a renewal application by close of business on 7/18/23.
4. For the last option, you must meet BMP 11 – Requirements by close of business on 7/27/23. To meet BMP – 11 you must, stabilize all site soil, apply clean gravel on the right-of-way, remove all construction material, remove any construction equipment, remove all stockpiles, and block access to the undeveloped parcel(s).

Please contact me and let me know which option you will be pursuing. If I do not hear from you by close of business (COB) on 7/18/23,or do not receive any DCOP application by COB on 7/18/23, a possible Notice of Violation will be issued with civil penalties up to $10,000 per day.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This NON may result in a Notice of Violation (NOV) that may result in civil penalties. We appreciate your continued cooperation in maintaining compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

Thank you,

Nahulu Kahananui

Air Quality Specialist II
Clark County Department of Environment & Sustainability
4701 W Russell Road | Suite 200
Las Vegas, NV 89118
Desk: (702)455-1683
Cell: (725)272-3550
nahulu.kahananui@clarkcountynv.gov

Monday – Thursday, 7:00 AM – 5:30 PM

Nahulu Kahananui

From: Microsoft Outlook
To: Joe Yakubik; info@assurednv.com
Sent: Thursday, July 13, 2023 3:54 PM
Subject: Relayed: DCOP #50962 Notice of Noncompliance

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Joe Yakubik (joe@assurednv.com)

info@assurednv.com (info@assurednv.com)

Subject: DCOP #50962 Notice of Noncompliance

Exhibit H

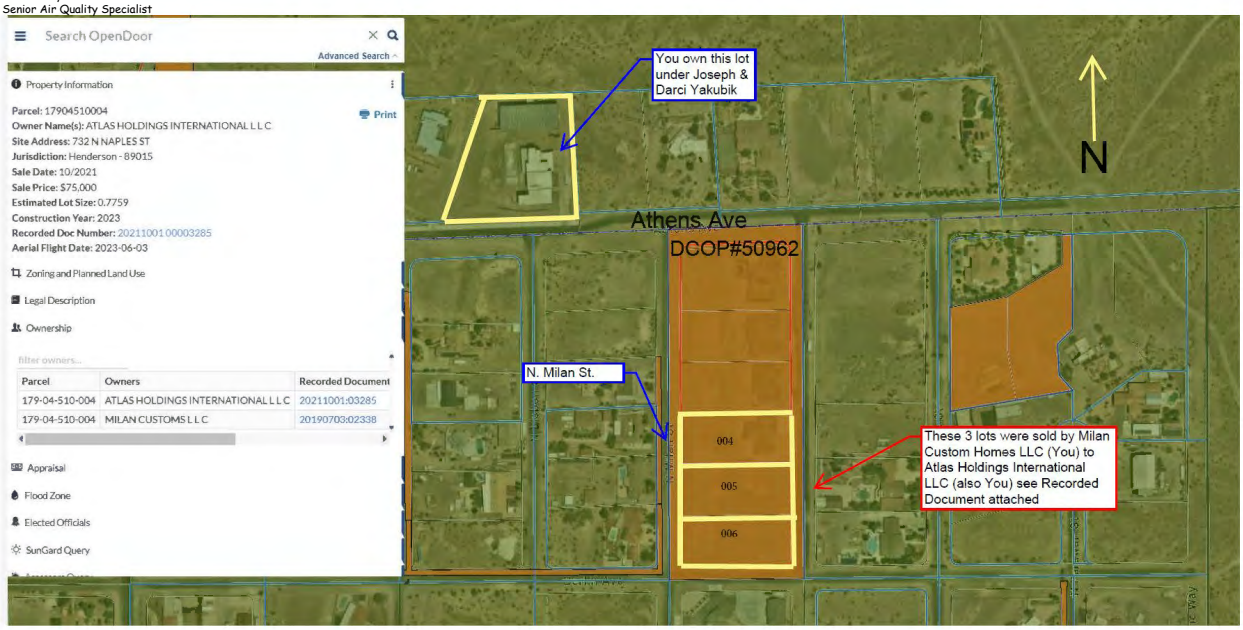
From: Katrinka Byers
To: Joe Yakubik
Cc: David Dean; Nahulu Kahananui; Andrew Kirk
Subject: Possible Notice of Violation for DCOP#50962
Date: Tuesday, August 1, 2023 4:45:00 PM
Attachments: image002.png
image003.png
image004.png
image006.png
50962_01_20230912_DCP_REN.pdf
image005.png
image007.png

Mr. Yakubik,

Thank you for your email reply. We are sorry to hear about Assured Development going out of business and we understand that you submitted a project closure form prior to leaving the office; however, you failed to communicate with your inspector (Nahulu Kahananui) and did not close out your permit according to BMP 11 (page 10) of your dust control permit. You applied control measures that met your standards not Air Quality's Regulations and your project closure was disapproved. In addition, you mentioned you sold the lots and are no longer responsible; however, according to the deed and records, Milan Custom LLC (you) sold the lots highlighted on the map below for parcels #004, 005, & 006 to Atlas Holdings International LLC (also YOU).

As indicated in my supervisor's email sent to you on July 27, 2023, your option is to comply and close out the permit or receive a Notice of Violation with a penalty of $500 per day that starts from the day the dust permit expired (July 8, 2023). As of tomorrow, the penalty amount is calculated at $12,000 and will continue accruing until the site is brought back into compliance. Again, the choice is yours.

Please respond back that you understand what is required to comply with Air Quality.
Sincerely,
Katrinka Byers
Senior Air Quality Specialist



Re: DCOP #50962 Notice of Noncompliance

Joe Yakubik <joe@assurednv.com>
To David Dean; Nahulu Kahananui
Cc Katrinka Byers
Retention Policy Inbox 180 (6 months)

Reply | Reply All | Forward

As I assume that your team received the auto response from my email, I was out of the office for the last three weeks and remitted the closure prior to my departure. As I indicated in the closure, Assured Development is no longer in business and all lots were stabilized. As that neighborhood is riddled with illegal grading, site work and construction, Assured has no control over what happens on site after they demobilized. The work you are seeing currently is from the property owners of 744 Naples (Dave Reynolds – who actual is the dust permit holder on the original application), and 740 Naples (they are digging a basement and have now dumped all their spoils on the lot across the street). I was out there this morning and the amount of activity without permitting that is going on within 200 yards of this project is very excessive. 732 Naples has no additional site construction other than landscaping, and 729 Milan and 724 Naples will obtain their own dust permits prior to commencement of construction (lots stabilized). The final grading was done on this site over a year ago.

As indicated, Assured Development is no longer operational. You can contact the law firm that is handling their wrap up at:

Assured Development, Inc.
c/o Yarmy Law Firm
7464 W Sahara Ave
Las Vegas, NV 89117
chris@yarmylaw.com

Please forward all future correspondence directly to them.

Thank you
Joe Yakubik

From: David Dean <Dean@ClarkCountyNV.gov>
Date: Thursday, July 27, 2023 at 7:24 PM
To: Nahulu Kahananui <Nahulu.Kahananui@ClarkCountyNV.gov>
Cc: Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>, Joe Yakubik <joe@assurednv.com>, Contact Email <info@assurednv.com>
Subject: RE: DCOP #50962 Notice of Noncompliance

Nahulu,

Please try and contact the permittee one more time. If they fail to respond prepare a Notice of Violation packet. Please ensure you inform them that this will be the last attempt to have them close the permit out or renew it. Please ensure you also inform them that the penalty is 500.00 per day and that starts from the day the Dust Permit expired. As of tomorrow the penalty will be $10,000.00.

Katrinka Byers

Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

Exhibit I

Complaint No. 75215

OBSERVED ON
Aug 2, 2023 10:15 AM

REPORTED ON
Aug 2, 2023 10:23 AM

COMPLAINT DESCRIPTION
Work on - no dust control sign posted, no dust control, tracking dirt on to street.

PROBLEM LOCATION
179-04-504-401, 744 Naples, 740 Naples, 179-04-502-006, 179-04-507-002, 179-04-603-012

INTAKE METHOD
Online

TYPE
Other

IS THE LEAK OCCURRING NOW?
—

DO YOU KNOW WHAT IS CREATING THE PROBLEM?
construction activity

CATEGORY
Dust Control Program

ASSIGNED TO
Nahulu Kahananui

Response

RESPONDED ON
Aug 2, 2023 11:50 AM

CLOSED ON
Aug 2, 2023 12:25 PM

Location

CONSTRUCTION PROJECT
Milan Customs (50962)

NEC of Milan Street and Berlin Ave., Henderson

Lake Mead Pkwy/Athens Ave, SE

PROJECT ATTRIBUTES
Residential Construction

REGION
ESE(N) - East/Southeast (North)

HYDROGRAPHIC AREA
212 Las Vegas Valley

PARCEL NUMBER
179-04-510-001

STREET
—

CITY
—

ZIP CODE
—

PARCEL NUMBER
—

MAJOR CROSS STREETS
—

Complainant

Complainant asked to remain anonymous

NAME
[redacted]

EMAIL
[redacted]

HOME PHONE
—

WORK PHONE
—

MOBILE PHONE
—

MAILING ADDRESS
[redacted]

COMPLAINANT WANTS INVESTIGATION FINDINGS?
Yes

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Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 117356

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Nahulu Kahananui	Aug 2, 2023	11:50 AM	12:25 PM	Complaint	75215	**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy		87 degrees	10-14 mph	0 mph	NE	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Joe Yakubik	Responsible Official	Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued Notice of Noncompliance	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.1 acres
Trackout Device:	No - Not Practical	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	7 acres	Observed Acreage:	7 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a complaint investigation/Follow up inspection and observed the following; the site still does not meet BMP 11, DCOP is expired since 7/8/23, and approximately 0.1 acre of dry, powdery, loose site soil. I will be emailing Joe Yakubik, Complainant & Responsible Official, and I will direct him to meet BMP 11 by close of business on 8/7/23, and stabilize site soil immediately. A Notice of Noncompliance with a possible Notice of Violation will be issued to Assured Development, Inc. In my email to Mr. Yakubik, I will explain that the new NON will be issued for an expired DCOP because he failed to meet the stipulation for the BMP 11 NON that was issued on 7/13/23. Additionally, the four other parcel that was listed in the complaint appear to be disturbed but site soils are stable. These four parcels are in compliance with AQRs section 94, however, the 4 parcel will be monitored under section 90. In the email I will instruct Mr. Yakubik to Meet BMP 11 - Long-Term Stabilization by close of business on 8/7/23 by doing the following:
- Apply clean gravel on all right-of-way on Milan St, Berlin Ave, & Athens Ave.
-Remove stockpiles and construction material from undeveloped areas.
-Block access by using any of the approve BMP 11 requirement that can be found in your permit (I have also attached a copy of the requirement in the email).

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-Submit PCF once BMP 11 requirements have been met.
At this time Mr. Yakubik has not responded to my email.

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Fax Number: (702)383-9994

Exhibit K

NOTICE OF NONCOMPLIANCE

Issued To: Assured Development, Inc. | Project Name: Milan Customs

Location: NEC of Milan Street and Berlin Ave., Henderson

Dust Control Permit No: 50962 | Date: Aug 2, 2023 | Time: 12:25 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.

No Valid Dust Control Permit – Meet BMP 11 – Long-Term Stabilization requirement and submit a Permit Closure Form by close of business on 8/7/23.

Additional Instructions / Other Noncompliance Items
Meet BMP 11 - Long-Term Stabilization by close of business on 8/7/23 by doing the following:
- Apply clean gravel on all right-of-ways on Milan St, Berlin Ave, & Athens Ave.
- Remove all stockpiles and construction material/equipment on undeveloped areas.
- Block access by using any of the approved BMP 11 requirements that can be found in your permit (I have also attached a copy of the requirements in the email).
- Submit Permit Closure Form once these BMP 11 requirements have been met.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Person Notified:		
Joe Yakubik	Responsible Official	Assured Development, Inc.
(Printed Name)	(Title)	(Company)
joe@assurednv.com		
(Email Address)		

Person Notified:		
(Printed Name)	(Title)	(Company)
info@assurednv.com		
(Email Address)		

DAQ Representative:	
Nahulu Kahananui	725-272-3550
(Printed Name)	(Phone Number)

AMK

Nahulu Kahananui

From: Nahulu Kahananui
Sent: Thursday, August 3, 2023 8:14 AM
To: Joe Yakubik; info@assurednv.com
Cc: David Dean; Katrinka Byers; Andrew Kirk
Subject: Complaint #75215/ DCOP #50962 -NON
Attachments: BMP 11 & BMP 12.pdf; 50962_20230802_NON-Rvd.pdf

Tracking:

Recipient	Delivery
Joe Yakubik	
info@assurednv.com	
David Dean	Delivered: 8/3/2023 8:14 AM
Katrinka Byers	Delivered: 8/3/2023 8:14 AM
Andrew Kirk	Delivered: 8/3/2023 8:14 AM

Good morning Mr. Yakubik,

Yesterday, I conducted a follow up inspection for the BMP 11 Notice of Noncompliance (NON) that was issued on 7/13/23. Additionally, I conducted a complaint investigation that was reported by you under complaint #75215. In this email I will discuss the finding for Complaint #75215 that you requested & and I will also discuss a NON I will be issuing for unstable soils and expired DCOP.

First, I would like to discuss my finding for Complaint #75215. Here you reported that four vacant parcels and two parcels with homes were working without DCOP, no signs posted, no dust control, and trackout on the road. When I did my investigation, I did not observe any trackout near the six parcel you reported. It may have been clean up prior to my arrival. For the four vacant parcels, they do not have DCOP and are in compliance with AQ section 94. However, I did observe that these four sites appears to have been disturbed one way or another, but the site soils were stable. I will be monitoring these sites to ensure their compliance under AQ Section 90. For the two parcels (744 & 740 Naples), I did observed approximately 0.1 acres of dry, loose, powdery site soil. I do have to inform you, that as the responsible official for DCOP #50962, you are still responsible for Dust control for those two parcels as it is still under your DCOP and site soil need to be stabilized immediately. I will be talking to the home owners as well, to discuss Section 94 regulation with them. I did see some worker on site, and I did speak to them to make sure they stabilize the soil.

I will be issuing a NON for unstable soils. The site soils need to be stabilized immediately and the site soils need to be kept in a damp or crusted condition 24/7. Additionally, since you did not meet the requirement for the BMP 11 NON that was issued on 7/13/23 by the deadline, I will be also issuing a NON for an expired DCOP. The DCOP has been expired since 7/8/23. I am directing you to meet BMP 11 – Long- term stabilization by close of business on 8/7/23. To meet BMP 11 you must do the following by close of business on 8/7/23:

1. Remove all stockpiles, and construction material off any undeveloped area.
2. Apply clean gravel on the right-of-way near E Athens Ave, Milan St, & Berlin Ave
3. Block access to the site as required by BMP 11 which can be found in your permit (ex: Berm with No Trespass signs (signs), dust palliative with signs, Clean gravel with sign, permanent fence, etc.) I also attached a copy of BMP 11 requirement in this email
4. Submit Permit closure request once the BMP 11 requirements have met.

Please review the attached Notice of Noncompliance (NON) with Air Quality Regulations (AQRs) for the Milan Customs project, DCOP# 50962, and comply with the requirements by the specified dates.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This NON may result in a Notice of Violation (NOV) that may result in civil penalties. We appreciate your continued cooperation in maintaining compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

Thank you,

Nahulu Kahananui

Air Quality Specialist II
Clark County Department of Environment & Sustainability
4701 W Russell Road | Suite 200
Las Vegas, NV 89118
Desk: (702)455-1683
Cell: (725)272-3550
nahulu.kahananui@clarkcountynv.gov

Monday – Thursday, 7:00 AM – 5:30 PM

Nahulu Kahananui

From: Microsoft Outlook
To: Joe Yakubik; info@assurednv.com
Sent: Thursday, August 3, 2023 8:14 AM
Subject: Relayed: Complaint #75215/ DCOP #50962 -NON

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Joe Yakubik (joe@assurednv.com)

info@assurednv.com (info@assurednv.com)

Subject: Complaint #75215/ DCOP #50962 -NON

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit L

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 117553

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Nahulu Kahananui	Aug 9, 2023	11:55 AM	12:10 PM	Follow-up		**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	101 degrees	05-09 mph	0 mph	S	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Failed BMP11 Requirements	Size of Instability:	
Trackout Device:	No - Not Practical	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	7 acres	Observed Acreage:	7 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a follow up inspection and observed the site still doesn't meet BMP 11 Long-Term Stabilization Requirements. This is another day of violation which could lead to a Notice Violation. This violation is related to NON issued on 7/13/23 and 8/2/23. Per Supervisor David Dean, Joe Yakubik, Responsible Official, has made contact via email stating his attorney Mr. Yarmy will work with the department in getting a resolution. I did not contact Mr. Yakubik.

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DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit M

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 117633

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Aug 11, 2023	9:30 AM	10:15 AM	Follow-up		**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	92 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.77 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:		Observed Acreage:		Project Size:	Greater than permitted
Staging/Parking Area:		DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

My supervisor, David Dean & I conducted a follow-up/expired permit inspection and observed workers onsite operating in dry, loose powdery site soils with no available BACM. I also observed over .25 acres remaining to be built out, landscaped and paved with multiple stockpiles of soil and staging materials throughout the lots, no trackout control device at the exit point on Milan Street and no dust permit sign posted. I took photos of the site and documented my findings. This is another possible day of violation with civil penalties. The site is currently being represented by Steven Yarmy Law. All communication is required to be sent through Clark County Air Quality's Deputy DA, Catherine Jorgenson. I sent an email to my supervisor, David Dean, requesting our inspections findings be sent to Ms. Jorgenson and this was another possible day of violation. NOTE: During our inspection, a black SUV was following our county vehicle using a cell phone to video our inspection. When we stopped the county vehicle to get out and take photos of the site, the black SUV drove away. The intent of the black SUV is not clear; however, per AQR 94.5(f)(1), Control Officers have permission to enter a jobsite for inspection to confirm compliance with permit conditions until the permit is closed. I requested this regulation be passed on to Mr. Yakubik for his records.

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit N

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 117754

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Nahulu Kahananui	Aug 17, 2023	12:20 PM	1:00 PM	Follow-up		**50962**

Permittee:	Project Name:	Project Location:
Assured Development, Inc.	Milan Customs	NEC of Milan Street and Berlin Ave., Henderson

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	104 degrees	00-04 mph	0 mph	NE	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Failed BMP11 Requirements	Size of Instability:	
Trackout Device:	No - Not Practical	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	7 acres	Observed Acreage:	7 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

I conducted follow up inspection and observed the site is still active and BMP 11 requirements has not been met. I also observed the site soil has been stabilized possibly from the recent rain. This is another day of violation which may lead to Notice of Violation may be issued. I did not contact the Responsible official.

UNITED STATES POSTAL SERVICE

November 1, 2023

Dear pamela NOV 9907:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6458 6076 82**.

Item Details

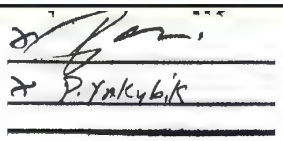
Status:	Delivered, Left with Individual
Status Date / Time:	October 16, 2023, 1:42 pm
Location:	HENDERSON, NV 89012
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

November 1, 2023

Dear pamela NOV 9907:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6458 6076 99**.

Item Details

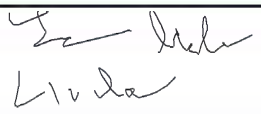
Status:	Delivered, Left with Individual
Status Date / Time:	October 10, 2023, 12:00 pm
Location:	LAS VEGAS, NV 89117
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

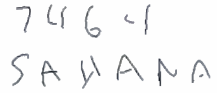
Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Atlas Holdings International LLC, and Joseph Yakubik, Individually (Construction Project #57391)

Appeal of NOV #9946

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Exhibit B – Acreage Map: Showing size of unpermitted soil disturbance from construction activities observed on November 8, 2023 ..... NOV_9946_007

Exhibit C – Air Quality Construction Site Inspection Form #135551, dated November 8, 2023 ..... NOV_9946_008

Exhibit D – Digital Photographs 1 through 15 ..... NOV_9946_009

Exhibit E – Map 1: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 8, 2023 ..... NOV_9946_017

Exhibit F – Air Quality Notice of Noncompliance for November 8, 2023 ..... NOV_9946_018

Exhibit G – Air Quality Construction Site Inspection Form #136000, dated November 15, 2023 ..... NOV_9946_020

Exhibit H – Map 2: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 15, 2023 ..... NOV_9946_021

Exhibit I – E-mail Correspondence, dated November 16, 2023 ..... NOV_9946_022

Exhibit J – Air Quality Construction Site Inspection Form #136097, dated November 20, 2023 ..... NOV_9946_023

Exhibit K – Map 3: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 20, 2023 ..... NOV_9946_024

Exhibit L – E-mail Correspondence, dated November 21, 2023 ..... NOV_9946_025

Exhibit M – E-mail Correspondence, dated December 4, 2023 ..... NOV_9946_026

Exhibit N – Air Quality Construction Site Inspection Form #136513, dated December 11, 2023 ..... NOV_9946_028

Exhibit O – Map 4: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on December 11, 2023..... NOV_9946_029

United States Postal Service Certified Mail Delivery Receipt for NOV #9946 to Joseph Yakubik, delivered December 23, 2023..... NOV_9946_030

United States Postal Service Certified Mail Delivery Receipt for NOV #9946 to Global Equity Holdings, Inc., Manager and Registered Agent for Atlas Holdings International LLC, delivered December 23, 2023 ..... NOV_9946_031

Federal Express Delivery Receipt for NOV #9946 to Joseph Yakubik, Atlas Holdings International LLC c/o Yarmy Law Firm, delivered December 22, 2023 ..... NOV_9946_032

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

RECEIVED CC DAQ
2024 JUN 25 PM3:52

Appeal of Hearing Officer's Order

1. **Date of Appeal:** June 24, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9946 Hearing Date: June 17, 2024

Hearing Officer: Holly Fic

2. **Name, address, telephone number of Appellant:**

Name: Atlas Holdings International LLC and Joseph Yakubik
(Please print)

Address: C/O Right Lawyers 600 S. Tonopah Dr. Suite 300 Las Vegas NV 89106

Telephone: 702-445-4425 Fax: NA

Email: rock@rightlawyers.com

3. **Other person or persons authorized to receive service of notice:**

Name: _____
(Please print)

Address: _____

Telephone: _____ Fax: _____

Email: _____

4. **Type of business or activity and location of activity involved in the request:**

Development / Construction

5. **Reason for appeal:** ☐ **Facts alleged** ☐ **Penalty assessed** ■ **Both**

Provide a detailed explanation of the reason for your appeal:
Motion supporting appeal is attached.

6. **An application filing fee of $140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: R. Rocheleau Date: 6/24/2024

Printed Name: Rock Rocheleau

Title: Attorney for Atlas Holdings International LLC & Joseph Yakubik

FOR OFFICE USE ONLY

Application Received on June 25, 2024

Application Fee $140.00 - Check ✓ #7019 Received Date: 6/25/2024

air quality

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

ATLAS HOLDING INTERNATIONAL LLC & JOSEPH YAKUBIK, INDIVIDUALLY
C/O ROCK ROCHELEAU, ESQ., 600 E. TONOPAH DR., #300
LAS VEGAS, NV 89106

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
068776	6/25/2024	GREEN	DUST CONTROL ENFORCEMENT	6/25/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	$140.00	$140.00
	06/25/2024 CHECK (7019)	PAYMENT		($140.00)

Notes: NOV #9946, Hearing Officer Appeal, Submitted 6/25/2024

Subtotal:	$140.00
Paid:	($140.00)
Adjustments:	$0.00
Balance Due:	$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9946 Issued to ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK, Respondents.	ORDER

The above-entitled matter was heard on June 17, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK (**ATLAS HOLDINGS** and **YAKUBIK**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9946 was issued by Air Quality to Respondents ATLAS HOLDINGS and YAKUBIK on December 20, 2023 for alleged violation(s) of the Clark County Air Quality Regulations (**AQRs**) at the 732 & 724 Naples | 729 Milan construction site, located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, in Clark County, Nevada. The violation(s) alleged in the NOV include:

(a) Violation of AQR 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.

2. The penalty recommended by Air Quality in NOV #9946 was $5,937.50.

3. The Hearing Officer finds that the violation(s) alleged in NOV #9946 occurred in that ATLAS HOLDINGS and YAKUBIK violated AQR Sections 94.13(a) and (b) on November 8, 15, and 20, 2023, and December 11, 2023.

///

4. **IT IS HEREBY ORDERED** that ATLAS HOLDINGS and YAKUBIK pay a penalty of Five Thousand Nine Hundred Thirty-Seven and 50/100 Dollars ($5,937.50) within 30 days of the date of this ORDER.

5. ATLAS HOLDINGS and YAKUBIK have the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars ($140.00), and (3) received by Air Quality within ten (10) days of ATLAS HOLDINGS and YAKUBIK's receipt of this ORDER.

DATED this 20th day of June, 2024.

