



Memorandum

Date: April 27, 2017

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Daniel C. Burns, EI, CEM, REHS, *Environmental Health Engineer I* ^{DOB}
Walter B. Ross, PE, REHS, *Environmental Health Engineer/Supervisor* ^{WBR}
Herb L. Sequera, REHS, *Environmental Health Manager* ^{ALS}
^{JR} Jacqueline Reszetar, REHS, *Director of Environmental Health*
Joseph Iser, MD, DrPH, MSc., *Chief Health Officer* ^{JIS}

Petitioner: Terra Firma Organics, Inc., Dane Buk, Manager
Unincorporated Clark County, Las Vegas

Subject: Variance Request to Operate a Compost Plant not in Compliance with Solid Waste Management Authority Regulation 3-4.01(C)(1) [Nevada Administrative Code (NAC) 444.670.2(a)], Terra Firma Organics, Inc., located at 5355 Beesley Drive, Las Vegas, NV 89115; APNs 123-34-201-003 and 123-34-201-004; for Waste Management Permit CP004-XXX-01.

I. BACKGROUND:

Chapter 3-4.01(C)(1) of the Solid Waste Management Authority (SWMA) Regulations (adopted by the Board on August 27, 2015) [Nevada Administrative Code (NAC) 444.670.2(a)] states "...a buffer zone must be maintained at least 500 feet from the adjoining property and 1,000 feet from any public roads." This site had a previous variance order for a 165-foot buffer zone from solid waste and the adjoining west property and a 20-foot buffer zone from solid waste and the public roads adjacent to the north, east and south boundaries of the facility." (see Attachment A, Previous Variance Order).

In 2015, the Petitioner purchased this facility which is the only permitted operating Compost Plant in Clark County. The Petitioner initiated their variance application process on November 30, 2016, to request a reduction of the 165-foot buffer zone portion of the previous variance order to 24-feet (see Attachment B, Variance Application). Statement one of Condition 1 of the previous variance order remains and states that 'Putrescible waste will be mixed with non-putrescible waste within two hours after receipt of the putrescible waste by the facility so as to create a carbon nitrogen (C:N) ratio of at least 30:1 and a moisture content of no more than 55% by weight'. However, statement two of Condition 1 of the previous variance is deleted whereby

the mixture will not be removed from the facility within 48 hours after receipt of the putrescible waste by the facility. Instead, the mixture will be incorporated into the onsite composting process.

Per Chapter 2-1.08 of the SWMA Regulations, this variance application must be considered for approval by the Board at a public hearing. A public notice (see Attachment C, Public Notice) was published in the Las Vegas Review-Journal on March 12, 2017, regarding a period for public review, a public workshop and the public hearing. The public notice, variance fact sheet (see Attachment D, Variance Fact Sheet) and variance application files have been posted on the Southern Nevada Health District (SNHD) web site at <http://www.southernnevadahealthdistrict.org/public-notices.php>.

II. DISCUSSION:

Solid Waste Management Authority Regulation Chapter 3-4.01(C)(1) [NAC 444.670.2(a)] specifies: “a buffer zone must be maintained of at least 500 feet from the adjoining property and 1,000 feet from any public roads.” The adjoining property is APN 123-34-201-002, and the nearest public roads are Beesley Drive, East Fisher Avenue, and Howdy Wells Avenue (see Attachment E, Aerial View). The previous variance order is for a 165-foot buffer zone from solid waste and the adjoining west property and 20-feet from solid waste and the public roads that bound the north, east and south boundaries of the facility (see Attachment F, Buffer Zone Map).

The petitioner is proposing to reduce the buffer zone to at least 24 feet between solid waste and the adjoining property and to maintain the a buffer of 20 feet from solid waste and the nearest public road, with the following conditions:

1. Putrescible waste must be mixed with nonputrescible waste within two hours after receipt of the putrescible waste by the facility to create a carbon to nitrogen (C:N) ratio of at least 30:1 and a moisture content of no more than 55% by weight. This mixture will be incorporated into the onsite composting process.; and
2. Nonputrescible waste must have a C:N ratio of at least 40:1 and a moisture content of no more than 70% by weight.