Holly Fic (Jun 20, 2024 08:25 PDT)

Holly Fic
Hearing Officer

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability
4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

December 20, 2023

CERTIFIED MAIL #9489 0090 0027 6412 4178 38
Joseph Yakubik, Manager and Responsible Official
E-mail: joe@assurednv.com
P.O. Box 530778
Henderson, NV 89053

CERTIFIED MAIL #9489 0090 0027 6412 4178 45
Global Equity Holdings, Inc., Manager and Registered Agent for
Atlas Holdings International LLC
P.O. Box 530778
Henderson, NV 89053

FEDERAL EXPRESS TRK # 7745 6508 2241
Joseph Yakubik
Atlas Holdings International LLC
c/o Yarmy Law Firm
E-mail: sly@stevenyarmylaw.com
E-mail: chris@yarmylaw.com
7464 West Sahara Avenue
Las Vegas, NV 89117

NOTICE OF VIOLATION #9946

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Atlas Holdings International LLC (**Atlas Holdings**) and Joseph Yakubik (**Yakubik**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Five Thousand Nine Hundred Thirty-Seven and 50/100 Dollars ($5,937.50) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. Senior Air Quality Specialists Katrinka Byers (**Byers**) and Andrew Kirk (**Kirk**) discovered the alleged violations while performing routine patrol resulting in an initial inspection on November 8, 2023, and follow-up inspections on November 15 and 20, and December 11,

2023, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada.

B. On November 8, 2023, at approximately 7:05 a.m. and 7:12 a.m., Air Quality received two Dust Control Operating Permit (**DCOP**) applications for 729 North Milan Street and 724 North Naples Avenue.

C. On November 8, 2023, at approximately 1:30 p.m., Byers and Kirk (**Staff**) were on routine patrol when they observed construction activities occurring on approximately 2.1 acres of unpermitted area within parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006 as shown in the Acreage Map attached hereto as **Exhibit B** and incorporated herein. They stopped to perform an inspection. The inspection report is attached hereto as **Exhibit C** and incorporated herein. Staff assigned project number 57391 to their inspection for tracking purposes. During Staff's inspection, they observed approximately 1.75 acres of dry, loose, and powdery soil conditions and no trackout control device, as shown in Photographs 1 through 4 and Map 1, attached hereto as **Exhibits D** and **E**, respectively, and incorporated herein. Staff also observed the noncompliance issues occurred within 1,000 feet of a residential area (**Exh. E**). Staff concluded their inspection at approximately 2:30 p.m.

D. On November 9, 2023, Byers e-mailed Joseph Yakubik (**Yakubik**), Manager and Responsible Official for Atlas Holdings, concerning her observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was included in the e-mail to Yakubik and is attached hereto as **Exhibit F** and incorporated herein. In the NON, Byers also explained that the two applications that were submitted would be withdrawn. Air Quality requires parcels that are under common control and that are contiguous and adjacent to be under a single permit.

E. On November 15, 2023, at approximately 2:45 p.m., Kirk arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit G** and incorporated herein. During his inspection, Kirk observed approximately 1.75 acres of dry, loose, and powdery site soils and no trackout control device as shown in Photographs 5 through 8 (**Exh. D**) and Map 2, attached hereto as **Exhibit H** and incorporated herein. Kirk also observed the noncompliance issues occurred within 1,000 feet of a residential area (**Exh. H**). Kirk concluded his inspection at approximately 3:15 p.m.

F. On November 16, 2023, at approximately 8:54 a.m., Kirk sent an e-mail correspondence to Steven Yarmy (**Yarmy**), Lawyer for Yakubik and Atlas Holdings, attached hereto as **Exhibit I** and incorporated herein. Within this correspondence, Kirk stated that a NON was issued to Yakubik and Atlas Holdings on November 8, 2023, requiring a DCOP application be submitted to Air Quality by November 10, 2023, all site soils be stabilized immediately and maintained in a moist or crusted condition 24 hours a day, 7 days a week, and trackout control devices be installed by November 13, 2023. The e-mail further informed Yarmy of Kirk's November 15, 2023, follow-up inspection findings, stated the requirements were still not met, and the project was still in non-compliance.

G. On November 20, 2023, at approximately 2:10 p.m., Kirk arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During his inspection, Kirk observed approximately 1.75 acres of dry, loose, and powdery site soils and no trackout control device as shown in Photographs 9 through 12 (**Exh. D**) and Map 3, attached hereto as **Exhibit K** and incorporated herein. Kirk also observed the noncompliance issues occurred within 1,000 feet of a residential area (**Exh. K**). Kirk concluded his inspection at approximately 2:35 p.m.

H. On November 21, 2023, at approximately 12:30 p.m., Kirk sent an e-mail correspondence to Yarmy, attached hereto as **Exhibit L** and incorporated herein. Within this correspondence, Kirk stated the requirements outlined in the NON (**Exh. F**) and November 16, 2023 e-mail (**Exh. I**) were still not met, provided his November 20, 2023 follow-up inspection findings, and re-iterated the project was still in non-compliance.

I. On November 29, 2023, at approximately 11:27 a.m., Atlas Holdings and Yakubik submitted a DCOP application for parcel numbers 179-04-510-003, 179-04-510-004, 179-04-510-005, and 179-04-510-006. On December 4, 2023, at approximately 8:29 a.m., Air Quality Supervisor Anna Sutowska (**Sutowska**) sent an e-mail correspondence to Yarmy inquiring why parcel number 179-04-510-003, located at 736 Naples Street, was being included in the application. The email correspondence is attached hereto as **Exhibit M** and incorporated herein.

J. On December 11, 2023, at approximately 9:50 a.m., Kirk arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit N** and incorporated herein. During his inspection, Kirk observed approximately 0.75 acres of dry, loose, and powdery site soils as shown in Photographs 13 through 15 (**Exh. D**). Two trackout control devices had been installed since the last inspection on November 20, 2023. Kirk also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 4, attached hereto as **Exhibit O** and incorporated herein. Kirk concluded his inspection at approximately 10:20 a.m.

II. VIOLATIONS

Violation 1:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, Atlas Holdings and Yakubik violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

> "(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2)."

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violations on November 8, 15, and 20, 2023 for unstable soil on site > 1 acre and ≤ 5 acres; and
- Violations occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraphs I.C, I.E, I.G, and I.J above (**Exh. E, H, K, and O**).

Air Quality recommends a civil penalty in the amount of $5,937.50 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, January 18, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by January 4, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul
Shibi Paul (Dec 20, 2023 15:31 PST)

Shibi Paul
Compliance and Enforcement Manager

Exhibits:

A. Penalty Calculation Table, NOV #9946
B. Acreage Map: Showing size of unpermitted soil disturbance from construction activities observed on November 8, 2023
C. Air Quality Construction Site Inspection Form #135551, dated November 8, 2023
D. Digital Photographs 1 through 15
E. Map 1: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 8, 2023
F. Air Quality Notice of Noncompliance for November 8, 2023
G. Air Quality Construction Site Inspection Form #136000, dated November 15, 2023
H. Map 2: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 15, 2023
I. E-mail Correspondence dated November 16, 2023
J. Air Quality Construction Site Inspection Form #136097, dated November 20, 2023
K. Map 3: Showing approximate size and location of dry, powdery soil conditions within 1,000 feet of a residential area on November 20, 2023
L. E-mail Correspondence dated November 21, 2023
M. E-mail Correspondence dated December 4, 2023
N. Air Quality Construction Site Inspection Form #136513, dated December 11, 2023
O. Map 4: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on December 11, 2023

sjg

Exhibit A

NOV # 9946
Penalty Calculation Table
Atlas Holdings International LLC and Joseph Yakubik, Individually

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

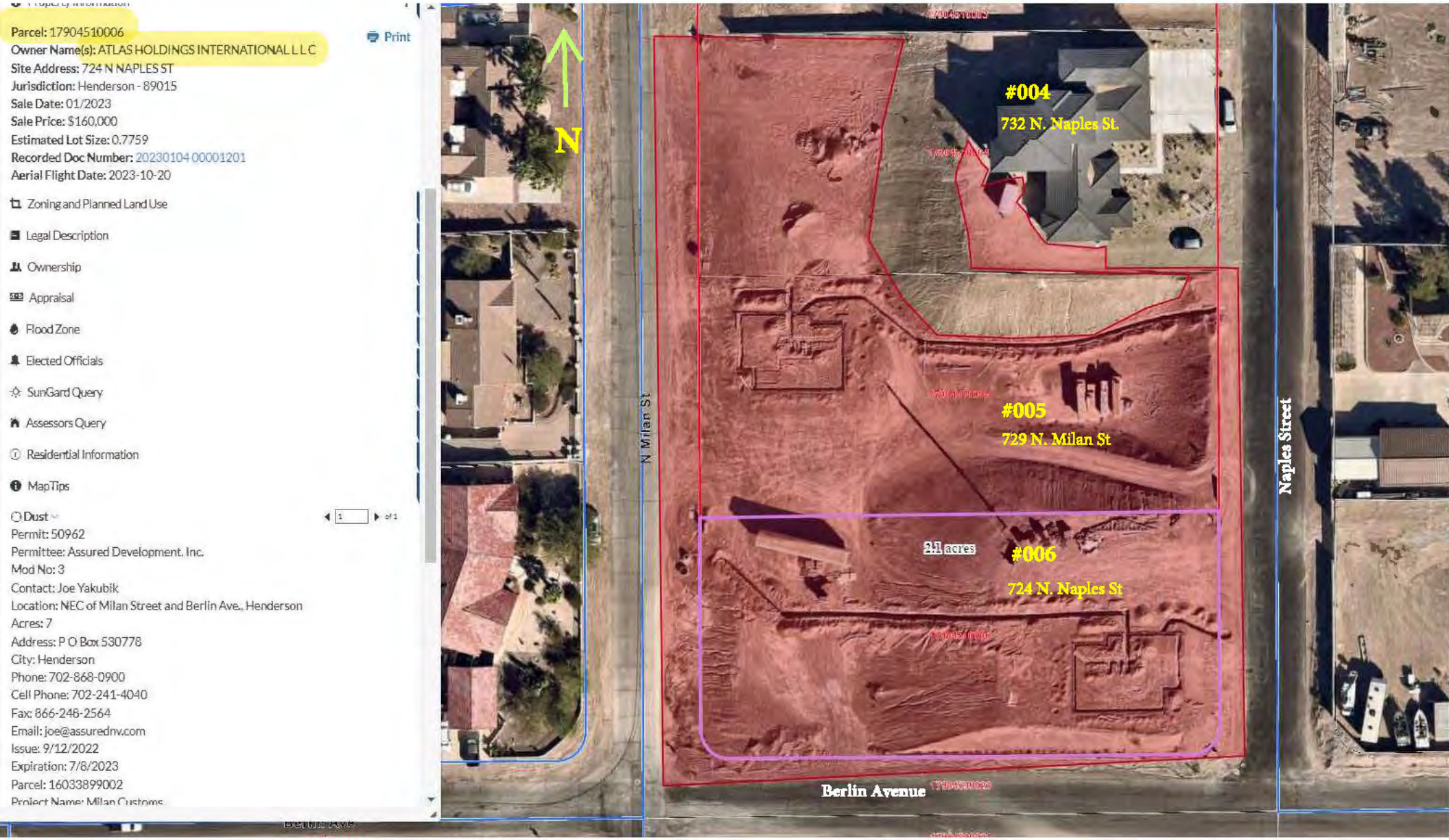
Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	11/8/2023	Failed to employ Best Available Control Measures and comply with soil stabilization standards at their site 24/7.	94.13(a) and (b)	Exh. D, Photos 1 through 4 Exh. E, Map 1	$ 1,250 [1]	4	Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 312.50	$ 1,562.50
	11/15/2023			Exh. D, Photos 5 through 8 Exh. H, Map 2	$ 1,250 [1]		Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 312.50	$ 1,562.50
	11/20/2023			Exh. D, Photos 9 through 12 Exh. K, Map 3	$ 1,250 [1]		Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 312.50	$ 1,562.50
	12/11/2023			Exh. D, Photos 13 through 15 Exh. O, Map 4	$ 1,000		Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00
									Total Penalty:	**$ 5,937.50**

[1] Unstable soil on site > 1 acre and ≤ 5 acres

Regulatory maximum: $10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.640]

ACREAGE MAP November 8, 2023

EXHIBIT B



Showing size of unpermitted soil disturbance from construction activities.

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

EXHIBIT C

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 135551

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Nov 8, 2023	1:30 PM	2:30 PM	Initial		**57391**

Permittee:	Project Name:	Project Location:
	732 & 724 Naples | 729 Milan	724, 732 Naples / 729 Milan - Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	72 degrees	05-09 mph	10 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	1.75 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.1 acres	Project Size:	Greater than permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

Senior Air Quality Specialist Andrew Kirk & I conducted an initial inspection and observed workers onsite conducting construction activities without a valid dust control operating permit (DCOP) in dry, loose and powdery site soils with no BACM (Best Available Control Measures), no trackout control device and no dust sign on the following three parcels: Parcel #179-04-510-004 (732 N. Naples St.), -005 (729 N MILAN ST), & -006 (724 N NAPLES ST). These parcels are under common control by Atlas Holdings International LLC (Joe Yakubik) and adjacent to each other. Together, the three lots total approximately 2.1 acres of disturbed soil requiring a dust control operating permit. A Notice of Non-Compliance with a possible NOV to be issued to Mr. Joe Yakubik to stabilize all site soils immediately, apply for a valid dust control permit for all lots disturbed by the close of business Friday, 11/10/2023, install a trackout control device at all exit points by the close of business Monday, 11/13/2023 and post a dust permit sign by the close of business Friday, 11/17/2023. A copy of the NON to be sent to Mr. Yakubik via email on 11/8/2023.

EXHIBIT D
Digital Photographs

Construction Project #: **57391** Responsible Parties: **Atlas Holdings International LLC and Joseph Yakubik**

Project Name: **732 & 724 Naples/729 Milan** Photos taken by: **See photo description**

Photograph # 1 **Alleged Violation # 1**

View looking west at dry, loose, powdery soils, and active construction activities observed without a valid dust control operating permit at 732 & 724 N. Naples St. & 729 N. Milan St for Atlas Holdings International LLC and Joseph Yakubik's project. Photo taken by Katrinka Byers.

Photograph # 2 **Alleged Violation # 1**

View looking southwest at construction workers operating without a valid dust control permit at 724 N. Naples Street in dry, loose, powdery soils with no available BACM and no trackout control device. Photo taken by Katrinka Byers.

Photograph # 3 **Alleged Violation # 1**
View looking north at dry, loose, powdery soils at 729 N. Milan Street without a valid dust control permit, no trackout control device and no available BACM.

Photograph # 4 **Alleged Violation # 1**
View looking west at stockpiles and dry, loose and powdery site soils at 723 N. Naples Street used for construction activities without a valid dust control permit and no available BACM. Photo taken by Katrinka Byers

Photograph # 5 **Alleged Violation # 1**
View of dry, loose, powdery soils, no trackout control devices, and active construction activities observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 6 **Alleged Violation # 1**
View of dry, loose, powdery soils and active construction activities at 729 Milan Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 7 **Alleged Violation # 1**
View of dry, loose, powdery soils and active construction activities at 732 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 8 **Alleged Violation # 1**
View of dry, loose, powdery soils, no trackout control device, and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 9 **Alleged Violation # 1**
View of dry, loose, powdery soils and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 10 **Alleged Violation # 1**
View of dry, loose, powdery soils, no trackout control devices, and active construction activities observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 11 **Alleged Violation # 1**
View of dry, loose, powdery soils and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 12 **Alleged Violation # 1**
View of dry, loose, powdery soils, no trackout control device, and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

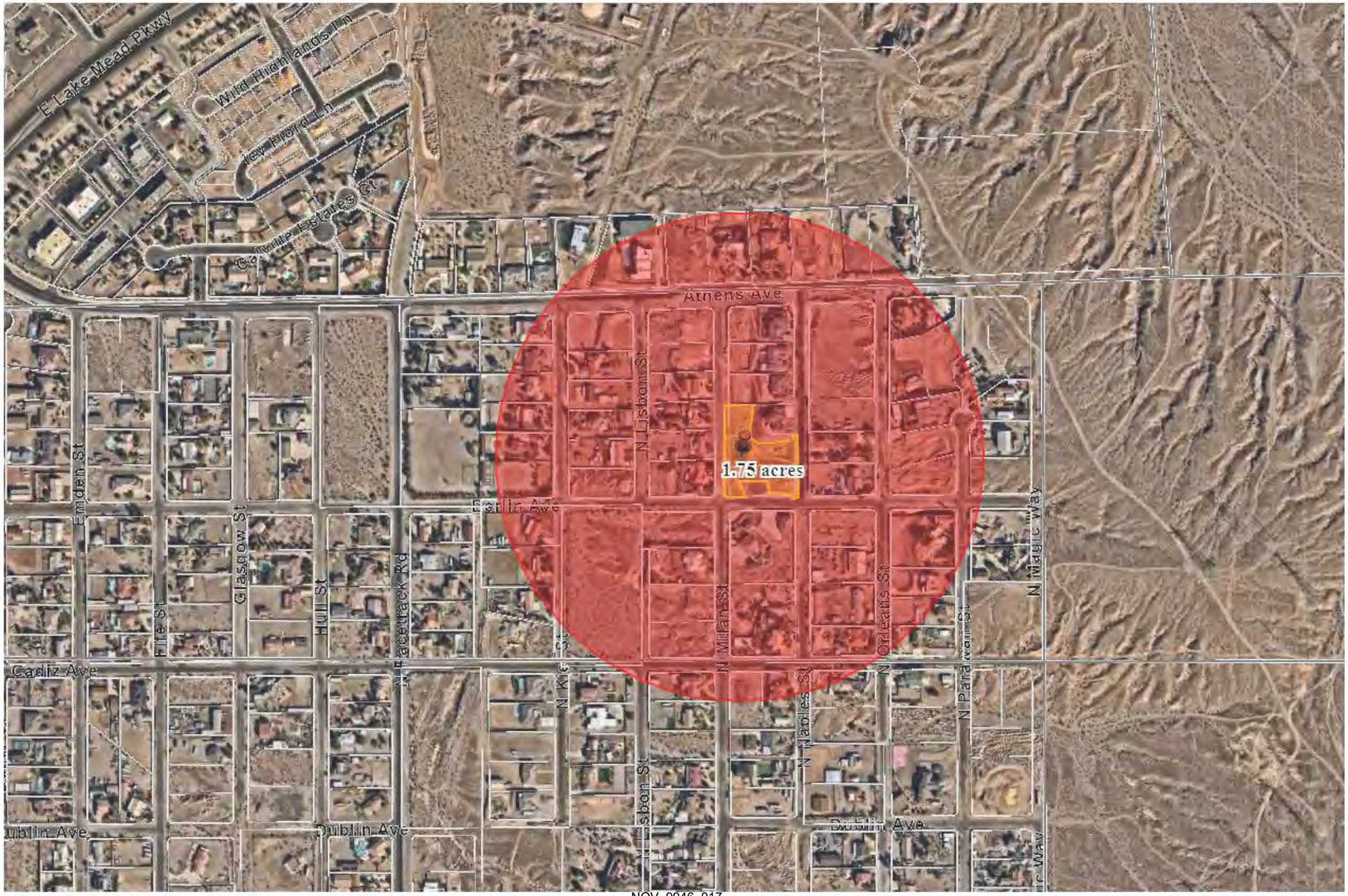
Photograph # 13 **Alleged Violation # 1**
View of dry, loose, powdery soils, and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 14 **Alleged Violation # 1**
View of dry, loose, powdery soils, and active construction activities at 724 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

Photograph # 15 **Alleged Violation # 1**

View of heavy equipment operating in dry, loose, powdery soils, at 732 Naples Street observed during a follow-up inspection. Photo taken by Andrew Kirk.

DCOP 57391 November 8, 2023 **EXHIBIT E** Atlas Holdings International LLC



NOV_9946_017

Map 1 - Showing size and location of unstable soil conditions within 1,000 feet of a residential area

EXHIBIT F

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

NOTICE OF NONCOMPLIANCE

Issued To: Joe Yakubik (Atlas Holdings International LLC) Project Name: NO DCOP/Joe Yakubik

Location: 732 Naples Street, 729 N. Milan Street, 724 N. Maples Street

Dust Control Permit No: 57391 Date: Nov 8, 2023 Time: 2:30 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.
Trackout
Install / Repair trackout control device by the close of business **Monday, 11/13/2023.**
No Valid Dust Control Permit – Submit a complete application for a Dust Control Permit to the Division of Air Quality. Comply by close of business on **Nov 10, 2023. Permit late fees will apply.**
No / Improper Signage – Install and maintain a Dust Control Permit Sign in compliance with AQR Section 94.11. Comply by close of business on **Nov 17, 2023**. See Appendix 3 of AQR Section 94 for specifications.

Additional Instructions / Other Noncompliance Items

NOTE: Permit application(s) submitted on 11/8/2023 do not match the actively disturbed soil observed on Parcel#179-045-10-004 (732 N. Naples St.) #005(729 N. Milan St.) & #006(724 N. Naples St.). These applications are being withdrawn.
The three parcels are under common control by Atlas Holdings International LLC (Joe Yakubik) and adjacent to each other. Together, the three lots require one dust control operating permit.

*Submit a new dust permit application (using the attached map in the email) to include all areas of actively disturbed soil by the close of business Friday, 11/10/2023.
*Stabilize all site soils IMMEDIATELY and maintain in a moist and crusted condition 24/7.
*Install a trackout control device at ALL Exit points to the project by the close of business Monday, 11/13/2023.
*Install a dust permit sign by the close of business, Friday, 11/17/2023.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Owner	Atlas Holdings International LLC
(Printed Name)	(Title)	(Company)
assuredmm@gmail.com	joe@assurednv.com	
(Email Address)		

Person Notified:

(Printed Name)	(Title)	(Company)
(Email Address)		

DAQ Representative:

Katrinka Byers		702-249-6093
KLB (Printed Name)		(Phone Number)

From: Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>
Sent: Thursday, November 9, 2023 9:16 AM
To: assuredmm@gmail.com; Joe Yakubik <joe@assurednv.com>
Cc: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>; Shibi Paul <SPaul@ClarkCountyNV.gov>; David Dean <Dean@ClarkCountyNV.gov>; Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>
Subject: Notice of Non-Compliance for No DCOP/Residential Construction DCOP#57391
Importance: High

Good morning Mr. Yakubik ,

Please review the attached Notice of Noncompliance (NON) with Air Quality Regulations (AQRs) for the NO DCOP/Residential Construction project and comply with the requirements by the specified dates.
NOTE: Current permit application(s) submitted on 11/8/2023 do not match the actively disturbed soil observed on Parcels:
#179-045-10-004 (732 N. Naples St.)
#005(729 N. Milan St.)
#006(724 N. Naples St.)
These permit applications are being withdrawn.
The three parcels noted above are under common control by Atlas Holdings International LLC (Joe Yakubik) and adjacent to each other requiring only one dust control permit.

Please see the attached map showing the total acreage of actively disturbed soil and submit a new dust permit using the attached map by the close of business Friday, 11/10/2023.
Upon submission of the new permit, DCOP# 57391 will be assigned to your project.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This NON may result in a Notice of Violation (NOV) that may result in civil penalties. We appreciate your continued cooperation in maintaining compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

Sincerely,
Kat

Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY

EXHIBIT G

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 136000

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Andrew Kirk	Nov 15, 2023	2:45 PM	3:15 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	NO DCOP/Joe Yakubik	732 & 724 Naples St & 729 N. Milan St

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	No	65 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	No	Steven Yarmy		Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

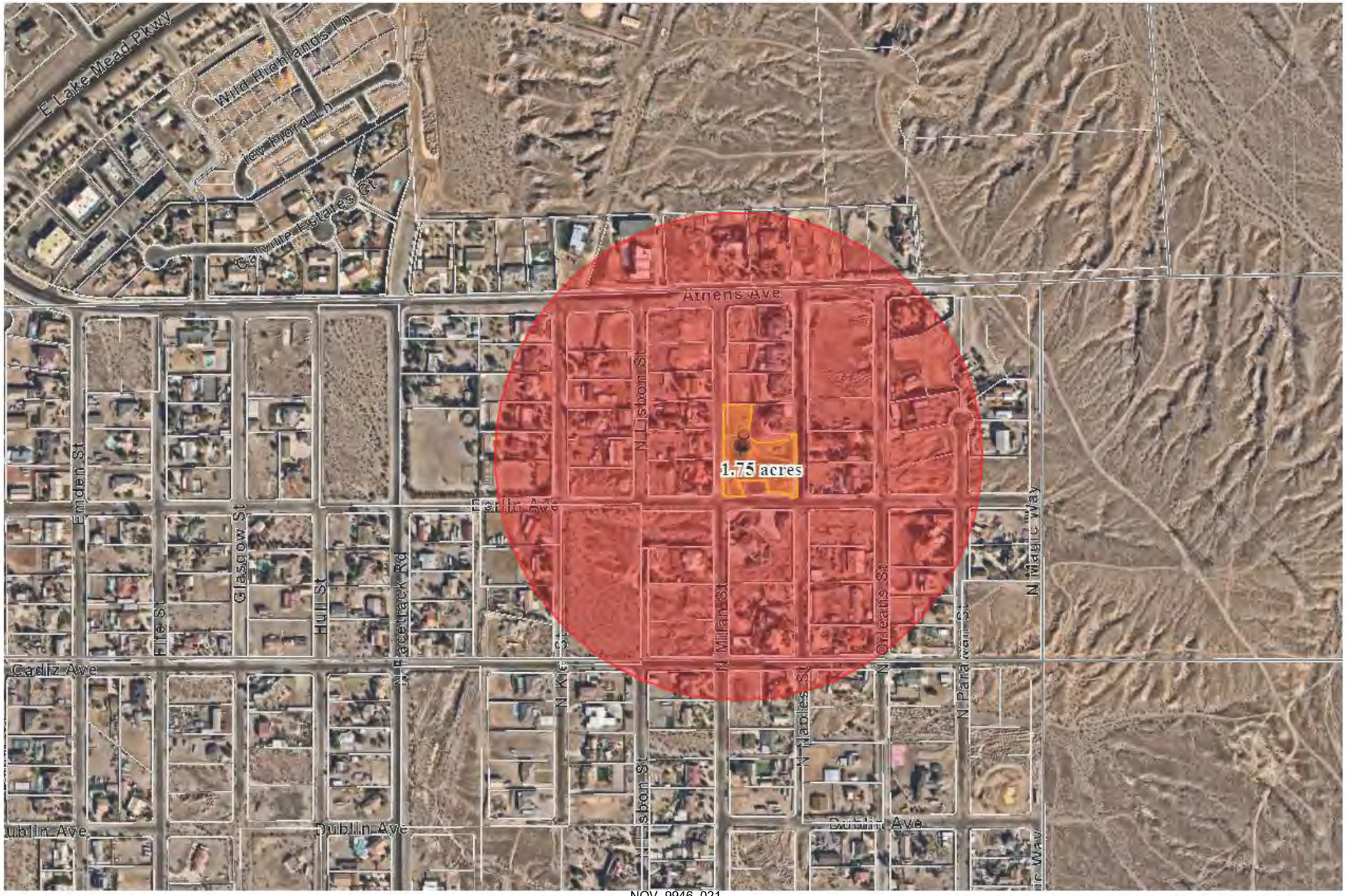
Project Soils:	Unstable	Size of Instability:	1.75 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.1 acres	Project Size:	Greater than permitted
Staging/Parking Area:	N/A	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

I conducted a follow-up inspection to a Notice of Non-Compliance (NON) that was issued to this project on 11/8/2023. This NON required a Dust Control Operating Permit (DCOP) be applied for by 11/10/2023, soils stabilized immediately and maintained in a moist or crusted condition 24/7, and trackout control devices be installed at all exit points by 11/13/2023. During this inspection, I observed unstable soils with no evidence of any water having been utilized, no trackout control devices had been installed, and a DCOP application had not yet been submitted. On 11/16/2023, an e-mail was sent to the owner's lawyer, Mr. Yarmy, informing him of the results of my inspection and that the project was still in non-compliance with Air Quality Regulations. In this email, I informed Mr. Yarmy that a DCOP application must be submitted, soils must be stabilized, and trackout control devices must be installed at all exit points immediately.



NOV_9946_021

Map 2 - Showing size and location of unstable soil conditions within 1,000 feet of a residential area

EXHIBIT I

From: Andrew Kirk
Sent: Thursday, November 16, 2023 8:54 AM
To: chris@yarmylaw.com; sly@stevenyarmylaw.com
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>
Subject: Air Quality's follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)

Good afternoon,

On November 15, 2023, I completed a follow-up inspection for the construction activities that are occurring at 724 and 732 Naples Street and 729 Milan Street without a valid Dust Control Operating Permit (DCOP). A Notice of Non-Compliance (NON) was issued to Joe Yakubik (Atlas Holdings International, LLC) on November 8, 2023, requiring that an application be submitted to the Division of Air Quality to include the addresses listed above by November 10, 2023. This NON also required that all site soils be stabilized immediately and maintained in a moist or crusted condition 24/7 and trackout control devices be installed at all exit points where soil meets pavement by November 13, 2023. During my follow-up inspection on November 15, 2023, I observed:

- Approximately 1.75 acres of unstable soils that need to be stabilized immediately and maintained in a moist or crusted condition 24/7.
- No trackout control devices have been installed at any of the exit points of the project.
- A new application has not been submitted that covers all disturbed soils as indicated in red on the map provided.

As it was explained in the e-mail that contained the NON, the two previous applications that were submitted have been withdrawn as they did not fully represent all the disturbed soils related to the construction activities observed. A new application is required to be submitted to Air Quality that shall include 724 and 732 Naples Street and 729 Milan Street all under one application. I have included the map and the NON that was previously sent that indicates exactly what needs to be covered under the new application and what needs to be done to comply with Air Quality Regulations.

Upon submission of the new application, DCOP #57391 will be assigned to this project.

Please let us know you received this email and understand what is required to comply with Air Quality Regulations. This follow-up inspection resulted in continued non-compliance and may result in a Notice of Violation (NOV) to be issued, including civil penalties. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact Catherine Jorgenson. Thank you,

Andrew M. Kirk
Senior Air Quality Specialist
Clark County Division of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-3529 Office
(702) 306-0257 Cell
Andrew.Kirk@ClarkCountyNV.Gov

EXHIBIT J

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 136097

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Andrew Kirk	Nov 20, 2023	2:10 PM	2:35 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	NO DCOP/Joe Yakubik	732 & 724 Naples St & 729 N. Milan St

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	62 degrees	05-09 mph	15 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	No	Steve Yarmy		Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

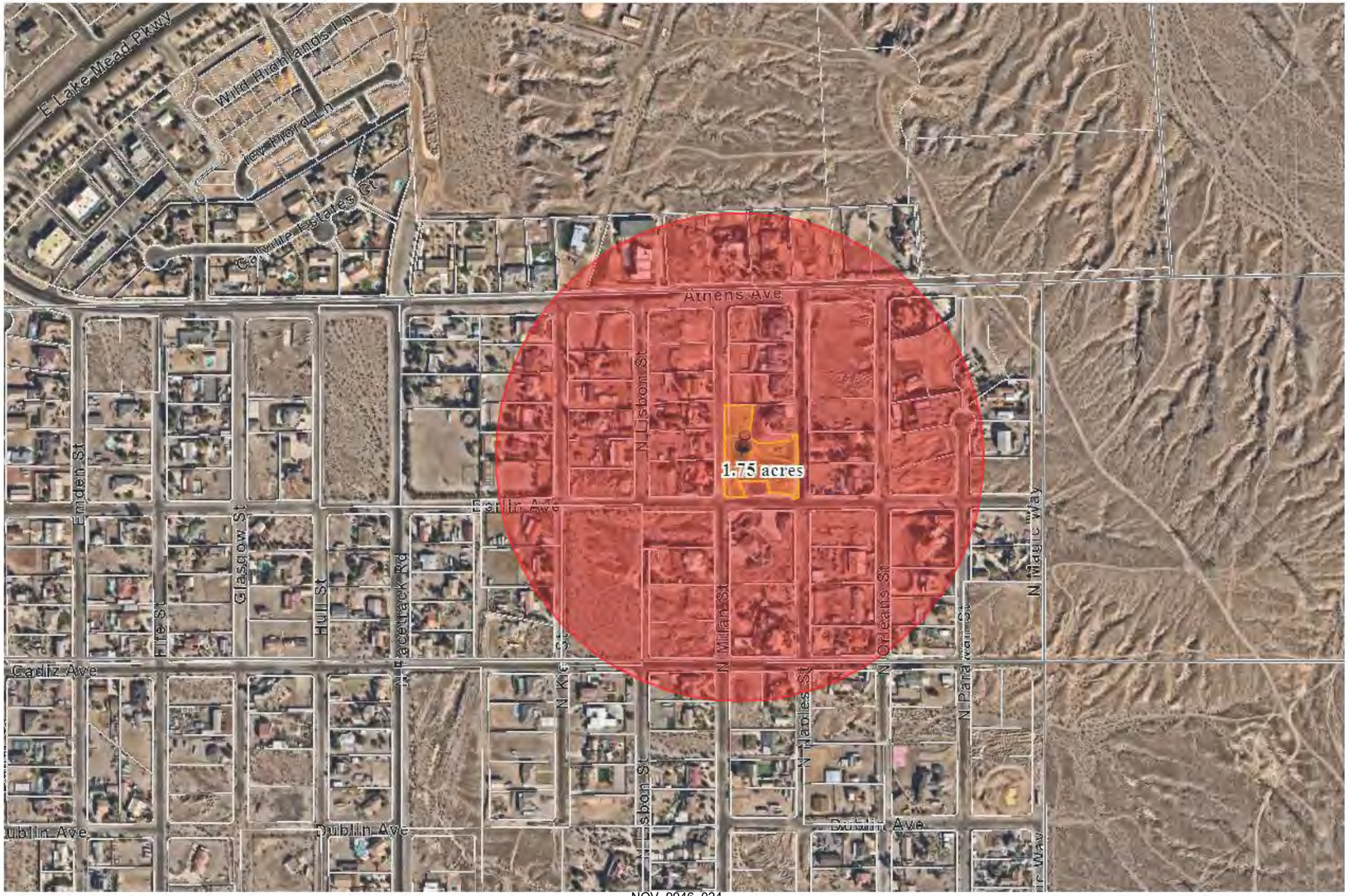
Project Soils:	Unstable	Size of Instability:	1.75 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.1 acres	Project Size:	Greater than permitted
Staging/Parking Area:	N/A	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

I conducted a follow-up inspection at this unpermitted project and observed approximately 1.75 acres of unstable soil conditions, construction activities occurring without a valid dust control operating permit (DCOP), no trackout control devices or dust control sign installed. A Notice of Non-Compliance (NON) with possible Notice of Violation (NOV) was issued to Atlas Holdings International on November 8, 2023, requiring that they apply for a Dust Control Operating Permit (DCOP) by November 10, 2023, stabilize all soils immediately and maintain in a moist or crusted condition 24/7, install trackout control devices by November 13, 2023, and install a dust control sign by November 17, 2023. During this follow-up inspection it was evident that none of these issues had been resolved. On 11/21/2023, I sent an e-mail to the owner's lawyer, Mr. Steven Yarmy, explaining what I had observed during this inspection and what was still required to be completed to get this project in compliance with Air Quality Regulations. I let him know that all of these issues had to be taken care of immediately.



NOV_9946_024

Map 3 - Showing size and location of unstable soil conditions within 1,000 feet of a residential area

EXHIBIT L

From: Andrew Kirk
Sent: Tuesday, November 21, 2023, 12:30 PM
To: 'Steven Yarmy' <sly@stevenyarmylaw.com>
Cc: chris@yarmylaw.com; Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>
Subject: Air Quality's second follow-up inspection at 724 and 732 Naples Street and 729 Milan Street (Joe Yakubik)

Good afternoon,

On November 20, 2023, I completed a follow-up inspection for the construction activities that are occurring at 724 and 732 Naples Street and 729 Milan Street without a valid Dust Control Operating Permit (DCOP). A Notice of Non-Compliance (NON) was issued to Joe Yakubik (Atlas Holdings International, LLC) on November 8, 2023, requiring that an application be submitted to the Division of Air Quality to include the addresses listed above by November 10, 2023. This NON also required that all site soils be stabilized immediately and maintained in a moist or crusted condition 24/7, trackout control devices be installed at all exit points where soil meets pavement by November 13, 2023, and a dust control sign be installed by November 17, 2023. During my follow-up inspection on November 20, 2023, I observed:

- Approximately 1.75 acres of unstable soils that need to be stabilized immediately and maintained in a moist or crusted condition 24/7.
- No trackout control devices have been installed at any of the exit points of the project.
- A new application has not been submitted that covers all disturbed soils as indicated in red on the map provided to you in the e-mail dated November 16, 2023.
- A dust control sign has not been installed.

As it was explained in the e-mail that contained the NON and the follow-up e-mail sent to you on November 16, 2023, the two previous applications that were submitted have been withdrawn as they did not fully represent all the disturbed soils related to the construction activities observed. A new application is required to be submitted to Air Quality that shall include 724 and 732 Naples Street and 729 Milan Street all under one application. Please review the compliance issues bulleted above and comply with each item immediately.

Upon submission of the new application, DCOP #57391 will be assigned to this project.

Please let us know you received this email and understand what is required to comply with Air Quality Regulations. This follow-up inspection resulted in continued non-compliance and may result in a Notice of Violation (NOV) to be issued, including civil penalties. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact Catherine Jorgenson. Thank you,

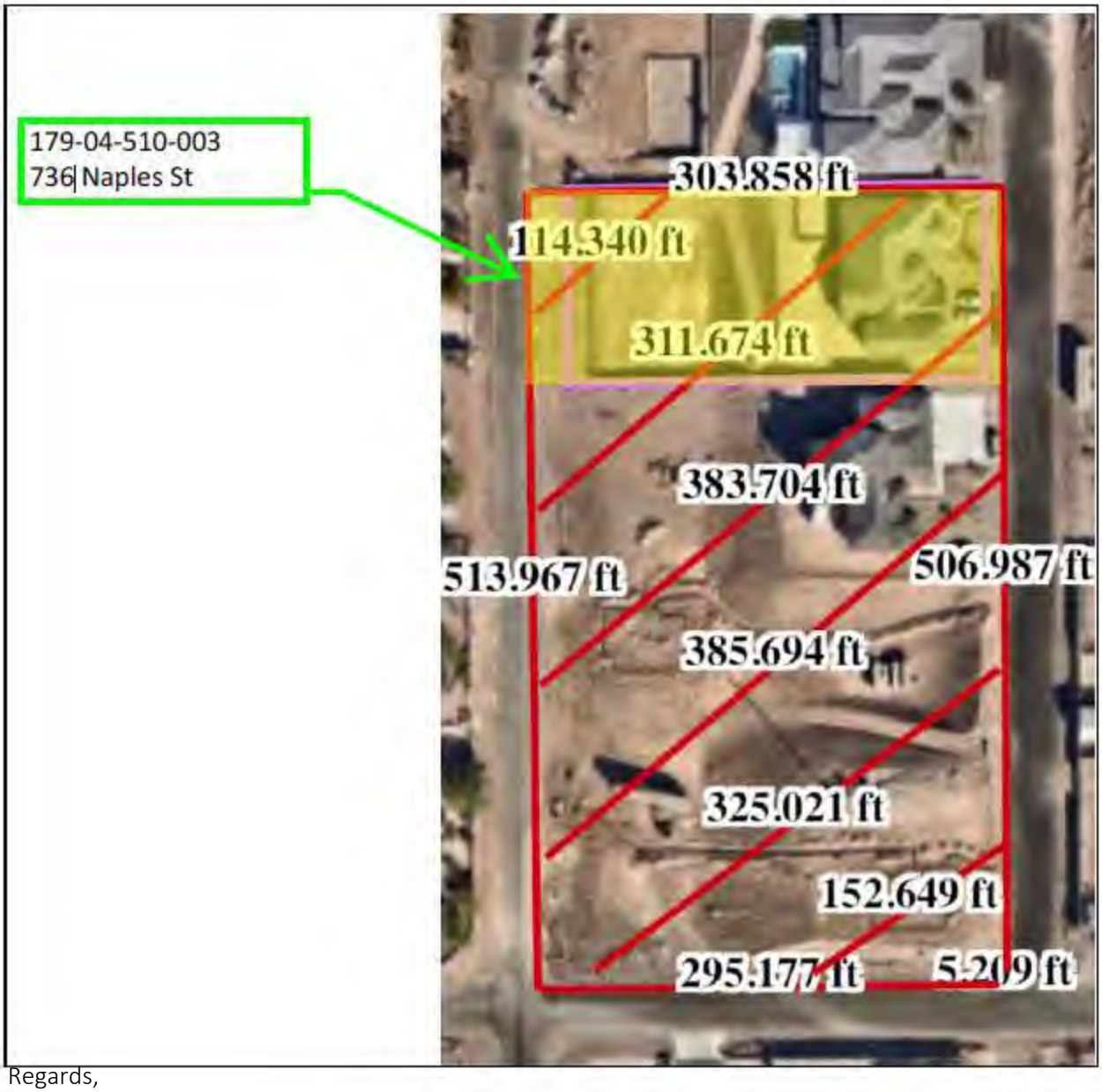
Andrew M. Kirk
Senior Air Quality Specialist
Clark County Division of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-3529 Office
(702) 306-0257 Cell
Andrew.Kirk@ClarkCountyNV.Gov

EXHIBIT M

From: Anna Sutowska
To: Chris Craig; Steven Yarmy
Cc: Catherine Jorgenson; Anna Sutowska
Subject: DCOP App No. 20914 for Atlas Holdings International - 732 & 724 Naples | 729 Milan
Date: Monday, December 4, 2023 8:29:29 AM
Attachments: XXXXX_00_20231129_DCP_App_Map - Copy.pdf

Greetings,
I have reviewed your Dust Control Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so **please reply to this email.**

The assessor's parcel numbers listed on the application are 179-04-510-004, 005, 006, lcated at 724 and 732 Naples St, and 729 Milan St, but the map attached with the application and project acreage (3.57 acres) listed also includes parcel number 179-04-510-003 located at 736 Naples St. Please explain why this parcel is included. If it was in error, please email me a new map and corrected project acreage.



Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Office: 702-455-0666/Cell: 702-378-9780/Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.
Dust Control Permitting Portal, Forms & Requirements

EXHIBIT N

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation program | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 136513

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Andrew Kirk	Dec 11, 2023	9:50 AM	10:20 AM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	732 & 724 Naples | 729 Milan	724, 732 Naples / 729 Milan - Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	48 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

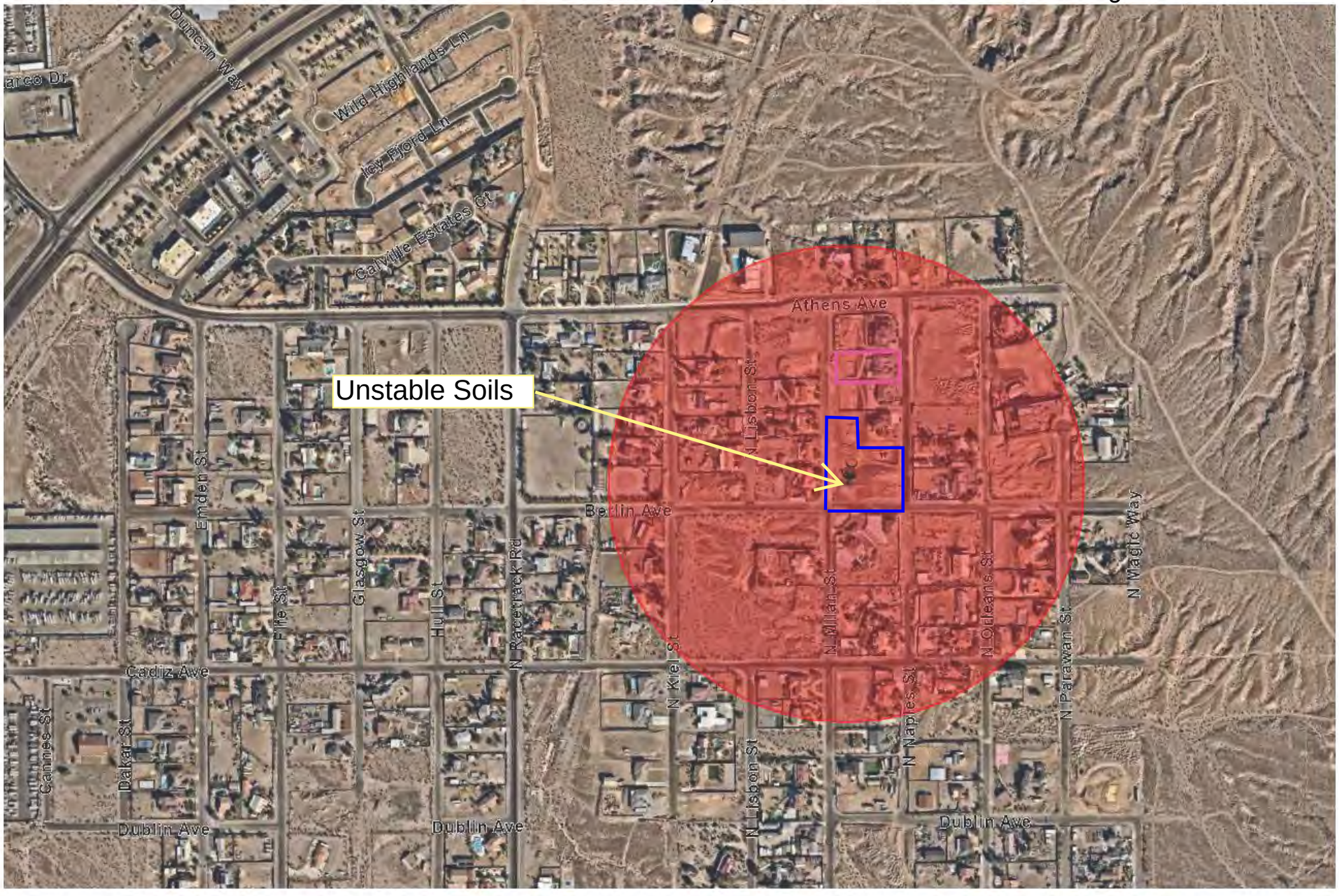
Project Soils:	Unstable	Size of Instability:	0.75 acres
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.1 acres	Project Size:	Less than or equal to permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	Not Verified
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

I conducted a follow-up inspection and observed approximately 0.75 acres of dry, loose, powdery soils and no dust sign posted. Two trackout control devices have been installed since my last follow-up. This project continues to be out of compliance for unstable soils and no dust sign and this is another day of non-compliance.



Map 4 - Showing approximate location of unstable soils within 1,000 feet of a residential area

UNITED STATES POSTAL SERVICE

March 21, 2024

Dear pamela 9946:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6412 4178 38**.

Item Details

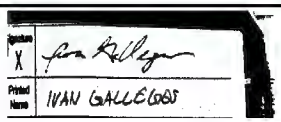
Status:	Delivered, PO Box
Status Date / Time:	December 23, 2023, 11:00 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

July 3, 2024

Dear Sherrie NOV 9946 Global Equity:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6412 4178 45**.

Item Details

Status:	Delivered, PO Box
Status Date / Time:	December 23, 2023, 11:00 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

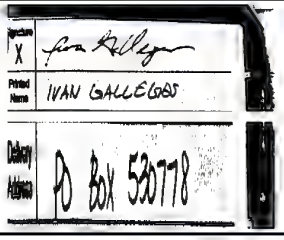
Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:

Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

July 03, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 774565082241

Delivery Information:			
Status:	Delivered	**Delivered To:**	
Signed for by:	R.RICHARD SMALL	**Delivery Location:**	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		LAS VEGAS, NV,
		Delivery date:	Dec 22, 2023 10:48

Shipping Information:			
Tracking number:	774565082241	**Ship Date:**	Dec 21, 2023
		Weight:	

Recipient:	**Shipper:**
LAS VEGAS, NV, US,	LAS VEGAS, NV, US,

Reference	NOV 9946

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

Atlas Holdings International LLC, and Joseph Yakubik, Individually (Construction Project #57391)

Appeal of NOV #9979

Table of Contents

Appeal of Hearing Officer Order, received June 25, 2024 ..... Appeal_NOV_9979_001

Hearing Officer Order signed, June 20, 2024 ..... HO_NOV_9979_001

NOV #9979 Issued March 7, 2024 ..... NOV_9979_001

Exhibit A – Penalty Calculation Table..... NOV_9979_006

Exhibit B – E-mail Correspondence, dated January 9, 2024 ..... NOV_9979_007

Exhibit C – Air Quality Construction Site Inspection Form #137213, dated January 10, 2024 ..... NOV_9979_011

Exhibit D – Digital Photographs 1 through 13..... NOV_9979_012

Exhibit E – Acreage Map: Showing size of unpermitted soil disturbance from construction activities observed on January 10, 17, and 22, 2024 ..... NOV_9979_019

Exhibit F – Map 1: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 10, 2024..... NOV_9979_020

Exhibit G – Air Quality Notice of Noncompliance for January 10, 2024..... NOV_9979_021

Exhibit H – Air Quality Construction Site Inspection Form #137294, dated January 17, 2024 ..... NOV_9979_024

Exhibit I – Map 2: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 17, 2024..... NOV_9979_025

Exhibit J – E-mail Correspondence, dated January 19, 2024..... NOV_9979_026

Exhibit K – Air Quality Construction Site Inspection Form #137340, dated January 22, 2024 ..... NOV_9979_029

Exhibit L – E-mail Correspondence, dated January 22, 2024 ..... NOV_9979_030

Exhibit M – E-mail Correspondence, dated February 2, 2024..... NOV_9979_033

United States Postal Service Certified Mail Delivery Receipt for NOV #9979 to Joseph Yakubik, delivered March 14, 2024 ..... NOV_9979_036

United States Postal Service Certified Mail Delivery Receipt for NOV #9979 to Global Equity Holdings, Inc., Manager and Registered Agent for Atlas Holdings International LLC, delivered March 14, 2024..... NOV_9979_037

Federal Express Delivery Receipt for NOV #9979 to Joseph Yakubik, Atlas Holdings International LLC, c/o Jarrod L. Rickard, Semenza Rickard Law, delivered March 11, 2024..... NOV_9979_038

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

RECEIVED CC DAQ
2024 JUN 25 PM3:52

Appeal of Hearing Officer's Order

1. **Date of Appeal:** June 24, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9979 Hearing Date: June 17, 2024

Hearing Officer: Holly Fic

2. **Name, address, telephone number of Appellant:**

Name: Atlas Holdings International LLC and Joseph Yakubik
(Please print)

Address: C/O Right Lawyers 600 S. Tonopah Dr. Suite 300 Las Vegas NV 89106

Telephone: 702-445-4425 Fax: NA

Email: rock@rightlawyers.com

3. **Other person or persons authorized to receive service of notice:**

Name: _____
(Please print)

Address: _____

Telephone: _____ Fax: _____

Email: _____

4. **Type of business or activity and location of activity involved in the request:**

Development / Construction

5. **Reason for appeal:** ☐ **Facts alleged** ☐ **Penalty assessed** ■ **Both**

Provide a detailed explanation of the reason for your appeal:
Motion supporting appeal is attached.