Putrescible waste is waste that is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases. Examples of putrescible waste include food waste, manure, rendered animal matter and restaurant grease. The petitioner is proposing to incorporate this waste into the compost piles, at which time it is no longer putrescible (see Attachment G, Process Flow Diagram). The use of putrescible waste into the facility compost process enables quality local compost product availability for use in agricultural food production, landscaping amendments, and erosion control use. This specific compost product is written into local soil amendment and landscape specifications. This local product use additionally provides significant soil water conservation by lowering soil temperatures and retaining soil moisture.

Per NAC 444.748.1, this variance may be granted if the alternative to the standard specified in NAC 444.670.2(a) [SWMA Regulations Chapter 3-4.01(C)(1)] “will comply with the intent of the specified standard and will protect public health and the environment.”

The intent of the specified standard is to provide reasonable protection to adjoining neighbors and the public utilizing public roads from exposure to nuisance conditions such as unpleasant odors and flies that may potentially exist in the operation of a compost plant that is not properly designed or operated. The alternative includes conditions that will prevent the creation of nuisance conditions for the adjoining property and the public utilizing nearby public roads.

The public was provided with an opportunity to review this application and present comments during a period for public review from March 12, 2017, to April 11, 2017, and at a public workshop held on March 28, 2017. At the workshop, SNHD received comments voicing opposition to the variance from the property owner of the nearby parcel on the southeast corner of Beesley Drive and E Fisher Avenue (5260 Beesley Drive). Comments and responses to comments are included in Attachment I. The owners of the adjoining property to the west are also the owners of the property containing the compost plant and have a signed lease agreement with the Petitioner. These same property owners also own the properties to the south (across Fisher Avenue) of the compost plant. The petitioner contacted nearby neighbors (east and north) to provide them with information about the compost plant and to address any questions or concerns they may have.

III. RECOMMENDATIONS:

SNHD staff is of the opinion that the alternative will comply with the intent of the specified standard and will protect public health and the environment. Therefore, SNHD staff recommends approval of the variance to maintain a buffer zone of at least 24-feet between solid waste and the adjoining property and to maintain the previous 20-foot buffer requirement between solid waste and the nearest public road, subject to the following conditions.

1. Putrescible waste must be mixed with nonputrescible waste within two hours after receipt of the putrescible waste by the facility to create a carbon to nitrogen (C:N) ratio of at least 30:1 and a moisture content of no more than 55% by weight. This mixture will be incorporated into the onsite composting process.; and
2. Nonputrescible waste must have a C:N ratio of at least 40:1 and a moisture content of no more than 70% by weight.
3. Maintain stormwater prevention plan best management practices to prevent run-off of solid waste from the property onto roads and onto adjacent and neighboring properties.
4. Maintain an active odor and vector prevention program.

ATTACHMENTS

Attachment A: Previous Variance Order

Attachment B: Variance Application

Attachment C: Public Notice

Attachment D: Variance Fact Sheet

Attachment E: Aerial View

Attachment F: Buffer Zone Map

Attachment G: Process Flow Diagram

Attachment H: Public Workshop Minutes, Agenda, and Sign In Sheet

Attachment I: Public Comments and Responses

ATTACHMENT A: PREVIOUS VARIANCE ORDER (page 1 of 4)

| | | | |
|----|--------------------|---|--------------------------|
| 1 | APN 123-34-201-004 | ④ | Inst #: 201011240000555 |
| 2 | | | Fees: \$0.00 |
| 3 | | | N/C Fee: \$0.00 |
| 4 | | | 11/24/2010 09:55:33 AM |
| 5 | | | Receipt #: 589779 |
| 6 | | | Requestor: |
| 7 | | | HEALTH DISTRICT SOUTHERN |
| 8 | | | NE |
| 9 | | | Recorded By: SAO Pgs: 4 |
| 10 | | | DEBBIE CONWAY |
| 11 | | | CLARK COUNTY RECORDER |