6. **An application filing fee of $140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: R. Rocheleau Date: 6/24/2024

Printed Name: Rock Rocheleau

Title: Attorney for Atlas Holdings International LLC & Joseph Yakubik

FOR OFFICE USE ONLY

Application Received on June 25, 2024

Application Fee $140.00 - Check ✓ #7019 Received Date: 6/25/2024

air quality

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

ATLAS HOLDINGS INTERNATIONAL LLC & JOSEPH YAKUBIK, INDIVIDUALLY
C/O ROCK ROCHELEAU ESQ., 600 E. TONOPAH DR, #300
LAS VEGAS, NV 89106

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
068777	6/25/2024	GREEN	DUST CONTROL ENFORCEMENT	6/25/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	$140.00	$140.00
	06/25/2024 CHECK (7019)	PAYMENT		($140.00)

Notes: NOV #9979, Hearing Officer Appeal, Submitted 6/25/2024

Subtotal:	$140.00
Paid:	($140.00)
Adjustments:	$0.00
Balance Due:	$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9979 Issued to ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK, Respondents.	ORDER

The above-entitled matter was heard on June 17, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK (**ATLAS HOLDINGS** and **YAKUBIK**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9979 was issued by Air Quality to Respondents ATLAS HOLDINGS and YAKUBIK on March 7, 2024 for alleged violation(s) of the Clark County Air Quality Regulations (**AQRs**) at the 732 & 724 Naples | 729 Milan construction site, located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, in Clark County, Nevada. The violation(s) alleged in the NOV include:

(a) Violation of AQR 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

(b) Violation of AQR Section 94.4.1(a) for failing to obtain a Dust Control Operating Permit prior to commencing construction activities.

2. The penalty recommended by Air Quality in NOV #9979 was $4,000.00.

///

///

3. The Hearing Officer finds that the violation(s) alleged in NOV #9979 occurred in that ATLAS HOLDINGS and YAKUBIK violated AQR Sections 94.13(a) and (b) on January 10 and 17, 2024, and AQR Section 94.4.1(a) on January 10, 17, and 22, 2024.

4. **IT IS HEREBY ORDERED** that ATLAS HOLDINGS and YAKUBIK pay a penalty of Four Thousand and no/100 Dollars ($4,000.00) within 30 days of the date of this ORDER.

5. ATLAS HOLDINGS and YAKUBIK have the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars ($140.00), and (3) received by Air Quality within ten (10) days of ATLAS HOLDINGS and YAKUBIK's receipt of this ORDER.

DATED this 20th day of June, 2024.

Holly Fic
Holly Fic (Jun 20, 2024 08:25 PDT)

Holly Fic
Hearing Officer

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

March 7, 2024

CERTIFIED MAIL #9489 0090 0027 6522 1271 08
Joseph Yakubik, Manager and Responsible Official
E-mail: joe@assurednv.com
P.O. Box 530778
Henderson, NV 89053

CERTIFIED MAIL #9489 0090 0027 6522 1271 15
Global Equity Holdings, Inc., Manager and Registered Agent for
Atlas Holdings International LLC
P.O. Box 530778
Henderson, NV 89053

FEDERAL EXPRESS TRK #775457458699
Joseph Yakubik
Atlas Holdings International LLC
c/o Jarrod L. Rickard, Semenza Rickard Law
E-mail: jlr@semenzarickard.com
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

NOTICE OF VIOLATION #9979

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Atlas Holdings International LLC (**Atlas Holdings**) and Joseph Yakubik (**Yakubik**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Four Thousand and no/100 Dollars ($4,000.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. Senior Air Quality Specialists Katrinka Byers (**Byers**) and Andrew Kirk (**Kirk**) discovered the alleged violations while performing follow-up inspections on January 10, 17, and 22, 2024, at the 732 & 724 Naples | 729 Milan construction project (parcel numbers 179-04-510-004,

179-04-510-005, and 179-04-510-006), located at 732 North Naples Street, 729 North Milan Street, and 724 North Naples Street, respectively, in Clark County, Nevada.

B. On November 29, 2023, at approximately 11:27 a.m., Atlas Holdings and Yakubik submitted DCOP application #20914 for parcel numbers 179-04-510-003, 179-04-510-004, 179-04-510-005, and 179-04-510-006. On December 4, 2023, at approximately 8:29 a.m., and December 21, 2023, at approximately 2:55 p.m. Air Quality Supervisor Anna Sutowska (**Sutowska**) sent e-mail correspondence to Steven Yarmy (**Yarmy**), Lawyer for Yakubik and Atlas Holdings, inquiring why parcel number 179-04-510-003, located at 736 Naples Street, was being included in the application. Sutowska e-mailed Yarmy on January 9, 2024, at approximately 5:35 p.m., informing him that the application would be canceled if the requested information was not provided by Monday, January 15, 2024. The e-mail correspondence is attached hereto as **Exhibit B** and incorporated herein.

C. On January 10, 2024, at approximately 11:30 a.m., Byers and Kirk (**Staff**) arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection within parcel numbers 179-04-510-004, 179-04-510-005, and 179-04-510-006. The inspection report is attached hereto as **Exhibit C** and incorporated herein. During Staff's inspection, they observed approximately 0.62 acres of dry, loose, and powdery soil conditions and approximately 2.2 acres of construction activities occurring without a Dust Control Operating Permit (**DCOP**) within parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023 (Public Right-of-Way) as shown in Photographs 1 through 5 and the Acreage Map, attached hereto as **Exhibits D** and **E**, respectively, and incorporated herein. Staff also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 1 attached hereto as **Exhibit F** and incorporated herein. Staff concluded their inspection at approximately 12:30 p.m.

D. On January 16, 2024, Air Quality canceled the DCOP application due to failure to provide the requested information by January 15, 2024.

E. On January 17, 2024, at approximately 9:40 a.m., Byers e-mailed Yarmy concerning Staff's observations of noncompliance during the January 10, 2024 inspection and the issuance of a Notice of Noncompliance (**NON**). The NON was included in the e-mail to Yarmy and is attached hereto as **Exhibit G** and incorporated herein.

F. On January 17, 2024, at approximately 2:00 p.m., Byers arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit H** and incorporated herein. During her inspection, Byers observed approximately 0.62 acres of dry, loose, and powdery site soils and approximately 2.2 acres of construction activities occurring without a DCOP within parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023 (Public Right-of-Way) as shown in Photographs 6 through 10 (**Exh. D**) and the Acreage Map (**Exh. E**). Byers also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 2, attached hereto as **Exhibit I** and incorporated herein. Byers concluded her inspection at approximately 2:15 p.m.

G. On January 19, 2024, at approximately 7:46 a.m., Byers sent an e-mail correspondence to Yarmy. The e-mail correspondence is attached hereto as **Exhibit J** and incorporated herein. Within the e-mail correspondence, Byers re-iterated the requirements outlined in the NON (**Exh. G**) issued to Yakubik and Atlas Holdings for noncompliance observed on January 10, 2024. The e-mail correspondence further informed Yarmy of Byers' January 17, 2024 follow-up inspection findings, included a map of the areas to be permitted, and stated the project was still in non-compliance.

H. On January 22, 2024, at approximately 11:45 a.m., Kirk arrived at the 732 & 724 Naples | 729 Milan construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit K** and incorporated herein. During his inspection, Kirk observed approximately 2.2 acres of construction activities occurring without a DCOP within parcel numbers 179-04-510-005, 179-04-510-006, and 179-04-599-023 (Public Right-of-Way) as shown in Photographs 11 through 13 (**Exh. D**) and the Acreage Map (**Exh. E**). Kirk concluded his inspection at approximately 12:10 p.m.

I. On January 22, 2024, at approximately 5:06 p.m., Kirk sent an e-mail correspondence to Yarmy. The e-mail correspondence is attached hereto as **Exhibit L** and incorporated herein. Within the e-mail correspondence, Kirk re-iterated the requirements outlined in the NON (**Exh. G**) issued to Yakubik and Atlas Holdings for noncompliance observed on January 10, 2024. The e-mail correspondence further informed Yarmy of Kirk's January 22, 2024 follow-up inspection findings, included a map of the areas to be permitted, and stated the project was still in non-compliance.

J. On February 2, 2024, at approximately 2:32 p.m., Byers sent an e-mail correspondence to Yarmy. The e-mail correspondence is attached hereto as **Exhibit M** and incorporated herein. Within the e-mail correspondence, Byers re-iterated that a DCOP application had not been submitted for the unpermitted 2.2-acre area where construction activities were observed on January 10, 17, and 22, 2024.

II. VIOLATIONS

Violation 1:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, Atlas Holdings and Yakubik violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

> "(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2)."

Violation 2:

By failing to obtain a DCOP prior to commencing construction activities, Atlas Holdings and Yakubik violated AQR Section 94.4.1(a).

AQR Section 94.4.1(a) states:

"(a) Except as provided in Section 94.3, no Person shall commence any Construction Activities or Temporary Commercial Activities except in compliance with a Permit that authorizes such activities."

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation 1 occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraphs I.C and I.F above (**Exh. F and I**).

Air Quality recommends a civil penalty in the amount of $4,000.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, March 21, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by March 11, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul (Mar 7, 2024 10:56 PST)

Shibi Paul
Compliance and Enforcement Manager

Exhibits:

A. Penalty Calculation Table, NOV #9979
B. E-mail Correspondence dated January 9, 2024
C. Air Quality Construction Site Inspection Form #137213, dated January 10, 2024
D. Digital Photographs 1 through 13
E. Acreage Map: Showing size of unpermitted soil disturbance from construction activities observed on January 10, 17, and 22, 2024
F. Map 1: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 10, 2024
G. Air Quality Notice of Noncompliance for January 10, 2024
H. Air Quality Construction Site Inspection Form #137294, dated January 17, 2024
I. Map 2: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 17, 2024
J. E-mail Correspondence, dated January 19, 2024
K. Air Quality Construction Site Inspection Form #137340, dated January 22, 2024
L. E-mail Correspondence, dated January 22, 2024
M. E-mail Correspondence, dated February 2, 2024

sjg

Exhibit A

NOV # 9979
Penalty Calculation Table
Atlas Holdings International LLC and Joseph Yakubik, Individually

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DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
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4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	1/10/2024	Failed to employ Best Available Control Measures and comply with soil stabilization standards 24/7.	94.13(a) and (b)	Exh. D, Photos 1 through 5 Exh. F, Map 1	$ 1,000	2	Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00
	1/17/2024			Exh. D, Photos 6 through 10 Exh. I, Map 2			Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00
2	1/10/2024	Failed to obtain a DCOP prior to engaging in construction activities.	94.4.1(a)	Exh. D, Photos 1 thru 5 Exh. E, Acreage Map	$ 500	3	N/A	0%	$ -	$ 500.00
	1/17/2024			Exh. D, Photos 6 through 10 Exh. E, Acreage Map			N/A	0%	$ -	$ 500.00
	1/22/2024			Exh. D, Photos 11 through 13 Exh. E, Acreage Map			N/A	0%	$ -	$ 500.00
									Total Penalty:	**$ 4,000.00**

Regulatory maximum: $10,000 per day, per violation

[AQR Section 9.1 & NRS 445B.640]

Exhibit B

From:	Anna Sutowska
To:	Chris Craig; Steven Yarmy
Cc:	Catherine Jorgenson
Subject:	RE: DCOP Application No. 20914 for Atlas Holdings International - 732 & 724 Naples | 729 Milan
Date:	Tuesday, January 9, 2024 5:45:00 PM
Attachments:	XXXXX_00_20231129_DCP_App_Map - Copy.pdf image002.png

Good evening,
I have not received the information requested as of today. If the requested information is not received by Monday, January 15, 2024, the Dust Control Operating Permit (DCOP) application will be canceled.

Failing to obtain a DCOP for construction activities may result in enforcement action which includes the imposition of civil penalties.

Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Office: 702-455-0666/Cell: 702-378-9780/Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.
Dust Control Permitting Portal, Forms & Requirements

From: Anna Sutowska
Sent: Thursday, December 21, 2023 2:55 PM
To: Chris Craig <chris@yarmylaw.com>; Steven Yarmy <sly@stevenyarmylaw.com>
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>
Subject: RE: DCOP Application No. 20914 for Atlas Holdings International - 732 & 724 Naples | 729 Milan

Greetings,
I have not received the information requested as of today. Please reply so all the information can be obtained and the application can be submitted for processing.

The application lists parcel numbers 179-04-510-004, 005, and 006 located at 724 and 732 Naples St, and 729 Milan St.

You included a 4th parcel, 179-04-510-003 located at 736 Naples St. owned by Clifford Lemmerhirt.

If this was in error, please resubmit a new map removing the parcel and with a new project acreage.

Regards,

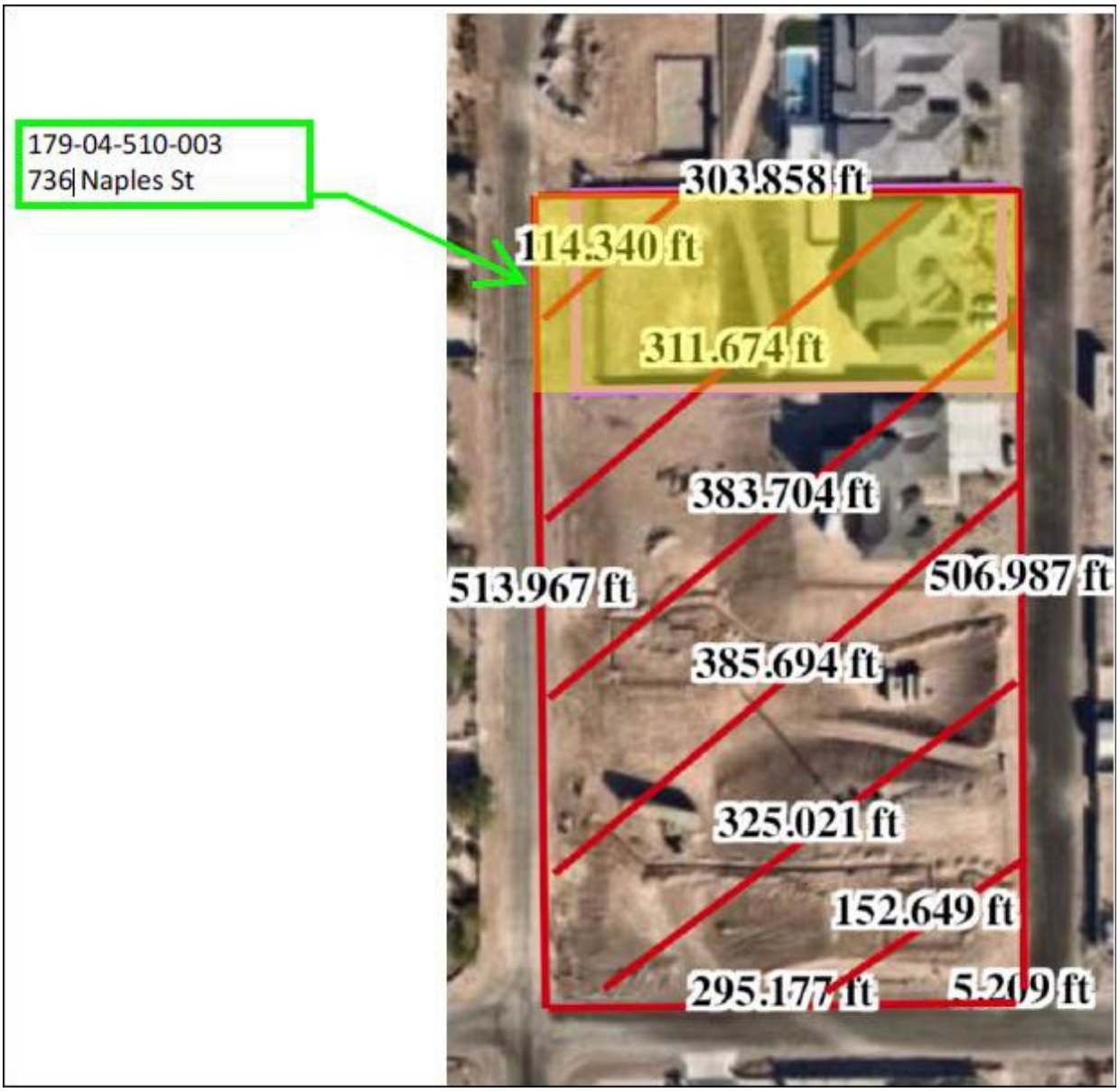
Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Office: 702-455-0666/Cell: 702-378-9780/Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.
Dust Control Permitting Portal, Forms & Requirements

From: Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Sent: Monday, December 4, 2023 8:29 AM
To: Chris Craig <chris@yarmylaw.com>; Steven Yarmy <sly@stevenyarmylaw.com>
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>; Anna Sutowska <Anna.Sutowska@ClarkCountyNV.gov>
Subject: DCOP App No. 20914 for Atlas Holdings International - 732 & 724 Naples | 729 Milan

Greetings,
I have reviewed your Dust Control Permit application and have questions and/or need additional information. Applications cannot be updated with verbal authorization so **please reply to this email.**

The assessor's parcel numbers listed on the application are 179-04-510-004, 005, 006, lcated at 724 and 732 Naples St, and 729 Milan St, but the map attached with the application and project acreage (3.57 acres) listed also includes parcel number 179-04-510-003 located at 736 Naples St. Please explain why this parcel is included. If it was in error, please email me a new map and corrected project acreage.



Regards,

Anna Sutowska
Air Quality Supervisor
Clark County Department of Environment and Sustainability,
Division of Air Quality
4701 W. Russell Rd., Suite 200
Las Vegas, NV 89118
Office: 702-455-0666/Cell: 702-378-9780/Fax: 702-383-9994

For any dust permit information or forms, please go to the link posted below.
Dust Control Permitting Portal, Forms & Requirements

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4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit C

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137213

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Jan 10, 2024	11:30 AM	12:30 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	732 & 724 Naples | 729 Milan	724, 732 Naples / 729 Milan - Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	52 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.62 acres
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2 acres	Project Size:	Greater than permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

Senior Air Quality Specialists, Andrew Kirk & I conducted a follow-up inspection and observed workers onsite conducting construction activities without a valid dust control operating permit (DCOP) at the following parcels: Parcel #179-04-510-004 (732 N. Naples St.), -005 (729 N MILAN ST), & -006 (724 N NAPLES ST). We also observed approximately .62 acres of dry, loose, and powdery site soils with no available BACM (Best Available Control Measures) onsite. A Notice of Non-Compliance with a possible NOV to be issued to Mr. Joe Yakubik to stabilize all site soils immediately, submit a dust permit application by the close of business Thursday, 1/18/2024 and post a dust permit sign by the close of business Friday, 01/26/2024 . A copy of the NON to be sent to Mr. Yarmy (Mr. Yakubik's lawyer) via email on 1/17/2023.

Exhibit D

Digital Photographs

Construction Project #: **57391** Responsible Parties: **Atlas Holdings International LLC and Joseph Yakubik**

Project Name: **724 & 732 Naples / 729 Milan** Photos taken by: **See photo description**

Photograph # 1 **Alleged Violation # 1, 2**

View looking southeast at dry, loose and powdery site soils with no available BACM at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 2 **Alleged Violation # 1, 2**

View looking south at dry, loose and powdery site soils with no available BACM at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 3 **Alleged Violation # 1, 2**

View looking northwest at dry, loose and powdery site soils with no available BACM at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 4 **Alleged Violation # 1, 2**

View looking west at dry, loose and powdery site soils with no available BACM on a project site without a valid dust control operating permit on lot #005, 729 N Milan Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 5 **Alleged Violation # 1, 2**

View looking west at dry, loose and powdery site soils with no available BACM on a project site without a valid dust control operating permit on lot #005, 729 N Milan Street and Public Right-of-Way parcel #179-04-599-023. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 6 **Alleged Violation # 1, 2**

View looking west at dry, loose and powdery site soils with no available BACM on a project site without a valid dust control operating permit on parcel #179-04-599-023, Public Right-of-Way. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 7 **Alleged Violation # 1, 2**

View looking south at dry, loose and powdery site soils with no available BACM during a follow-up visit. Photo taken by Senior AQS, Katrinka Byers

Photograph # 8 **Alleged Violation # 1, 2**

View looking north at dry, loose and powdery site soils with no available BACM at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 9 **Alleged Violation # 1, 2**

View looking west at dry, loose and powdery site soils with no available BACM on a project site without a valid dust control operating permit on lot #005, 729 N Milan Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 10 **Alleged Violation # 1, 2**

View looking south at dry, loose and powdery site soils with no available BACM at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Katrinka Byers.

Photograph # 11 **Alleged Violation # 2**

View looking at a project site without a valid dust control operating permit on lot #006, 724 N Naples Street. Photo taken by Senior AQS, Andrew Kirk.

Photograph # 12 **Alleged Violation # 2**

View looking at a project site without a valid dust control operating permit on lot #005, 729 N Milan Street. Photo taken by Senior AQS, Andrew Kirk.

Photograph # 13 **Alleged Violation # 2**

View looking at a project site without a valid dust control operating permit on lot #005, 729 N Milan Street, and parcel #179-04-599-023, Public Right-of-Way. Photo taken by Senior AQS, Andrew Kirk.

Exhibit E

ACREAGE MAP 1/10/2024

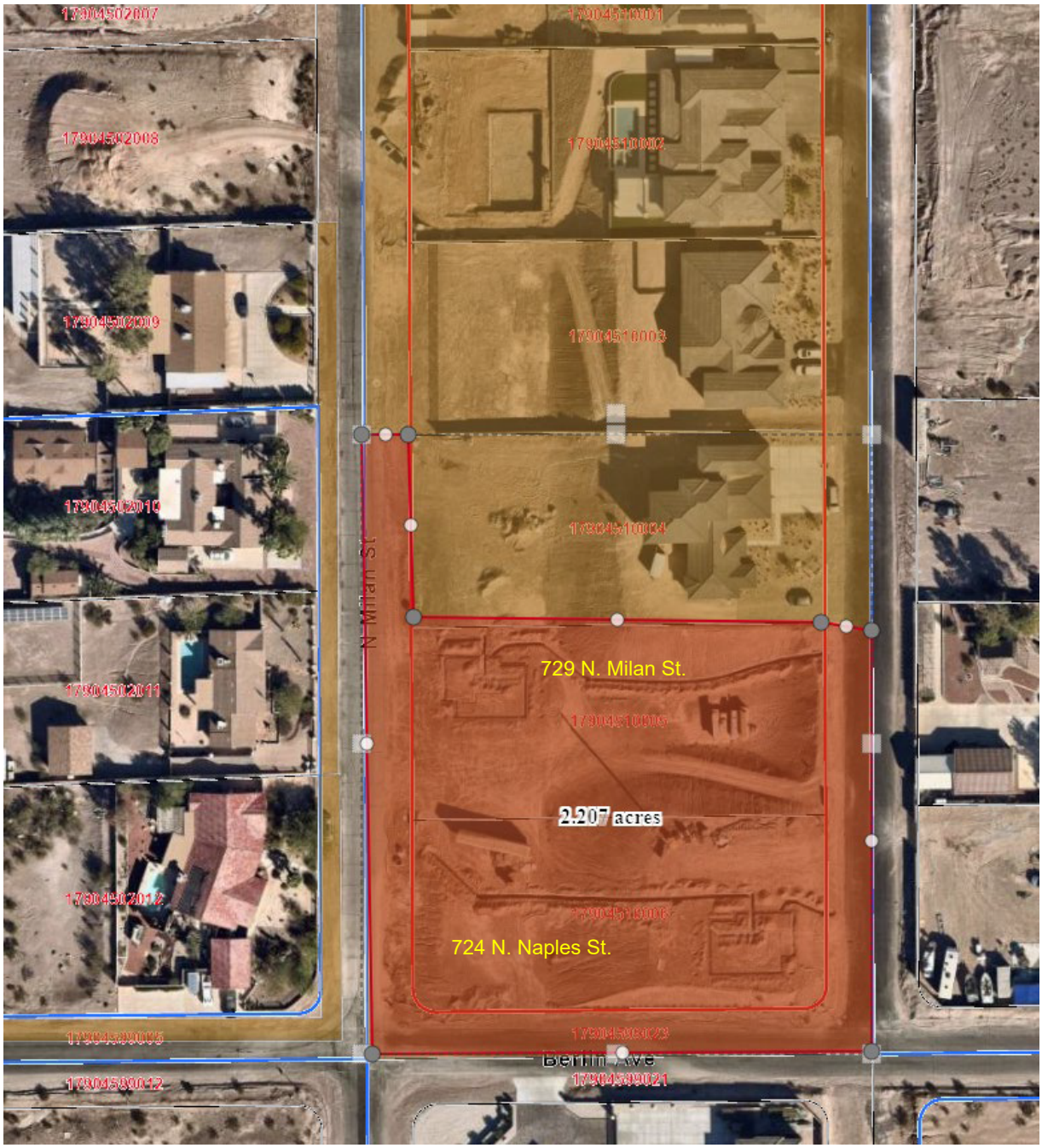
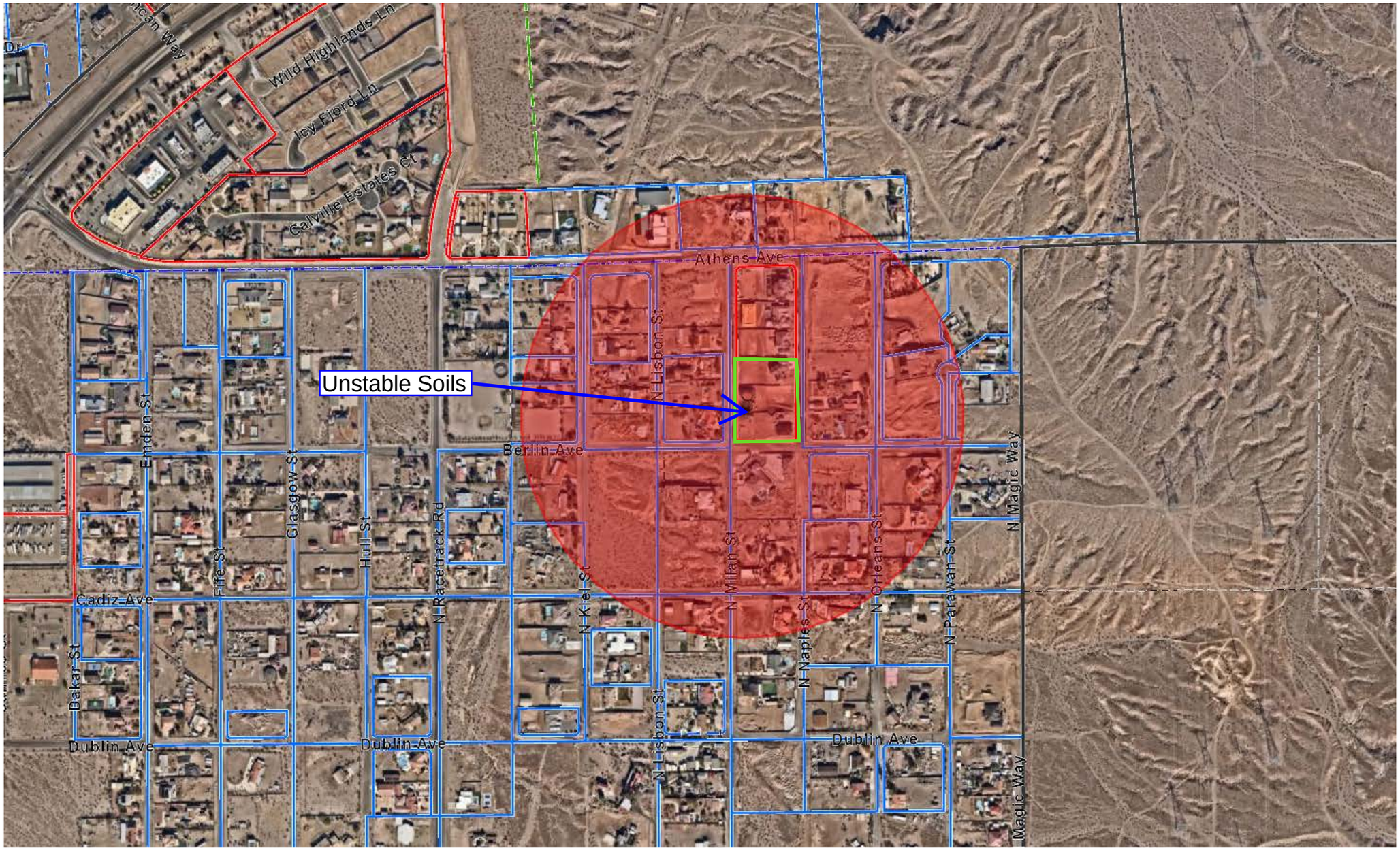


Exhibit F

DCOP 57391 | January 10, 2024 | Atlas Holdings International LLC



Map 1 - Showing approximate location of unstable soils within 1,000 feet of a residential area.

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4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit G

NOTICE OF NONCOMPLIANCE

Issued To: Joe Yakubik (Atlas Holdings International LLC) Project Name: 732 & 724 Naples | 729 Milan

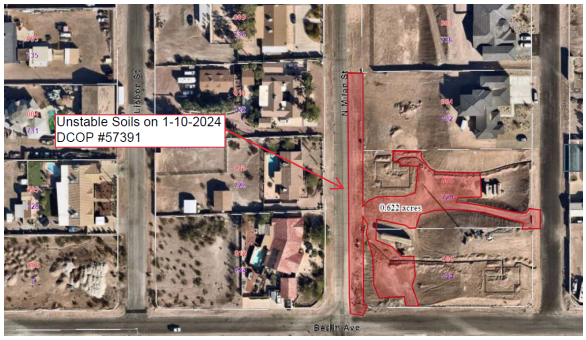
Location: 724, 732 Naples / 729 Milan - Henderson, NV 89015

Dust Control Permit No: 57391 Date: Jan 10, 2024 Time: 12:30 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.
No Valid Dust Control Permit – Submit a complete application for a Dust Control Permit to the Division of Air Quality.
No / Improper Signage – Install and maintain a Dust Control Permit Sign in compliance with AQR Section 94.11.

Additional Instructions / Other Noncompliance Items
*Stabilize all site soils immediately
*Submit a dust permit application by COB, Thursday, 01/18/2024
*Post a dust sign by COB, Friday, 01/26/2024



Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Owner	Atlas Holdings International LLC
(Printed Name)	(Title)	(Company)
assuredmm@gmail.com	joe@assurednv.com	
(Email Address)		

Person Notified:

(Printed Name)	(Title)	(Company)
(Email Address)		

DAQ Representative:

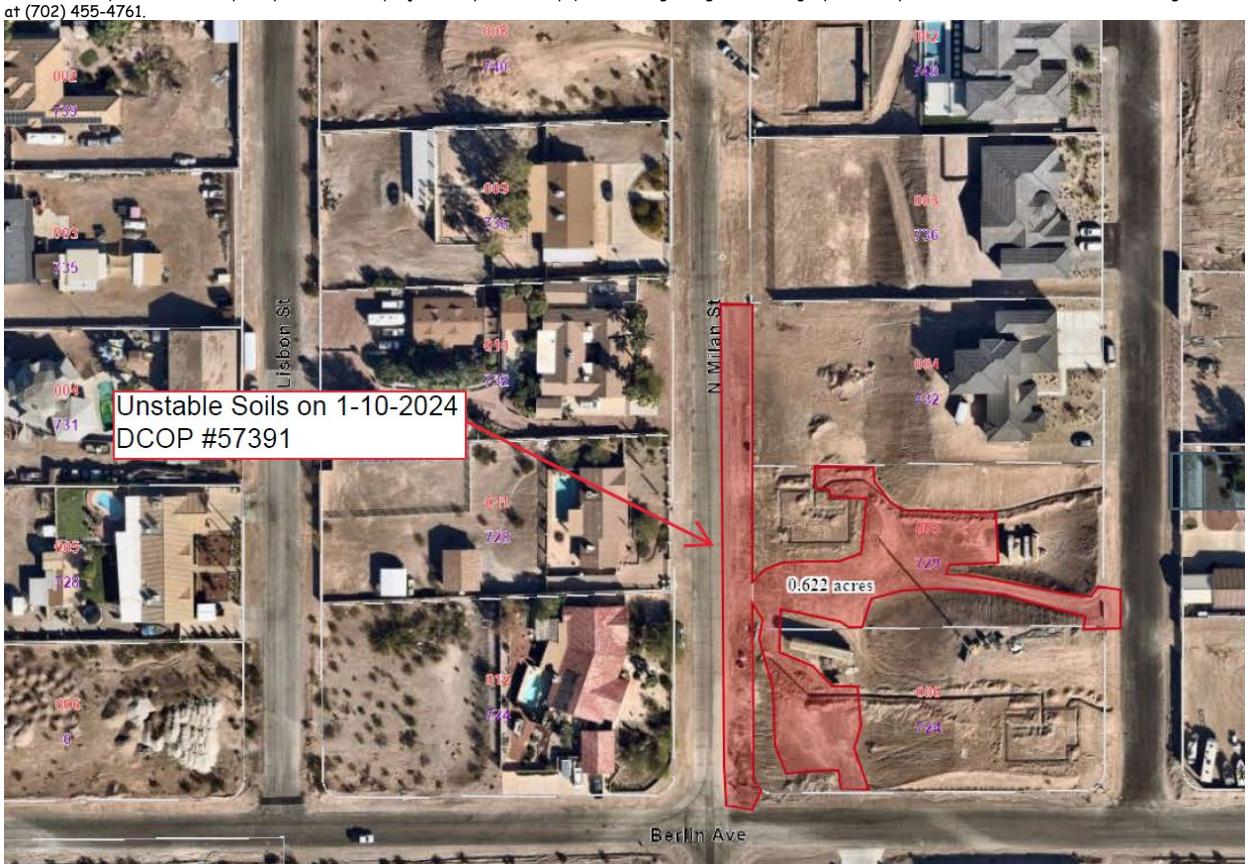
Katrinka Byers		702-249-6093
KLB (Printed Name)		(Phone Number)

From: Katrinka Byers
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; Andrew Kirk; Anna Sutowska; David Dean; Shibi Paul
Subject: Notice of Non-Compliance for 732 & 724 Naples| 729 Milan
Date: Wednesday, January 17, 2024 9:42:00 AM
Attachments: 57391_20240110_NON-Rvd.pdf
image001.png
Importance: High

Good morning Mr. Yarmy,

On behalf of your clients Mr. Yakubik and his company Atlas Holdings International, Inc., I have attached a Notice of Noncompliance (NON) for the 732 & 724 Naples| 729 Milan Construction project, DCOP# 57391 for you and your clients' review. To avoid the possibility of additional recommended penalties if a Notice of Violation (NOV) is issued, your clients will need to comply with the requirements by the specified dates.

Please acknowledge receipt of this email. If your clients have any questions about what is required to comply with applicable Air Quality Regulations where they are conducting and/or authorizing construction activities, please contact Catherine Jorgenson, the Division of Air Quality's (DAQ) counsel. DAQ may issue a NOV based on the attached NON which may result in civil penalties. We appreciate your clients' cooperation to achieve and maintain compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, please respond to this email or contact Ms. Jorgenson at (702) 455-4761.



Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

From: Steven Yarmy
To: Katrinka Byers
Subject: Read: Notice of Non-Compliance for 732 & 724 Naples| 729 Milan
Date: Wednesday, January 17, 2024 11:54:59 AM
Importance: High

Your message
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; Andrew Kirk; Anna Sutowska; David Dean; Shibi Paul
Subject: Notice of Non-Compliance for 732 & 724 Naples| 729 Milan
Sent: 1/17/2024 9:42 AM
was read on 1/17/2024 11:54 AM.

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit H

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137294

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Jan 17, 2024	2:00 PM	2:15 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	732 & 724 Naples | 729 Milan	724, 732 Naples / 729 Milan - Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	52 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Steven Yarmy	Office Personnel	Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.62 acres
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

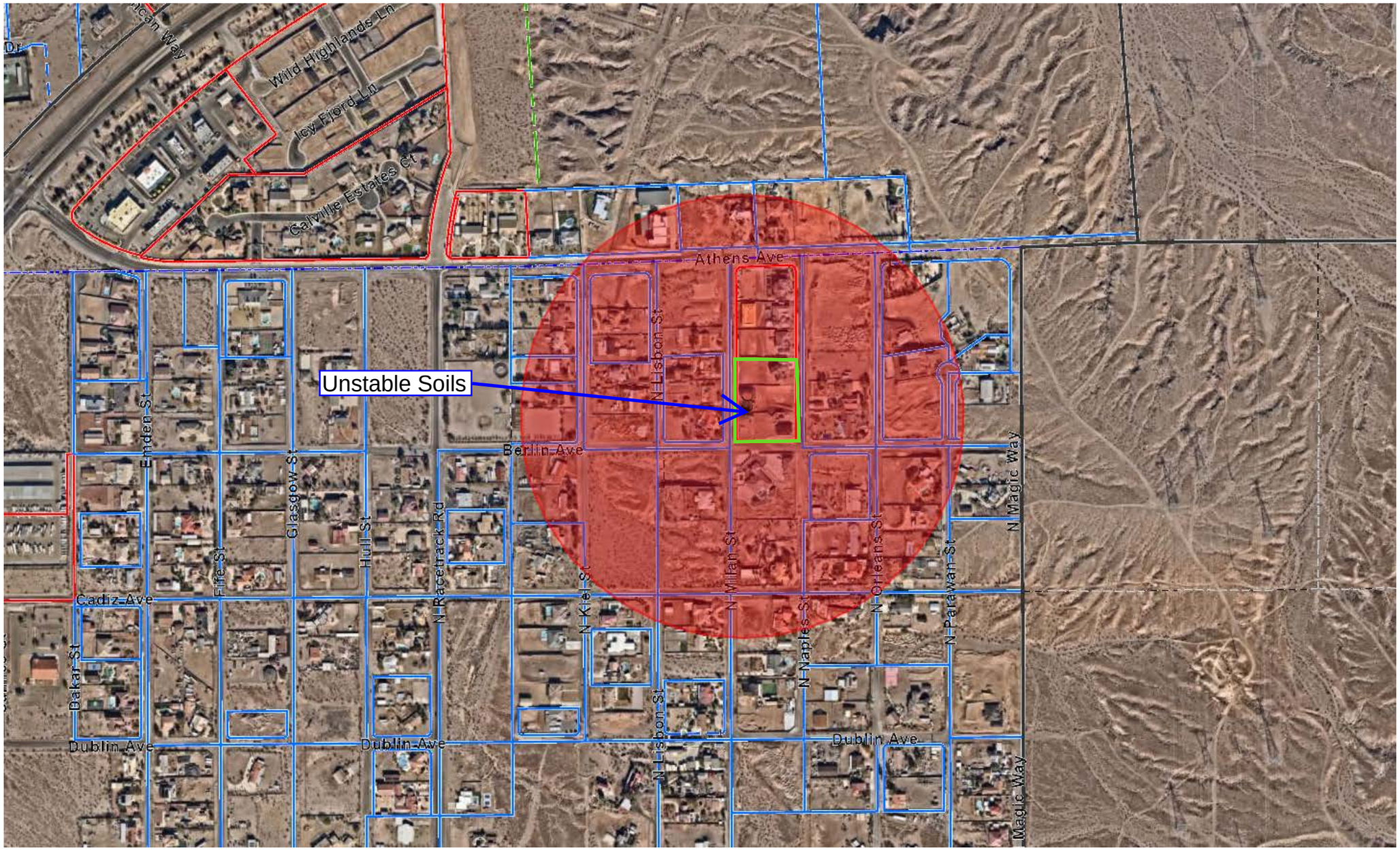
Acreage Permitted:	0 acres	Observed Acreage:	2 acres	Project Size:	Greater than permitted
Staging/Parking Area:		DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a follow-up inspection and observed approximately 0.62 acres of dry, loose, powdery soils with no BACM available onsite and no valid dust control permit on 2 acres at the following parcels: Parcel #179-04-510-005 (729 N MILAN ST), -006 (724 N NAPLES ST), and 179-04-599-023 (Public Right-of-Way). This project continues to be out of compliance for unstable soils and no valid dust control operating permit this is another day of non-compliance. An email to be sent to Mr. Yarmy (Mr. Yakubik's lawyer).

Exhibit I

DCOP 57391 | January 17, 2024 | Atlas Holdings International LLC



Map 2 - Showing approximate location of unstable soils within 1,000 feet of a residential area.

Exhibit J

From: Katrinka Byers
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; Andrew Kirk; David Dean; Mike Englehart; Nahulu Kahananui
Subject: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Date: Friday, January 19, 2024 7:46:00 AM
Attachments: image002.png
Importance: High

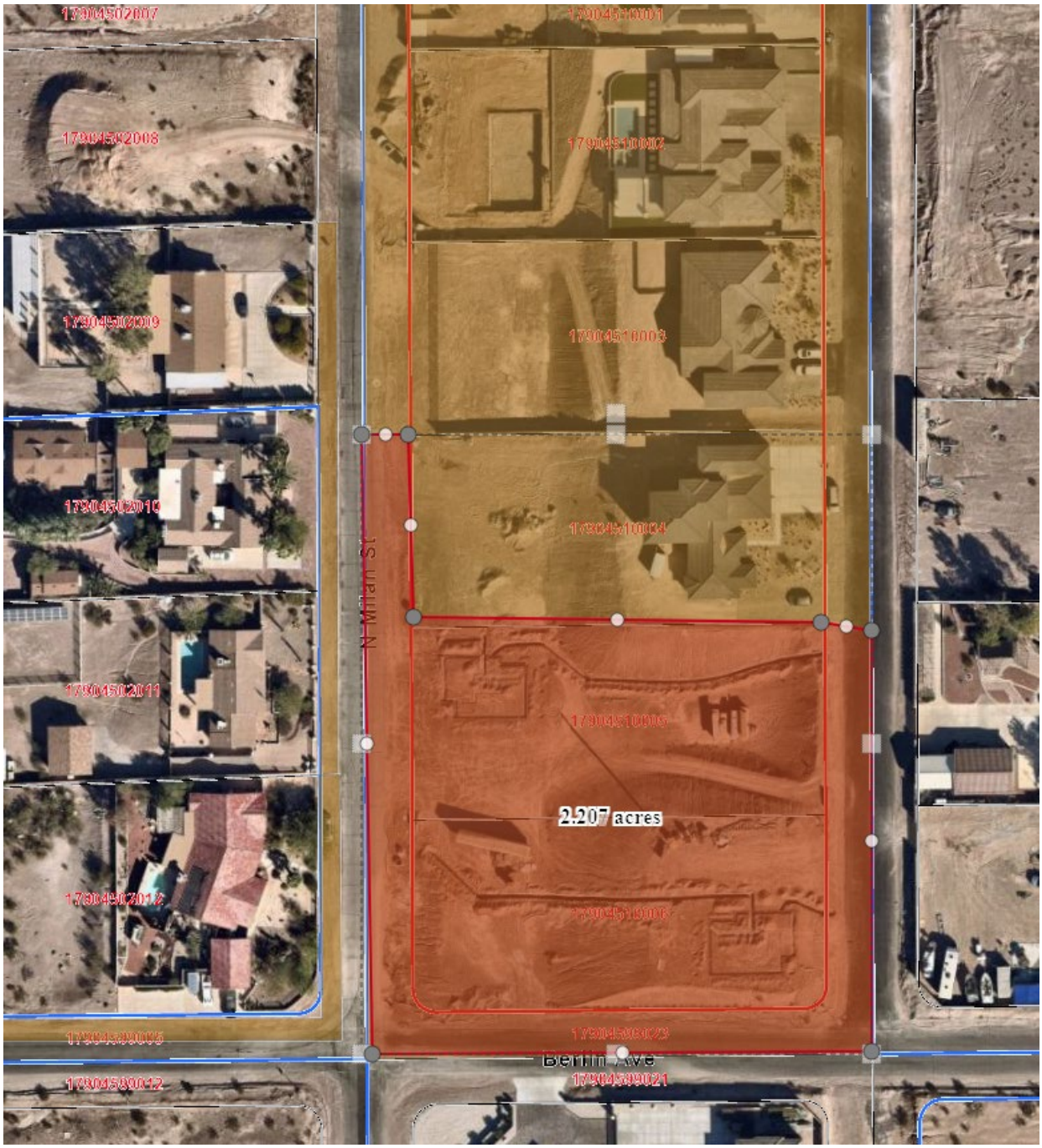
Good morning Mr. Yarmy,

On behalf of your clients Mr. Yakubik and his company Atlas Holdings International, Inc., I conducted a follow-up inspection for the 732 & 724 Naples| 729 Milan Construction project, DCOP# 57391 and observed 0.62 acres of dry, loose, powdery soils with no BACM available and no valid dust control permit on 2.20 acres.

*All site soils are to be stabilized immediately and maintained in a moist and crusted condition 24/7
*A valid dust control operating permit must be submitted for the construction activities shown on the map below by the close of business today, 01/19/2024.

This is another day of non-compliance for failure to comply with Air Quality Regulations.
Please acknowledge receipt of this email. If your clients have any questions about what is required to comply with applicable Air Quality Regulations where they are conducting and/or authorizing construction activities, please contact Catherine Jorgenson, the Division of Air Quality's (DAQ) counsel. DAQ may issue a NOV which may result in civil penalties. We appreciate your clients' cooperation to achieve and maintain compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, please respond to this email or contact Ms. Jorgenson at (702) 455-4761.

The area highlighted in red on the map below requires a valid dust control operating permit: (2.20 acres)
NOTE: The Construction project #57391 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.



Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

From: Steven Yarmy
To: Katrinka Byers
Subject: Read: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Date: Friday, February 2, 2024 2:47:47 PM
Importance: High

Your message
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; David Dean; Mike Englehart; Nahulu Kahananui; Andrew Kirk
Subject: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Sent: 2/2/2024 2:32 PM
was read on 2/2/2024 2:46 PM.

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit K

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137340

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Andrew Kirk	Jan 22, 2024	11:45 AM	12:10 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
	732 & 724 Naples | 729 Milan	724, 732 Naples / 729 Milan - Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Cloudy	Yes	55 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes			
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **Yes**

Project Soils:	Stable	Size of Instability:	
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Adequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.2 acres	Project Size:	Greater than permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Andrew Kirk

I conducted a follow-up inspection at this project and observed a site that has had it's soils stabilized by recent rains (it was raining during this inspection). However, a dust control sign has still not been posted and a Dust Control Operating Permit (DCOP) application has still not been submitted. An e-mail will be sent to Mr. Yarmy, the owners lawyer, to let him know about the results of my inspection. I will tell him to let his client know that all soils have to be kept stable 24/7, a dust sign installed by 1/24/2024, and a DCOP applied for immediately. This site is now compliant for soil stabilization due to rain but is still out of compliance for no dust sign and no DCOP.

Exhibit L

From: Andrew Kirk <Andrew.Kirk@ClarkCountyNV.gov>
Sent: Monday, January 22, 2024 5:06 PM
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson <Catherine.Jorgenson@clarkcountyda.com>; David Dean <Dean@ClarkCountyNV.gov>; Mike Englehart <Englehart@ClarkCountyNV.gov>; Nahulu Kahananui <Nahulu.Kahananui@ClarkCountyNV.gov>; Katrinka Byers <Katrinka.Byers@ClarkCountyNV.gov>
Subject: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391

Good morning Mr. Yarmy,

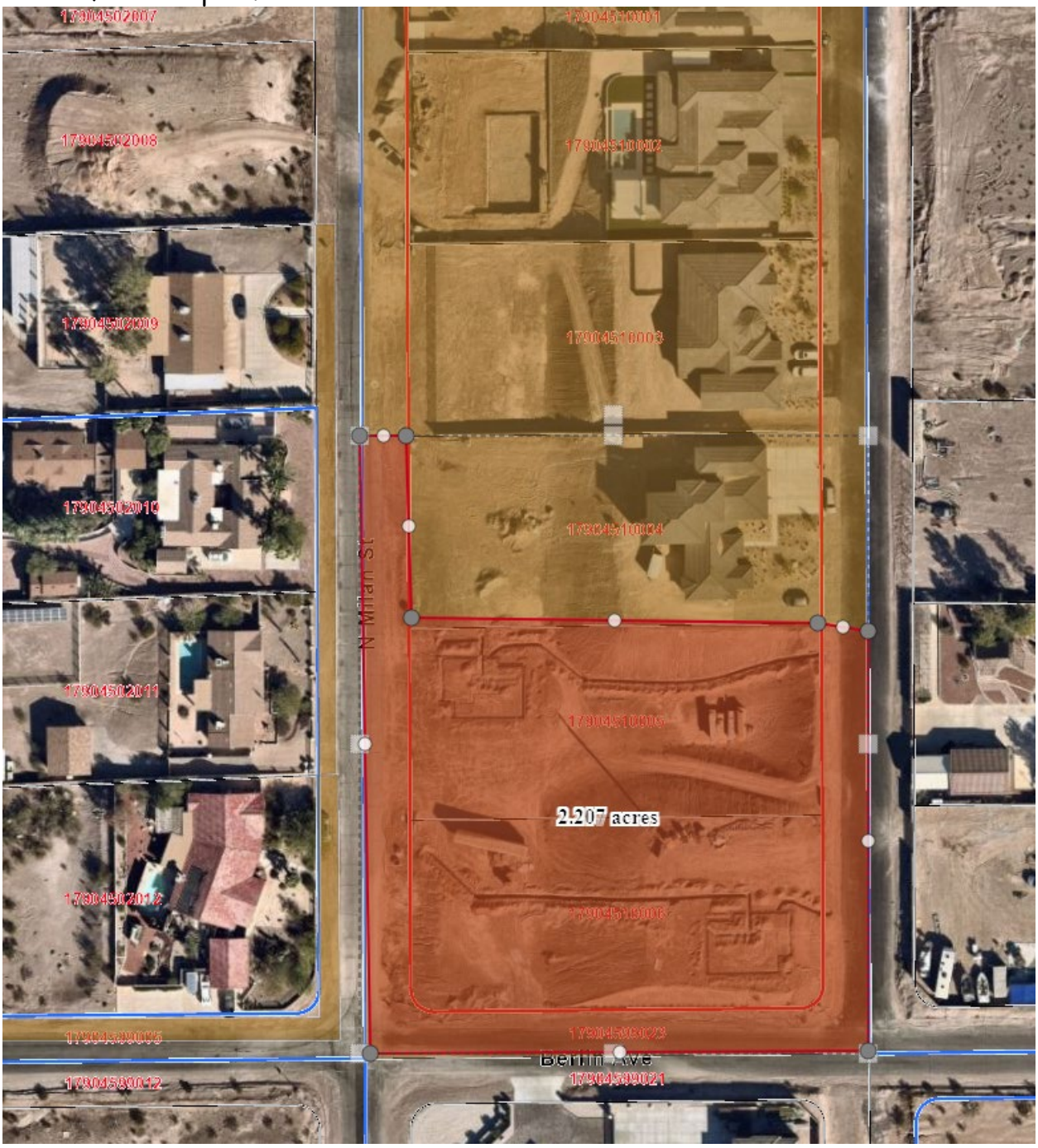
On behalf of your clients Mr. Yakubik and his company Atlas Holdings International, Inc., I conducted a follow-up inspection for the 732 & 724 Naples| 729 Milan Construction project #57391 on 1/22/2024 and observed that all soils have been stabilized due to recent rain but still no dust sign posted, and no valid dust control permit application submitted for the 2.20 acres. To avoid additional non-compliance notices, please adhere to the following:

*All site soils are now stable (due to rain) but must be maintained in a moist and crusted condition 24/7 going forward.
*A dust control sign must be posted by 1/24/2024.
*A Dust Control Operating Permit application was required to be submitted to us by close of business 1/19/2024 as explained in Katrinka Byer's e-mail she sent to you that same day. An application was never submitted so please inform your client that one must be submitted for the construction activities shown on the map below immediately.

This is another day of non-compliance for failure to comply with all Air Quality Regulations.
Please acknowledge receipt of this email. If your clients have any questions about what is required to comply with applicable Air Quality Regulations where they are conducting and/or authorizing construction activities, please contact Catherine Jorgenson, the Division of Air Quality's (DAQ) counsel. DAQ may issue a Notice of Violation (NOV) which could result in civil penalties. We appreciate your clients' cooperation to achieve and maintain compliance on this project. If you have any questions regarding this message, please respond to this email or contact Ms. Jorgenson at (702) 455-4761.

The area highlighted in red on the map below requires a valid dust control operating permit: (2.20 acres)

NOTE: The Construction project #57391 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.



Andrew M. Kirk
Senior Air Quality Specialist
Clark County Division of Air Quality

4701 W. Russell Road, Suite 200
Las Vegas, NV 89118
(702) 455-3529 Office
(702) 306-0257 Cell
Andrew.Kirk@ClarkCountyNV.Gov

Exhibit M

From: Katrinka Byers
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; David Dean; Mike Englehart; Nahulu Kahananui; Andrew Kirk
Subject: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Date: Friday, February 2, 2024 2:32:00 PM
Attachments: image001.png
Importance: High

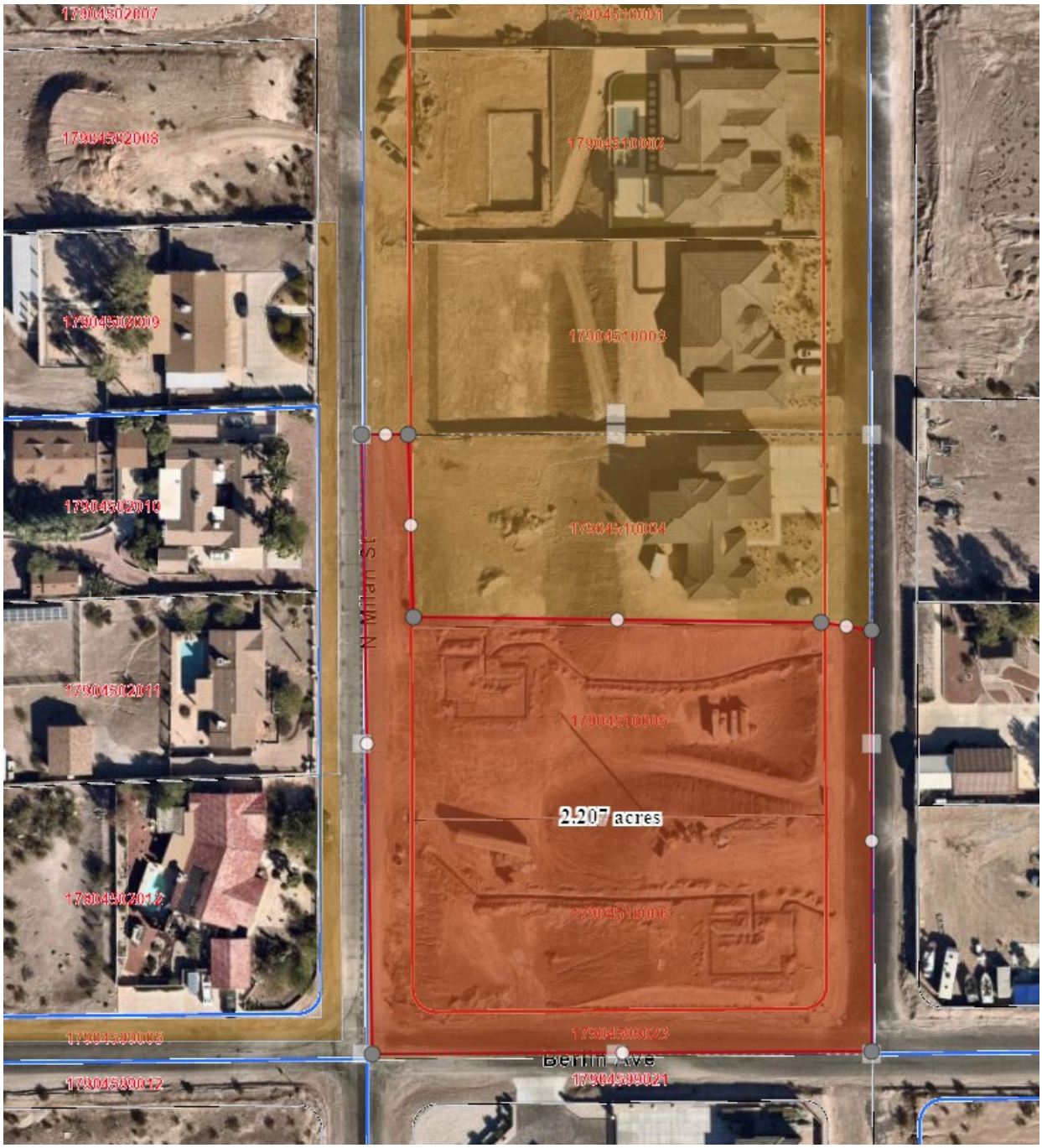
Good afternoon Mr. Yarmy,

On behalf of your clients Mr. Yakubik and his company Atlas Holdings International, Inc., as of 2/02/2024, Air Quality has not received a valid dust control operating permit application for 732 & 724 Naples| 729 Milan Construction project #57391 for the 2.20 acres. This is another day of non-compliance for failure to comply with Air Quality Regulations.

*A Dust Control Operating Permit application was required to be submitted to us by close of business 1/19/2024 as explained in my email I sent to you that same day. An application was never submitted so please inform your client that one must be submitted for the construction activities shown on the map below immediately.

Please acknowledge receipt of this email. If your clients have any questions about what is required to comply with applicable Air Quality Regulations where they are conducting and/or authorizing construction activities, please contact Catherine Jorgenson, the Division of Air Quality's (DAQ) counsel. DAQ may issue a Notice of Violation (NOV) which could result in civil penalties. We appreciate your clients' cooperation to achieve and maintain compliance on this project. If you have any questions regarding this message, please respond to this email or contact Ms. Jorgenson at (702) 455-4761.

The area highlighted in red on the map below requires a valid dust control operating permit: (2.20 acres)
NOTE: The Construction project #57391 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.



Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

From: Steven Yarmy
To: Katrinka Byers
Subject: Read: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Date: Friday, February 2, 2024 2:47:47 PM
Importance: High

Your message
To: sly@stevenyarmylaw.com; luz@yarmylaw.com
Cc: Catherine Jorgenson; David Dean; Mike Englehart; Nahulu Kahananui; Andrew Kirk
Subject: Another day of Non-Compliance for 732 & 724 Naples| 729 Milan Construction Project #57391
Sent: 2/2/2024 2:32 PM
was read on 2/2/2024 2:46 PM.

UNITED STATES POSTAL SERVICE

March 21, 2024

Dear pamela 9979a:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6522 1271 08**.

Item Details

Status:	Delivered, PO Box
Status Date / Time:	March 14, 2024, 8:31 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Note: There is no delivery signature on file for this item.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

March 21, 2024

Dear pamela 9979b:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6522 1271 15**.

Item Details

Status:	Delivered, PO Box
Status Date / Time:	March 14, 2024, 8:31 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Note: There is no delivery signature on file for this item.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

March 11, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 775457458699

Delivery Information:			
Status:	Delivered	**Delivered To:**	Receptionist/Front Desk
Signed for by:	B.POWE	**Delivery Location:**	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		LAS VEGAS, NV,
		Delivery date:	Mar 11, 2024 09:41

Shipping Information:			
Tracking number:	775457458699	**Ship Date:**	Mar 8, 2024
		Weight:	0.5 LB/0.23 KG

Recipient:	**Shipper:**
LAS VEGAS, NV, US,	LAS VEGAS, NV, US,

Reference	NOV 9979
Purchase Order	4500368555-030

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

Joseph Yakubik and Darcie Yakubik, Individually (Construction Project #57592)

Appeal of NOV #9981

Table of Contents

Appeal of Hearing Officer Order received June 27, 2024 ..... Appeal_NOV_9981_001

Hearing Officer Order signed June 20, 2024 ..... HO_NOV_9981_001

NOV #9981 Issued March 7, 2024 ..... NOV_9981_001

Exhibit A – Penalty Calculation Table..... NOV_9981_005

Exhibit B – Air Quality Construction Site Inspection Form #137241, dated January 17, 2024 ..... NOV_9981_006

Exhibit C – Digital Photographs 1 through 25..... NOV_9981_007

Exhibit D – Acreage Map: Showing the approximate areas of construction activity on January 17, 2024 ..... NOV_9981_020

Exhibit E – Map 1: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 17, 2024 ..... NOV_9981_021

Exhibit F – Air Quality Notice of Noncompliance for January 17, 2024 ..... NOV_9981_022

Exhibit G – Air Quality Construction Site Inspection Form #137312, dated January 19, 2024 ..... NOV_9981_025

Exhibit H – Map 2: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 19, 2024..... NOV_9981_027

Exhibit I – E-mail Correspondence, dated February 2, 2024..... NOV_9981_028

Exhibit J – Air Quality Construction Site Inspection Form #137981, dated February 14, 2024 ..... NOV_9981_029

Exhibit K – E-mail Correspondence, dated February 15, 2024 ..... NOV_9981_030

United States Postal Service Certified Mail Delivery Receipt for NOV #9981 to Joseph and Darcie Yakubik, delivered March 14, 2024 ..... NOV_9981_031

Federal Express Delivery Receipt for NOV #9981 to Joseph and Darci Yakubik c/o Jarrod L. Rickard, Semenza Rickard Law, delivered March 11, 2024 ..... NOV_9981_032

Federal Express Delivery Receipt for NOV #9981 to Joseph and Darcie Yakubik, delivered March 11, 2024..... NOV_9981_033

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

RECEIVED CC DAQ
2024 JUN 27 AM 7:05

Appeal of Hearing Officer's Order

1. **Date of Appeal:** June 27, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 9981 Hearing Date: June 17, 2024

Hearing Officer: Holly Fic

2. **Name, address, telephone number of Appellant:**

Name: Marci Henson, Control Officer for Division of Air Quality
(Please print)

Address: 4701 West Russell Road, Suite 200, Las Vegas, NV 89118

Telephone: 702-455-5942 Fax: 702-383-9994

Email: catherine.jorgenson@clarkcountydanv.gov

3. **Other person or persons authorized to receive service of notice:**

Name: Catherine Jorgenson, Deputy District Attorney, Civil Division
(Please print)

Address: 500 South Grand Central Parkway, 5th Floor, Las Vegas, NV 89106

Telephone: 702-455-4761 Fax: _____

Email: catherine.jorgenson@clarkcountydanv.gov

4. **Type of business or activity and location of activity involved in the request:**

1028 Athens Avenue, residential construction site

5. **Reason for appeal:** ☐ **Facts alleged** ☐ **Penalty assessed** ■ **Both**

Provide a detailed explanation of the reason for your appeal:

Air Quality disagrees with the Hearing Officer's determination

that the alleged violations did not occur.

6. **An application filing fee of $140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: Marci Henson Date: 6/27/2024

Printed Name: Marci Henson

Title: Control Officer

FOR OFFICE USE ONLY

Application Received on June 27, 2024

Application Fee $140.00 - Check ✓ JV Received Date: 6/27/2024

air quality

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

CLARK COUNTY DEPT. OF ENVIRONMENT &
SUSTAINABILITY/DIV AIR QUALITY
4701 W. RUSSELL ROAD SUITE 200
LAS VEGAS, NV 89118

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
068811	6/27/2024	SHERRIER	DUST CONTROL ENFORCEMENT	6/27/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	$140.00	$140.00
	06/27/2024 JOURNAL VOUCHER (DAQ-NOV-9981)	PAYMENT		($140.00)

Notes: NOV #9981, Hearing Officer Appeal, Submitted 6/27/2024

Subtotal:	$140.00
Paid:	($140.00)
Adjustments:	$0.00
Balance Due:	$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #9981 Issued to JOSEPH YAKUBIK and DARCIE YAKUBIK, Respondents.	ORDER

The above-entitled matter was heard on June 17, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and JOSEPH YAKUBIK and DARCIE YAKUBIK (**YAKUBIK** and **D. YAKUBIK**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #9981 was issued by Air Quality to Respondents YAKUBIK and D. YAKUBIK on March 7, 2024 for alleged violation(s) of the Clark County Air Quality Regulations (**AQRs**) at the 1028 Athens Avenue construction site, located at 1024 and 1028 Athens Avenue, in Clark County, Nevada. The violation(s) alleged in the NOV include:

(a) Violation of AQR 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

(b) Violation of AQR Section 94.4.1(a) for failing to obtain a Dust Control Operating Permit prior to commencing construction activities.

2. The penalty recommended by Air Quality in NOV #9981 was $4,000.00.

///

///

///

3. The Hearing Officer dismissed the violation(s) alleged in NOV #9981 finding that YAKUBIK and D. YAKUBIK did not violate AQR Sections 94.13(a) and (b) on January 17 and 19, 2024, and AQR Section 94.4.1(a) on January 17 and 19, 2024, and February 14, 2024.

DATED this 20th day of June, 2024.

Holly Fic (Jun 20, 2024 08:25 PDT)

Holly Fic
Hearing Officer

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

March 7, 2024

CERTIFIED MAIL #9489 0090 0027 6522 1271 22
Joseph and Darcie Yakubik, Property Owners
E-mail: joe@assurednv.com
P.O. Box 530778
Henderson, NV 89053

FEDERAL EXPRESS TRK #775462849514
Joseph and Darcie Yakubik, Property Owners
1028 Athens Avenue
Henderson, NV 89015

FEDERAL EXPRESS TRK #775462754234
Joseph and Darcie Yakubik
c/o Jarrod L. Rickard, Semenza Rickard Law
E-mail: jlr@semenzarickard.com
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145

NOTICE OF VIOLATION #9981

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Joseph Yakubik (**Yakubik**) and Darcie Yakubik (**D. Yakubik**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of Four Thousand and no/100 Dollars ($4,000.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. Senior Air Quality Specialists Katrinka Byers (**Byers**) and Andrew Kirk (**Kirk**), and Air Quality Supervisor David Dean (**Dean**), discovered the alleged violations while performing routine patrol resulting in an initial inspection on January 17, 2024, and follow-up inspections on January 19 and February 14, 2024, at the 1028 Athens Avenue construction project (parcel numbers 160-33-801-021 and 160-33-801-020), located at 1024 and 1028 Athens Avenue, in Clark County, Nevada.

B. On January 17, 2024, at approximately 1:00 p.m., Byers arrived at the 1028 Athens Avenue construction site to conduct an initial inspection within parcel numbers 160-33-801-020 and 160-33-801-021. The inspection report is attached hereto as **Exhibit B** and incorporated herein. During Byers' inspection, she observed approximately 0.47 acres of dry, loose, and powdery soil conditions, no trackout control device, and approximately 1.02 acres of construction activities occurring without a Dust Control Operating Permit (**DCOP**) as shown in Photographs 1 through 8 and the Acreage Map attached hereto as **Exhibits C** and **D**, respectively, and incorporated herein. Byers also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 1 attached hereto as **Exhibit E** and incorporated herein. Byers concluded her inspection at approximately 2:30 p.m.

C. On January 18, 2024, at approximately 1:00 p.m., Byers e-mailed Yakubik concerning her observations of noncompliance and the issuance of a Notice of Noncompliance (**NON**). The NON was included in an e-mail to Yakubik and is attached hereto as **Exhibit F** and incorporated herein.

D. On January 19, 2024, at approximately 11:00 a.m., Byers and Dean arrived at the 1028 Athens Avenue construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit G** and incorporated herein. During the inspection, Byers and Dean observed approximately 0.47 acres of dry, loose, and powdery site soils, no trackout control device, and approximately 1.02 acres of construction activities occurring without a DCOP as shown in Photographs 9 through 19 (**Exh. C**) and the Acreage Map (**Exh. D**). While onsite, Byers spoke to a worker by the name of Jeff, informed him of the noncompliance issues, and requested that he notify Yakubik. Byers also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 2 attached hereto as **Exhibit H** and incorporated herein. During the inspection, Byers also spoke with Paul Yakubik (**P. Yakubik**), owner of parcel 160-33-801-020, and provided her credentials as he requested. Byers and Dean concluded their inspection at approximately 12:45 p.m.

E. On February 2, 2024, at approximately 2:45 p.m., Byers sent an e-mail correspondence to Yakubik. The e-mail correspondence is attached hereto as **Exhibit I** and incorporated herein. Within the e-mail correspondence, Byers re-iterated the requirements outlined in the NON issued to Yakubik for noncompliance observed on January 17, 2024 (**Exh. F**). The e-mail further informed Yakubik of Byers' follow-up inspection findings, included a map of the areas to be permitted, and stated the project was still in non-compliance.

F. On February 14, 2024, at approximately 1:30 p.m., Byers and Kirk arrived at the 1028 Athens Avenue construction site to conduct a follow-up inspection. The inspection report is attached hereto as **Exhibit J** and incorporated herein. During their inspection, Byers and Kirk observed approximately 1.02 acres of construction activities occurring without a DCOP and no trackout control device, as shown in Photographs 20 through 25 (**Exh. C**) and the Acreage Map (**Exh. D**). Byers and Kirk concluded their inspection at approximately 2:00 p.m.

G. On February 15, 2024, at approximately 7:43 a.m., Byers sent an e-mail correspondence to Yakubik. The e-mail correspondence is attached hereto as **Exhibit K** and incorporated herein. Within the e-mail correspondence, Byers re-iterated the requirements outlined in the NON

issued to Yakubik for noncompliance observed on January 17, 2024 (**Exh. F**). The e-mail correspondence further informed Yakubik of Byers and Kirk's February 14, 2024 follow-up inspection findings, included a map of the areas to be permitted, and stated the project was still in non-compliance.

II. VIOLATIONS

Violation 1:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, Yakubik and D. Yakubik violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

"(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2)."

Violation 2:

By failing to obtain a DCOP prior to commencing construction activities, Yakubik and D. Yakubik violated AQR Section 94.4.1(a).

AQR Section 94.4.1(a) states:

"(a) Except as provided in Section 94.3, no Person shall commence any Construction Activities or Temporary Commercial Activities except in compliance with a Permit that authorizes such activities."

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation 1 occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraphs I.B and I.D above (**Exh. E and H**).

Air Quality recommends a civil penalty in the amount of $4,000.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, March 21, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by March 11, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul (Mar 7, 2024 15:17 PST)

Shibi Paul
Compliance and Enforcement Manager

Exhibits:

A. Penalty Calculation Table, NOV #9981
B. Air Quality Construction Site Inspection Form #137241, dated January 17, 2024
C. Digital Photographs 1 through 25
D. Acreage Map: Showing the approximate areas of construction activity on January 17, 2024
E. Map 1: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 17, 2024
F. Air Quality Notice of Noncompliance for January 17, 2024
G. Air Quality Construction Site Inspection Form #137312, dated January 19, 2024
H. Map 2: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on January 19, 2024
I. E-mail Correspondence dated February 2, 2024
J. Air Quality Construction Site Inspection Form #137981, dated February 14, 2024
K. E-mail Correspondence dated February 15, 2024

sjg

Exhibit A

NOV # 9981
Penalty Calculation Table
Joseph Yakubik and Darcie Yakubik, Individually

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality · desert conservation PROGRAM · sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	1/17/2024	Failed to employ Best Available Control Measures and comply with soil stabilization standards 24/7.	94.13(a) and (b)	Exh. C, Photos 1 and 2 Exh. E, Map 1	$ 1,000	2	Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00
	1/19/2024			Exh. C, Photos 10 thru 13 and 15 thru 19 Exh. H, Map 2			Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00
2	1/17/2024	Failed to obtain a DCOP prior to engaging in construction activities.	94.4.1(a)	Exh. C, Photos 1 through 8 Exh. D, Acreage Map	$ 500	3	N/A	0%	$ -	$ 500.00
	1/19/2024			Exh. C, Photos 9 thru 19 Exh. D, Acreage Map			N/A	0%	$ -	$ 500.00
	2/14/2024			Exh. C, Photos 20 thru 25 Exh. D, Acreage Map			N/A	0%	$ -	$ 500.00
									Total Penalty:	**$ 4,000.00**

Regulatory maximum: $10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.640]

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit B

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137241

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Jan 17, 2024	1:00 PM	2:30 PM	Initial		**57592**

Permittee:	Project Name:	Project Location:
	NO DCOP/ Yakubik	1028 Athens Avenue, Henderson Nevada 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	55 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Joe Yakubik	Owner	Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.47 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	1.02 acres	Project Size:	Greater than permitted
Staging/Parking Area:	Off-Site (Not included in acreage)	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

I conducted a routine patrol inspection and observed workers operating in dry, loose and powdery site soils on approximately 1.02 acres with no available BACM, no valid operating dust control permit, no trackout control device and no dust sign. I issued a Notice of Non-Compliance with a possible NOV to Mr. & Mrs. Joe Yakubik (Property Owners) to stabilize all site soils immediately, apply for a valid dust control permit by the close of business Friday, 01/19/2024, install a trackout control device at the exit point of Athens Avenue by close of business Monday, 01/22/2024 and post a dust permit sign by the close of business Friday, 02/02/2024. The NON to be emailed to Mr. & Mrs. Joe Yakubik on 1/18/2024.

Exhibit C

Digital Photographs

Construction Project #: **57592** Responsible Party: **Joseph and Darcie Yakubik**

Project Name: **NO DCOP/Yakubik** Photos taken by: **See photo description**

Photograph # 1 **Alleged Violation # 1, 2**

View looking southeast at workers conducting construction activities without a valid dust control operating permit in dry, loose and powdery site soils at 1028 Athens Avenue for the Yakubik Residence. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 2 **Alleged Violation # 1, 2**

Upclose view of workers operating in dry, loose and powdery site soils creating fugitive dust with no Best Available Control Measures (BACM) and no valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 3 **Alleged Violation # 2**

View looking southeast at materials staged onsite with no valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 4 **Alleged Violation # 2**

View looking northeast at workers conducting construction activities without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 5 **Alleged Violation # 2**
View looking northeast at a new addition without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 6 **Alleged Violation # 2**
View looking north at the construction of a new pump house without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 7 **Alleged Violation # 2**

View looking southwest at a worker operating a mini-excavator for the construction work conducted on the Yakubik property without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 8 **Alleged Violation # 2**

View looking southeast at workers parking and accessing Mr. Yakubik's site through the parcel to the west, owned by Mr. Paul Yakubik. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 9 **Alleged Violation # 2**

View looking northeast at workers conducting construction activities on the pool house during a follow-up visit without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 10 **Alleged Violation # 1, 2**

View looking west at dry, loose and powdery site soils and the access to Mr. Yakubik's project site through the parcel to the west owned by Mr. Paul Yakubik. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 11 **Alleged Violation # 1, 2**
View looking northeast at dry, loose and powdery site soils within the staging area located behind the garage/indoor basketball court. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 12 **Alleged Violation # 1, 2**
View looking south at dry, loose and powdery site soils with no available BACM. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 13 **Alleged Violation # 1, 2**

View looking southwest at the staging/parking area and access to Joe Yakubik's project through the parcel to the west (owned by Mr. Paul Yakubik). Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 14 **Alleged Violation # 2**

View looking northeast at construction work without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 15 **Alleged Violation # 1, 2**

View looking east at construction activities in dry, loose and powdery site soils with no valid dust control operating permit and no available BACM. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 16 **Alleged Violation # 1, 2**

View looking east at staging material in dry, loose and powdery site soils. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 17 **Alleged Violation # 1, 2**
View looking east at dry, loose and powdery site soils with no available BACM. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 18 **Alleged Violation # 1, 2**
View looking south at dry, loose and powdery site soils with no available BACM. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 19 **Alleged Violation # 1, 2**

View looking south at dry, loose and powdery site soils. Photo taken by Senior Air Quality Specialist, Katrinka Byers.

Photograph # 20 **Alleged Violation # 2**

Photo looking southeast at staging material for the construction activities occurring without a valid dust control operating permit during a follow-up inspection. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Photograph # 21 **Alleged Violation # 2**

View looking south at staging material & equipment on both Joe Yakubik's Lot#020 & Paul Yakubik's Lot#021 for the construction activities occurring at 1028 Athens Avenue without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Photograph # 22 **Alleged Violation # 2**

View looking south at staging material with no valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Photograph # 23 **Alleged Violation # 2**
View looking southeast at a new addition and staging of material without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Photograph # 24 **Alleged Violation # 2**
View looking northeast at the construction activity taking place during a follow-up inspection without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Photograph # 25 **Alleged Violation # 2**

View looking northwest at entrance to the staging/parking area observed on the parcel to the west of Mr. Joe Yakubik without a valid dust control operating permit. Photo taken by Senior Air Quality Specialist, Andrew Kirk.

Application #57592
Joe Yakubik

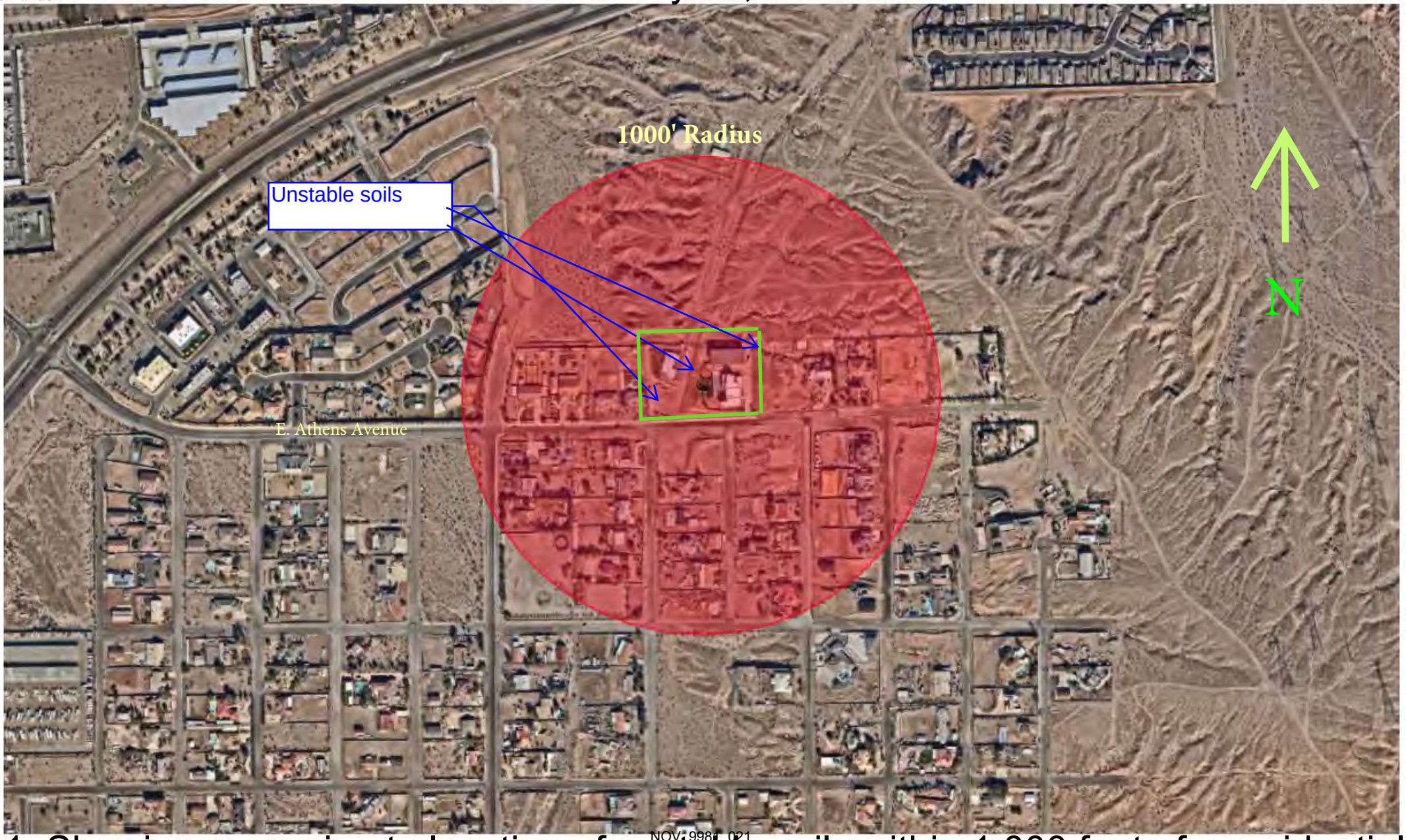
January 17, 2024 Exhibit D

Acreage Map - Showing location of construction activities without a valid DCOP

NOV_9981_020

Application#57592
Joe Yakubik

January 17, 2024 Exhibit E



MAP 1: Showing approximate location of unstable soils within 1,000 feet of a residential area

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit F

NOTICE OF NONCOMPLIANCE

Issued To: Joe & Darci Yakubik | Project Name: NO DCOP/Yakubik

Location: 1028 Athens Avenue, Henderson Nevada 89015 Parcel#16033801020 & Parcel#16033801021

Construction Project No: 57592 | Date: Jan 17, 2024 | Time: 2:30 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.
Trackout
Install a trackout control device at the exit point onto Athens Avenue by COB Monday, 01/22/2024.
No Valid Dust Control Permit – Submit a complete application for a Dust Control Permit to the Division of Air Quality. Comply by close of business on Jan 19, 2024. Permit late fees will apply.
No / Improper Signage – Install and maintain a Dust Control Permit Sign in compliance with AQR Section 94.11. Comply by close of business on Feb 2, 2024. See Appendix 3 of AQR Section 94 for specifications.

Additional Instructions / Other Noncompliance Items

*Stabilize all site soils immediately and maintain in a moist and crusted condition 24/7
*Apply for a valid dust control operating permit by COB Friday, 01/19/2024. LATE FEES WILL BE APPLIED
*Install a trackout control device at the exit point onto Athens Avenue by COB Monday, 01/22/2024
*Post a dust permit sign by the close of business Friday, 02/02/2024
NOTE: The Construction Project No:57592 will be your official dust control operating permit number once you submit the permit application.

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:
Joe & Darci Yakubik | Owner | Parcel#16033801020-021
(Printed Name) | (Title) | (Company)

assuredmm@gmail.com | joe@assurednv.com
(Email Address)

Person Notified:
(Printed Name) | (Title) | (Company)

(Email Address)

DAQ Representative:
Katrinka Byers | 702-249-6093
KLB (Printed Name) | (Phone Number)

From: Katrinka Byers
To: Joe Yakubik; assuredmm@gmail.com
Cc: Catherine Jorgenson; "Steven Yarmy"; Mike Englehart; Andrew Kirk; David Dean; luz@yarmylaw.com; David Dean
Subject: Notice of Non-Compliance for Construction Project#57592
Date: Thursday, January 18, 2024 1:02:00 PM
Attachments: image001.png
image003.png
57592_20240117_NON.pdf
Importance: High

Good afternoon Mr. & Mrs. Yakubik,

Please review the attached Notice of Noncompliance (NON) with Air Quality Regulations (AQRs) for the NO DCOP/Yakubik project, Construction Project# 57592 located at **1028 Athens Avenue, Henderson Nevada 89015,** Parcel#16033801020 & 021, and comply with the requirements by the specified dates.

NOTE: The Construction Project#57592 will be your official dust control operating permit number once you submit the permit application and pay the permit fees.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This NON may result in a Notice of Violation (NOV) that may result in civil penalties. We appreciate your continued cooperation in maintaining compliance on this project. We will continue to conduct inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

Sincerely,
Katrinka Byers

The map below highlighted in red show the areas requiring a dust control operating permit for construction activities disturbing a total of 1.019 acres.

Katrinka Byers

Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

From: Steven Yarmy
To: Katrinka Byers
Subject: Read: Notice of Non-Compliance for Construction Project#57592
Date: Friday, January 19, 2024 11:58:52 AM
Importance: High

Your message
To: Joe Yakubik; assuredmm@gmail.com
Cc: Catherine Jorgenson; 'Steven Yarmy'; Mike Englehart; Andrew Kirk; David Dean; luz@yarmylaw.com; David Dean
Subject: Notice of Non-Compliance for Construction Project#57592
Sent: 1/18/2024 1:02 PM
was read on 1/19/2024 11:58 AM.

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Fax Number: (702)383-9994

Exhibit G

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137312

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Jan 19, 2024	11:00 AM	12:45 PM	Follow-up		**57592**

Permittee:	Project Name:	Project Location:
	NO DCOP/ Yakubik	1028 Athens Avenue, Henderson Nevada 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Partly Cloudy	No	55 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Jeff	Foreman	In Person
		Spoke With:	Title:	Comm. Method:
		Paul Yakubik	Owner	In Person

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.47 acres
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	1.02 acres	Project Size:	Greater than permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

My supervisor, David Dean & I conducted a follow-up inspection at 1028 Athens Avenue, Henderson (Parcel# 16033801021) and observed workers onsite constructing a pool equipment storage building and operating on approximately .47 acres of dry, loose, powdery soils with no BACM available, no valid dust control permit and no trackout control device. I spoke with Jeff (construction worker) and confirmed he was hired by Mr. Joe Yakubik operating without a valid operating dust control operating permit. During my inspection I also observed staging material used for the construction project stored on both Mr. Joe Yakubik's lot (021) and the neighboring lot below, owned by his parents (Paul & Charlotte Yakubik)-Parcel# 16033801020. I observed a new addition being constructed to the existing basketball court and a newly poured outside pool patio. I also confirmed with the workers onsite, the only access to Mr. Joe Yakubik's property with heavy equipment and vehicles is through the neighboring property owned by Mr. & Mrs. Paul Yakubik lot (020). I told Jeff this inspection was another possible day of violation, to stabilize all site soils immediately, add a trackout control device at the exit and submit a valid dust control operating permit application by the close of business Monday, 01/22/2024 and to pass the information on to Mr. Joe Yakubik. During our inspection, Mrs. Charlotte Yakubik on lot #020 began to yell at my supervisor, Mr. Dean saying, "If we don't get off of her son's property lot#021 immediately she was going to lock us in". She also said we were not allowed to use her driveway to access her son's lot. My supervisor relocated the county vehicle and re-

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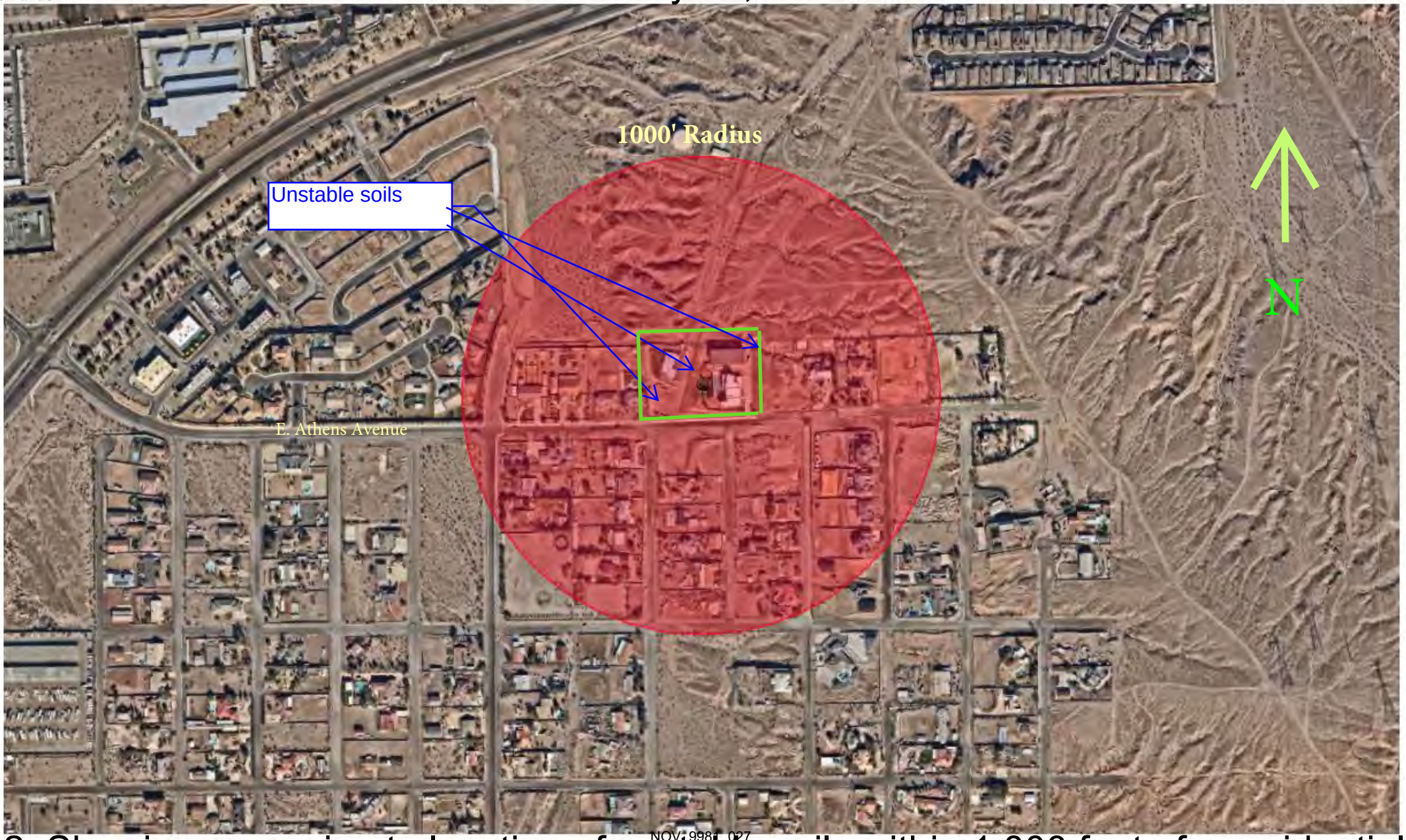
Fax Number: (702)383-9994

parked on Athens Avenue located south of the project. Mrs. Yakubik then locked the entry gate in which I originally entered the project and would not allow me to leave through her property. As I was leaving the area, Mr. Paul Yakubik (Father of Joe Yakubik) approached me and asked to see my credentials. Mr. Yakubik was very pleasant and apologized for his wife locking the access gate. During my discussion with Mr. Paul Yakubik, he indicated he saw the email that I sent out to his son Joe Yakubik on 1/18/2024 requiring a dust control permit for the construction activity taking place on both properties and asked if his property could be left off the permit. I explained the area on his property could be left off if he blocked access to the construction workers entering his property so that only Joe's lot was utilized. Once we were finished with our inspection, we drove across the street to conduct additional inspections on several dust permits located within the area, during that time, Mr. Joe Yakubik followed us to the jobsite, parked his black SUV approximately 30 yards away from where we were standing and started video recording us with his phone. Within minutes of driving across the street, several police vehicles with the City of Henderson Police arrived and approached us saying that Mr. Joe Yakubik reported that we opened gates to his property and trespassed and were in his personal home taking photos of his daughter. I showed the police officers (L. Giordano) the photos that we took onsite and explained why Air Quality was on Mr. Yakubik's property. I also showed Mr. Giordano the email I sent to Mr. Yakubik yesterday, 1/18/2024, notifying Mr. Yakubik he needed to apply for a dust control permit and that we will continue to conduct inspections to verify compliance on this project. The matter was escalated to the police sergeant as Mr. Yakubik was very unhappy the police were not finding any laws violated from our inspection. The sergeant arrived onsite, took our statements, and also confirmed we were not in violation of any laws, and stated as government officials, we entered open driveways and open gates with no evidence of any trespass signs posted to prevent us from entering the premises. In the future, the officers recommend that we dial 311 to request police backup when conducting inspections on Mr. Yakubik's property. We determined this project continues to be out of compliance Air Quality Regulations and this is another day of non-compliance.

Application#57592
Joe Yakubik

January 19, 2024 Exhibit H



NOV 1998 027

MAP 2: Showing approximate location of unstable soils within 1,000 feet of a residential area

Exhibit I

From: Katrinka Byers
To: Joe Yakubik; assuredmm@gmail.com
Cc: Catherine Jorgenson; David Dean; Mike Englehart; Nahulu Kahananui; Andrew Kirk; sly@stevenyarmylaw.com; luz@yarmylaw.com
Subject: Another day of Non-Compliance for 1028 Athens Avenue, Henderson Nevada 89015 Construction Project#57592
Date: Friday, February 2, 2024 2:45:00 PM
Attachments: image002.png
Importance: High

Good afternoon Mr. Yakubik,

As of 2/02/2024, Air Quality has not received a valid dust control operating permit application for **1028 Athens Avenue, Henderson Nevada 89015**, Parcel#16033801020 & 021 Construction project #57592 for the 1.019 acres. This is another day of non-compliance for failure to comply with Air Quality Regulations.

*A Dust Control Operating Permit application was required to be submitted to us by close of business 1/19/2024 as explained in my email I sent to you on 1/18/2024. A valid dust control operating permit application must be submitted for the construction activities shown on the map below immediately.

NOTE: The Construction Project#57592 will be your official dust control operating permit number once you submit the permit application and pay the permit fees.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. This is another day of non-compliance which may result in a Notice of Violation (NOV) with civil penalties. We will continue to conduct on-site inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

The area highlighted in red on the map below requires a valid dust control operating permit: (1.019 acres)
NOTE: The Construction project #57592 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.

Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

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Fax Number: (702)383-9994

Exhibit J

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 137981

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Feb 14, 2024	1:30 PM	2:00 PM	Follow-up		**57592**

Permittee:	Project Name:	Project Location:
	NO DCOP/ Yakubik	1028 Athens Avenue, Henderson Nevada 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	56 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Joe Yakubik	Owner	Email
		Spoke With:	Title:	Comm. Method:

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Stable	Size of Instability:	
Trackout Device:	No - Needed	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Not Necessary/Not Performed

Admin Compliance: **No**

Acreage Permitted:		Observed Acreage:	1.02 acres	Project Size:	Greater than permitted
Staging/Parking Area:		DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

Senior Air Quality Specialist, Andrew Kirk & I conducted a follow-up inspection at this project and observed no valid Dust Control Operating Permit (DCOP) application submitted and no trackout control device installed at the exit onto Athens Avenue. An e-mail to be sent to Mr. Joe Yakubik, owner, on 2/15/2024 to let him know about the results of our inspection. This is another day of non-compliance with a possible NOV for not complying with Air Quality Regulations.

Exhibit K

From: Katrinka Byers
To: Joe Yakubik; assuredmm@gmail.com
Cc: Catherine Jorgenson; David Dean; Mike Englehart; Nahulu Kahananui; Andrew Kirk; sly@stevenyarmylaw.com; luz@yarmylaw.com
Subject: RE: Another day of Non-Compliance for 1028 Athens Avenue, Henderson Nevada 89015 Construction Project#57592
Date: Thursday, February 15, 2024 7:43:00 AM
Attachments: image001.png

Good morning Mr. Yakubik,

Senior Air Quality Specialist, Andrew Kirk & I conducted a field inspection yesterday afternoon, 02/14/2024 and observed construction activities at 1028 Athens Avenue, Henderson Nevada 89015, parcel#16033801020 & 021 Construction- project #57592 for the 1.019 acres without a valid dust control operating permit application.
This is another day of non-compliance for failure to comply with Air Quality Regulations.

*A Dust Control Operating Permit application was required to be submitted to us by close of business 1/19/2024 as explained in my email I sent to you on 1/18/2024. A valid dust control operating permit application must be submitted for the construction activities shown on the map below immediately.
A Notice of Violation with civil penalties will continue to accrue for this project site until the project is in compliance with Air Quality Regulations.

NOTE: The Construction Project#57592 will be your official dust control operating permit number once you submit the permit application and pay the permit fees.

Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. **Failure to reply to this email does not prevent that this is another day of non-compliance which may result in a Notice of Violation (NOV) with civil penalties.** We will continue to conduct on-site inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

The area highlighted in red on the map below requires a valid dust control operating permit: (1.019 acres)
NOTE: The Construction project #57592 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.

Katrinka Byers
Clark County Senior Air Quality Specialist
REHS
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

UNITED STATES POSTAL SERVICE

March 21, 2024

Dear pamela 9981 POB:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6522 1271 22**.

Item Details

Status:	Delivered, PO Box
Status Date / Time:	March 14, 2024, 8:31 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Note: There is no delivery signature on file for this item.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

March 11, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 775462754234

Delivery Information:			
Status:	Delivered	**Delivered To:**	Receptionist/Front Desk
Signed for by:	B.POWE	**Delivery Location:**	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		LAS VEGAS, NV,
		Delivery date:	Mar 11, 2024 09:41

Shipping Information:			
Tracking number:	775462754234	**Ship Date:**	Mar 8, 2024
		Weight:	0.5 LB/0.23 KG

Recipient:	**Shipper:**
LAS VEGAS, NV, US,	LAS VEGAS, NV, US,

Reference	NOV 9981
Purchase Order	4500368555-030

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

March 11, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 775462849514

Delivery Information:			
Status:	Delivered	**Delivered To:**	Residence
Signed for by:	Signature not required	**Delivery Location:**	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; Residential Delivery		HENDERSON, NV,
		Delivery date:	Mar 11, 2024 15:04

Shipping Information:			
Tracking number:	775462849514	**Ship Date:**	Mar 8, 2024
		Weight:	0.5 LB/0.23 KG

Recipient:	**Shipper:**
HENDERSON, NV, US,	LAS VEGAS, NV, US,

Reference	NOV 9981
Purchase Order	4500368555-030

Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

Thank you for choosing FedEx

Atlas Holdings International LLC and Joseph Yakubik, Individually (Construction Project #57391)

Appeal of NOV #10008

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Federal Express Delivery Receipt for NOV #10008 to Joseph Yakubik, Atlas Holdings International LLC c/o Rock Rocheleau, Esq., Right Lawyers, delivered May 7, 2024 ..... NOV_10008_015

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2024 JUN 5 PM3:19

REQUEST FOR HEARING BEFORE THE CLARK COUNTY AIR POLLUTION CONTROL HEARING BOARD

Appeal of Hearing Officer's Order

1. **Date of Appeal:** June 5, 2024
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 10008 Hearing Date: _____

Hearing Officer: Holly Fic

2. **Name, address, telephone number of Appellant:**

Name: Atlas Holdings International LLC and Joseph Yakubik
(Please print)

Address: C/O Right Lawyers 600 S. Tonopah Dr. Suite 300 Las Vegas NV 89106

Telephone: 702-445-4425 Fax: NA

Email: rock@rightlawyers.com

3. **Other person or persons authorized to receive service of notice:**

Name: _____
(Please print)

Address: _____

Telephone: _____ Fax: _____

Email: _____

4. **Type of business or activity and location of activity involved in the request:**

Development / Construction

5. **Reason for appeal:** ☐ **Facts alleged** ☐ **Penalty assessed** ■ **Both**

Provide a detailed explanation of the reason for your appeal:
Motion supporting appeal is attached.

6. **An application filing fee of $140.00 must accompany this application. This fee is non-refundable. Please make check payable to Division of Air Quality or DAQ and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature: R. Rocheleau Date: 6/5/24

Printed Name: Rock Rocheleau

Title: Attorney for Atlas Holdings International LLC & Joseph Yakubik

FOR OFFICE USE ONLY

Application Received on June 5, 2024

Application Fee $140.00 - Check ✓7016 Received Date: 6/5/2024

air quality

Clark County Nevada Department of Environment and Sustainability
4701 W Russell Road, Suite 200, Las Vegas, NV 89118
Phone (702) 455-5942 Fax (702) 383-9994
AirQuality@clarkcountynv.gov

RECEIPT

ROCHELEAU LAW GROUP PC DBA RIGHT LAWYERS
800 S TONOPAH DR., SUITE 300
LAS VEGAS, NV 89106

Invoice #	Invoice Date	Invoice By	Invoice Type	Due Date
068452	6/5/2024	SHERRIER	AIR QUALITY OTHER ENFORCEMENT	6/5/2024

Quantity	Description	Fee Code	Fee	Total
1.00	HEARING BOARD REQUEST	AGHB01	$140.00	$140.00
	06/05/2024 CHECK (7016)	PAYMENT		($140.00)

Notes: NOV #10008, Hearing Officer Appeal, Submitted 6/5/2024

Subtotal:	$140.00
Paid:	($140.00)
Adjustments:	$0.00
Balance Due:	$0.00

BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER

CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation #10008 Issued to ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK, Respondents.	ORDER

The above-entitled matter was heard on May 23, 2024, before Hearing Officer Holly Fic on the Contested Docket. Representatives of both the Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) and ATLAS HOLDINGS INTERNATIONAL LLC and JOSEPH YAKUBIK (**ATLAS HOLDINGS** and **YAKUBIK**) appeared, testified and submitted evidence for consideration by the Hearing Officer. Having considered the evidence presented at the hearing, the Hearing Officer hereby finds and orders as follows:

1. Notice of Violation (**NOV**) #10008 was issued by Air Quality to Respondents ATLAS HOLDINGS and YAKUBIK on May 2, 2024 for alleged violation(s) of the Clark County Air Quality Regulations (**AQRs**) at the 724 Naples & 729 Milan construction site, located at 724 North Naples Street and 729 North Milan Street, in Clark County, Nevada. The violation(s) alleged in the NOV include:

   (a) Violation of AQR 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.

2. The penalty recommended by Air Quality in NOV #10008 was $1,250.00.

3. The Hearing Officer finds that the violation(s) alleged in NOV #10008 occurred in that ATLAS HOLDINGS and YAKUBIK violated AQR Sections 94.13(a) and (b) on March 21, 2024.

///

4. **IT IS HEREBY ORDERED** that ATLAS HOLDINGS and YAKUBIK pay a penalty of One Thousand Two Hundred Fifty and no/100 Dollars ($1,250.00) within 30 days of the date of this ORDER.

5. ATLAS HOLDINGS and YAKUBIK has the right to appeal this ORDER to the Clark County Air Pollution Control Hearing Board. Any appeal of this ORDER shall be: (1) in writing specifying the reasons for the appeal, (2) accompanied by a filing fee of One Hundred Forty and no/100 Dollars ($140.00), and (3) received by Air Quality within ten (10) days of ATLAS HOLDINGS and YAKUBIK's receipt of this ORDER.

DATED this 29th day of May, 2024.

Holly Fic (May 29, 2024 08:25 PDT)

Holly Fic
Hearing Officer

DES
DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality desert conservation PROGRAM sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

May 2, 2024

CERTIFIED MAIL #9489 0090 0027 6524 7155 49
Joseph Yakubik, Manager and Responsible Official
E-mail: joe@assurednv.com
Atlas Holdings International LLC
P.O. Box 530778
Henderson, NV 89053

CERTIFIED MAIL #9489 0090 0027 6524 7155 32
Global Equity Holdings, Inc., Manager and Registered Agent for
Atlas Holdings International LLC
P.O. Box 530778
Henderson, NV 89053

FEDERAL EXPRESS TRK #7762 0741 8121
Joseph Yakubik
Atlas Holdings International LLC
c/o Rock Rocheleau, Esq., Right Lawyers
E-mail: rock@rightlawyers.com
600 South Tonopah Drive, Suite 300
Las Vegas, NV 89106

NOTICE OF VIOLATION #10008

Clark County Department of Environment and Sustainability, Division of Air Quality (**Air Quality**) provides this notice to Atlas Holdings International LLC (**Atlas Holdings**) and Joseph Yakubik (**Yakubik**), individually, for the violation of the Clark County Air Quality Regulations (**AQRs**) as alleged below and recommends a civil penalty of One Thousand Two Hundred Fifty and no/100 Dollars ($1,250.00) be assessed as shown in the penalty calculation table attached hereto as **Exhibit A** and incorporated herein.

I. FACTS

A. Senior Air Quality Specialists Katrinka Byers (**Byers**) and Andrew Kirk (**Kirk**) discovered the alleged violation while performing a follow-up inspection on March 21, 2024, at the 724 Naples & 729 Milan construction project (parcel numbers 179-04-510-005 and

179-04-510-006), located at 724 North Naples Street and 729 North Milan Street respectively, in Clark County, Nevada.

B. On March 21, 2024, at 7:58 a.m., Air Quality received a Dust Control Operating Permit (**DCOP**) application #21984 for parcel numbers 179-04-510-005, 179-04-510-006, and a portion of 179-04-599-023 (Public Right-of-Way). The application was approved by Air Quality and an invoice was issued to Yakubik and Atlas Holdings for the fees associated with the permit.

C. On March 21, 2024, at approximately 12:00 p.m., Byers and Kirk (**Staff**) arrived at the 724 Naples & 729 Milan construction site to conduct a follow-up inspection within parcel numbers 179-04-510-005 and 179-04-510-006. The inspection report is attached hereto as **Exhibit B** and incorporated herein. During the inspection, Staff observed approximately 0.19 acres of dry, loose, and powdery soil conditions and approximately 2.2 acres of construction activities occurring without a DCOP as shown in Photographs 1 through 4, attached hereto as **Exhibit C** and incorporated herein. While onsite, Byers spoke with workers on parcel number 179-04-510-006 concerning Staff's observations of noncompliance and the stabilization of site soils. Staff also observed the noncompliance issues occurred within 1,000 feet of a residential area as shown in Map 1 attached hereto as **Exhibit D** and incorporated herein. Staff concluded their inspection at approximately 12:30 p.m.

D. On March 26, 2024, at approximately 1:40 p.m., Byers e-mailed Yakubik, Manager and Responsible Official for Atlas Holdings, concerning Staff's observations of noncompliance during the March 21, 2024 inspection and the issuance of a Notice of Noncompliance (**NON**). Byers informed Yakubik the DCOP would be issued once the associated fees were paid. The NON was included in the e-mail to Yakubik. The NON and email correspondence is attached hereto as **Exhibit E** and incorporated herein.

E. Air Quality received payment for the fees associated with the DCOP on March 26, 2024, and issued the DCOP (DCOP #57391) on March 27, 2024.

II. VIOLATION(S)

Violation 1:

By failing to employ Best Available Control Measures and comply with soil stabilization standards 24 hours a day, seven days a week, Atlas Holdings and Yakubik violated AQR Sections 94.13(a) and (b).

AQR Sections 94.13(a) and (b) state:

"(a) Any Person who engages in a Construction Activity or Temporary Commercial Activity, with or without a Permit, shall employ BACM and comply with soil stabilization standards (Section 94.12) and Emissions standards (Section 94.14).

(b) Control Measures that are listed in the approved Permit, and other measures as needed for the purpose of maintaining Dust control, shall be implemented 24 hours a day, seven days a week, until the Permit is closed in accordance with Section 94.5(n)(2)."

III. RECOMMENDED CIVIL PENALTY

Pursuant to AQR Section 9.1, any person who violates any provision of the AQRs, including any permit condition; is guilty of a civil offense and shall pay a civil penalty not to exceed $10,000 per violation. Each day of violation constitutes a separate offense.

Air Quality considered the following in calculating the recommended penalty:

- Violation 1 occurred within 1,000 feet of the outer boundary of a residential area as described in Paragraph I.C above (**Exh. D**).

Air Quality recommends a civil penalty in the amount of $1,250.00 (**Exh. A**).

IV. HEARING

Air Quality has scheduled a hearing for **Thursday, May 23, 2024, at 9:00 a.m.** before the Air Pollution Control Hearing Officer to adjudicate the alleged violation(s) and, if appropriate, to levy the recommended penalty. Please complete the enclosed **"Notice of Violation Response Form"** and return it to Air Quality by May 9, 2024. At the hearing, the Hearing Officer will hear evidence on the alleged violation(s) and render a decision. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road, Las Vegas, Nevada.

If you intend to present any documentary evidence at the hearing, please provide copies of your evidence to Air Quality with the completed Notice of Violation Response Form. If you fail to provide copies of your evidence prior to the hearing, please be advised that Air Quality may request a continuance to have time to review any evidence you bring to the hearing, which will result in the hearing being postponed and rescheduled to a later date.

If the Hearing Officer finds you in violation and levies a penalty, Air Quality staff will mail the Hearing Officer's order to you along with instructions on remittance of the penalty.

Shibi Paul (May 2, 2024 10:46 PDT)

Shibi Paul
Compliance and Enforcement Manager

Exhibits:

A. Penalty Calculation Table, NOV #10008
B. Air Quality Construction Site Inspection Form #138760, dated March 21, 2024
C. Digital Photographs 1 through 4
D. Map 1: Showing approximate location of dry, powdery soil conditions within 1,000 feet of a residential area on March 21, 2024
E. Air Quality Notice of Noncompliance for March 21, 2024 and Email Correspondence, dated March 26, 2024

sjg

Exhibit A

NOV # 10008
Penalty Calculation Table
Atlas Holdings International LLC and Joseph Yakubik, Individually

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DEPARTMENT OF ENVIRONMENT AND SUSTAINABILITY
air quality | desert conservation PROGRAM | sustainability

4701 W. Russell Road 2nd Floor
Las Vegas, NV 89118-2231
Phone: (702) 455-5942 • Fax: (702) 383-9994
Marci Henson, Director

Viol.	Date(s)	Violation Description	AQR Section	Exhibit / Evidence	Base Penalty	Days	Aggravating Description	Agg. Factor	Agg. Amount	Penalty
1	3/21/2024	Failed to employ Best Available Control Measures and comply with soil stabilization standards 24/7.	94.13(a) and (b)	Exh. C, Photos 1 through 4 Exh. D, Map 1	$ 1,000	1	Occurred within 1,000 feet of a residential area (+25% per day)	25%	$ 250.00	$ 1,250.00

Total Penalty: $ 1,250.00

Regulatory maximum: $10,000 per day, per violation
[AQR Section 9.1 & NRS 445B.640]

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit B

CONSTRUCTION SITE INSPECTION REPORT

Inspection No. 138760

Officer:	Date:	Start Time:	End Time:	Type:	Complaint No.:	Permit No.:
Katrinka Byers	Mar 21, 2024	12:00 PM	12:30 PM	Follow-up		**57391**

Permittee:	Project Name:	Project Location:
Atlas Holdings International	724 Naples & 729 Milan	724 Naples, Henderson, NV 89015 | 729 Milan, Henderson, NV 89015

Weather:	Rain:	Temperature:	Wind Speed:	Wind Gust:	Wind Direction:	Site Status:
Clear	No	75 degrees	00-04 mph	5 mph	Variable	Active

PCF Submitted:	Workers Present:	Spoke With:	Title:	Comm. Method:
No	Yes	Worker framing home	Foreman	In Person
		Spoke With:	Title:	Comm. Method:
		Joe Yakubik	Responsible Official	Email

Is the project in compliance with all air quality requirements? **No**

Action Taken:	Issued NON With Possible NOV	Violation in 1000 feet of:	Residential

Emission Compliance: **Yes**

Fugitive Dust Source:		Plume Length:	
Opacity:		Opacity Test Method:	

BMP Compliance: **No**

Project Soils:	Unstable	Size of Instability:	0.19 acres
Trackout Device:	Yes - Effective	Has Trackout:	No
Mitigation Equipment:	Inadequate	Soil Crust Determination:	Fail

Admin Compliance: **No**

Acreage Permitted:	0 acres	Observed Acreage:	2.2 acres	Project Size:	Greater than permitted
Staging/Parking Area:	On-Site	DCOP Sign:	No	DCOP Onsite:	No
SS Permit(s):	No Equipment	SS Permit No.		Equipment Onsite:	

Inspector Notes: Approved By: Katrinka Byers

Senior Air Quality Specialists, Andrew Kirk & I conducted a follow-up inspection on 03/21/2024 and observed workers onsite conducting construction activities without a valid dust control operating permit (DCOP) issued at the following parcels: Parcel #179-04-510-005 (729 N MILAN ST), & -006 (724 N NAPLES ST). We also observed approximately .19 acres of dry, loose, and powdery site soils with no available BACM (Best Available Control Measures) onsite. I spoke with the workers onsite at Lot#006 and instructed them to stabilize the site soils immediately. A Notice of Non-Compliance with a possible NOV to be issued to Mr. Joe Yakubik to stabilize all site soils immediately, submit payment for invoice#067282 for the dust permit by close of business, Tuesday, 03/26/2024 and post a dust permit sign by the close of business Friday, 04/05/2024. A copy of the NON to be sent to Mr. Yakubik & Mr. Rock Rocheleau (Joe Yakubik's lawyer) via email on 3/26/2024.

Exhibit C

Digital Photographs

Construction Project #: **57391** Responsible Parties: **Atlas Holdings International and Joseph Yakubik**

Project Name: **724 Naples & 729 Milan** Photos taken by: **Katrinka Byers**

Photograph # 1 **Alleged Violation # 1**

View looking northwest at construction on Lot #005-729 N. Milan St. without a valid dust control operating permit.

Photograph # 2 **Alleged Violation # 1**

View looking northwest at workers operating in dry, loose and powdery site soils without any available BACM on Lot #006 -724 N. Naples St.

Photograph # 3 **Alleged Violation # 1**

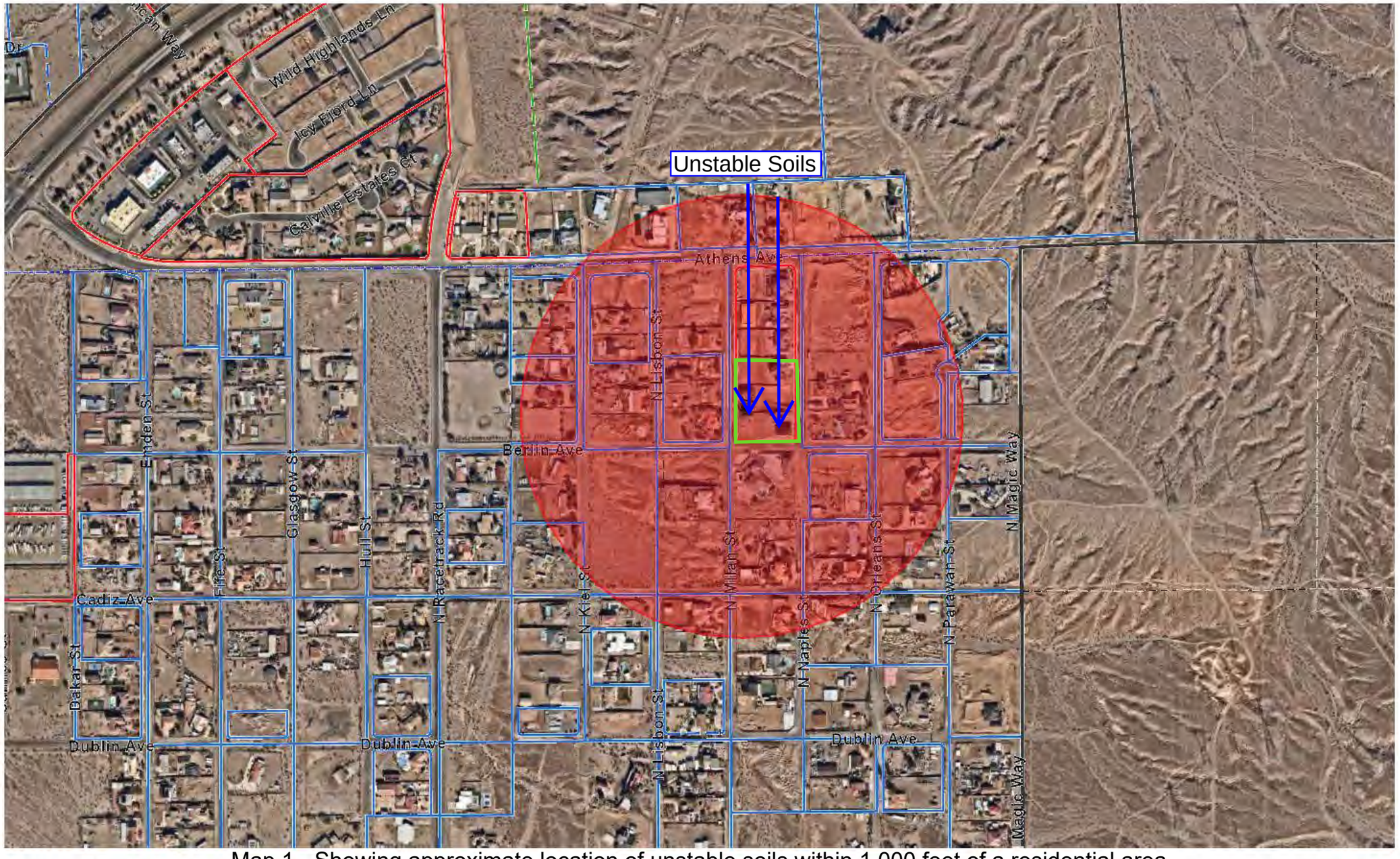
View looking southwest at dry, loose and powdery site soils without any available BACM on Lot #006 -724 N. Naples St.

Photograph # 4 **Alleged Violation # 1**

View looking west at dry, loose and powdery site soils without any available BACM on Lot #006 -724 N. Naples St.

Exhibit D

DCOP 57391 | March 21, 2024 | Atlas Holdings International LLC



Map 1 - Showing approximate location of unstable soils within 1,000 feet of a residential area.

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Division of Air Quality
4701 W. Russell Rd. Suite 200 2nd Floor
Las Vegas, NV 89118
Main Number: (702)455-5942
Fax Number: (702)383-9994

Exhibit E

NOTICE OF NONCOMPLIANCE

Issued To: Joe Yakubik & (Atlas Holdings International) Project Name: 724 Naples & 729 Milan

Location: 724 Naples, Henderson, NV 89015 | 729 Milan, Henderson, NV 89015

Dust Control Permit No: 57391 Date: Mar 21, 2024 Time: 12:30 PM

This notice is to advise you that an inspection of your site has found it in noncompliance of the conditions specified in your Dust Control Permit and/or Clark County Air Quality Regulations (AQRs).

Unstable Soil Conditions – Provide and maintain adequate measures to prevent fugitive dust by maintaining all project soils in a visibly damp, crusted, or otherwise stabilized condition per AQR Section 94.12. This applies 24 hours a day 7 days a week.
No Valid Dust Control Permit – Submit payment for Invoice# 067282 for the Dust Control Permit to the Division of Air Quality. Comply by close of business on Mar 26, 2024.
No / Improper Signage – Install and maintain a Dust Control Permit Sign in compliance with AQR Section 94.11. Comply by close of business on April 5, 2024. See Appendix 3 of AQR Section 94 for specifications.
Soil Disturbing / Construction Activities Outside the Permitted Area – Stabilize all areas you have disturbed

Additional Instructions / Other Noncompliance Items

*Stabilize all site soils immediately
*Submit payment for Invoice# 067282 for the Dust Control Permit by COB, Tuesday, 03/26/2024
*Post a dust sign by COB, Friday, 04/05/2024

Pursuant to AQR Section 4.3, the noncompliance status detailed above may result in the issuance of a Notice of Violation, which includes the imposition of civil penalties.

- **Failure to comply with this notice may result in additional enforcement action that includes a Notice of Violation.**
- **Please contact DAQ representative below regarding questions related to this notice.**

Person Notified:

Joe Yakubik	Responsible Official	Atlas Holdings International
(Printed Name)	(Title)	(Company)

joe@assurednv.com
(Email Address)

Person Notified:

Joe Yakubik	Designated Onsite Representative	Atlas Holdings International
(Printed Name)	(Title)	(Company)

joe@assurednv.com
(Email Address)

DAQ Representative:

Katrinka Byers		702-249-6093
KLB (Printed Name)		(Phone Number)

From:	Katrinka Byers
To:	Joe Yakubik; assuredmm@gmail.com
Cc:	Catherine Jorgenson; rock@rightlawyers.com
Subject:	Notice of Non-Compliance for 724 Naples| 729 Milan Construction Project #57391
Date:	Tuesday, March 26, 2024 1:40:00 PM
Attachments:	image001.png image002.png
Importance:	High

Good afternoon Mr. Yakubik,

As of 3/21/2024, Air Quality received a dust control operating permit (DCOP) application for 724 Naples| 729 Milan Construction project #57391 for 2 acres. However, the DCOP has not been issued because payment has not been made on the invoice for the required fees. Until payment is made and the DCOP issued, this project is not in compliance with Air Quality Regulations. In addition, I observed dry, loose, and powdery site soils from construction activities being performed on site at Lot#006 (724 N. Naples Street) without any available Best Available Control Measures (BACM).

Please review the attached Notice of Non-Compliance and comply with the required dates. Please let me know you received this email and understand what is required to comply with the applicable Air Quality Regulations. We will continue to conduct on-site inspections to verify compliance on this project. If you have any questions regarding this message, feel free to contact me.

NOTE: The Construction project #57391 will become the dust permit operating permit number for this project once a completed permit application is submitted and all fees are paid.

Katrinka Byers

Senior Air Quality Specialist
REHS
Clark County DES
4701 W. Russell Rd, #200
Las Vegas NV 89118
Office 702-455-1642
Fax 702-383-9994
Tuesday – Friday, 6:00 a.m. – 4:30 p.m.

For Dust Control Applications and Forms, click on this link: DUST FORMS

UNITED STATES POSTAL SERVICE

July 3, 2024

Dear Sherrie NOV 10008 Yakubik:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6524 7155 49**.

Item Details

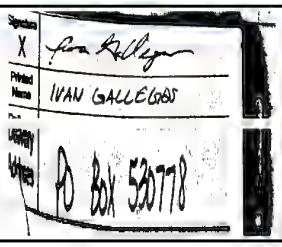
Status:	Delivered, PO Box
Status Date / Time:	May 8, 2024, 9:20 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:



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Sincerely,
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475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

July 3, 2024

Dear Sherrie NOV 10008 GlobalEquity:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6524 7155 32**.

Item Details

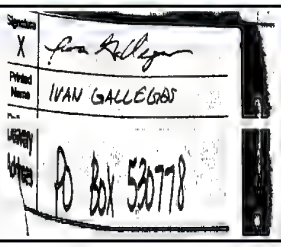
Status:	Delivered, PO Box
Status Date / Time:	May 8, 2024, 9:20 am
Location:	HENDERSON, NV 89053
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

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Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

May 07, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 776207418121

Delivery Information:			
Status:	Delivered	**Delivered To:**	Receptionist/Front Desk
Signed for by:	S.SHANKLE	**Delivery Location:**	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		LAS VEGAS, NV,
		Delivery date:	May 7, 2024 11:53

Shipping Information:			
Tracking number:	776207418121	**Ship Date:**	May 3, 2024
		Weight:	0.5 LB/0.23 KG

Recipient:	**Shipper:**
LAS VEGAS, NV, US,	LAS VEGAS, NV, US,

Reference	NOV 10008
Purchase Order	4500368555-030

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

Thank you for choosing FedEx