**BEFORE THE SOUTHERN NEVADA DISTRICT BOARD OF HEALTH
CLARK COUNTY, NEVADA**

| | | | |
|----|--|---|----------|
| 9 | In the Matter of the Application of A-I Organics |) | |
| 10 | Nevada, LLC dba A1 Organics Nevada, LLC |) | |
| 11 | for a Variance to Operate a Compost Plant not in |) | |
| 12 | Compliance with Nevada Administrative Code (NAC) |) | |
| 13 | Chapter 444, Sanitation; NAC 444.670.2(a); |) | VARIANCE |
| 14 | |) | ORDER |
| 15 | APN 123-34-201-003 and APN 123-34-201-004 |) | |

15 The above-entitled matter came on for a duly noticed public hearing on
16 November 18, 2010.

17 Condition 4 in Section III of Memorandum #31-10, dated November 18,
18 2010, to the Southern Nevada District Board of Health (the "Board") states: "The
19 applicant must obtain a variance from Nevada Administrative Code (NAC)
20 444.670.2(a) with respect to the buffer zone requirement of at least 500 feet from
21 the adjoining property and 1,000 feet from any public roads." The petitioner
22 initiated the variance application process on September 29, 2010, and submitted a
23 Variance Application Letter on November 4, 2010.

24 This variance application was considered for approval by the Board, as the
25 Solid Waste Management Authority, at a public hearing. A public notice was
26 published in the Las Vegas Review-Journal on October 9, 2010 regarding a period
27 for public review, a public workshop, and the public hearing. The public notice
28 and a variance fact sheet were posted on the Southern Nevada Health District's
web site at <http://www.southernnevadahealthdistrict.org/public-notices.php>.

ATTACHMENT A: PREVIOUS VARIANCE ORDER (page 2 of 4)

1 NAC 444.670.2(a) specifies: “. . . a buffer zone must be maintained of at
2 least 500 feet from the adjoining property and 1,000 feet from any public roads.”
3 The adjoining property is APN 123-34-201-002, and the nearest public roads are
4 Beesley Drive, East Fisher Avenue, and Howdy Wells Avenue. The compost plant
5 will not be in compliance with this standard. Therefore, Petitioner proposes the
6 alternative of maintaining a buffer zone of at least 165 feet between solid waste and
7 the adjoining property and 20 feet between solid waste and the nearest public
8 road, with the following conditions:

- 9 1. Putrescible waste must be mixed with nonputrescible waste within
10 two hours after receipt of the putrescible waste by the facility to
11 create a carbon nitrogen (C:N) ratio of at least 30:1 and a moisture
12 content of no more than 55% by weight. This mixture must be
13 removed from the facility within 48 hours after receipt of the
14 putrescible waste by the facility; and
- 15 2. Nonputrescible waste must have a C:N ratio of at least 40:1 and a
16 moisture content of no more than 70% by weight.

17 Petitioner proposes to remove this waste from the facility within 48 hours to
18 avoid the creation of nuisance conditions. Petitioner is currently planning to
19 transport this waste to another compost plant where it will be used to produce
20 compost.

21 Per NAC 444.748.1. the requested variance may be granted if the
22 alternative to the standard specified in NAC 444.670.2(a) “. . . will comply with
23 the intent of the specified standard and will protect public health and the
24 environment. . . .”

25 The intent of the specified standard is to provide reasonable protection to
26 adjoining neighbors and the public utilizing public roads from exposure to
27 nuisance conditions such as unpleasant odors and flies that may potentially exist
28 in the operation of a compost plant that is not properly designed or operated. The
alternative includes conditions that will prevent the creation of nuisance
conditions for the adjoining property and the public utilizing nearby public roads.

ATTACHMENT A: PREVIOUS VARIANCE ORDER (page 3 of 4)

1 The public was provided with an opportunity to review this application and
2 present comments during a period for public review from October 9, 2010, to
3 November 8, 2010, and at a public workshop on October 27, 2010. Southern
4 Nevada Health District did not receive any comments on this application. The
5 owners of the adjoining property are also the property owners of the compost plant
6 and have signed a lease agreement with Petitioner. Petitioner contacted nearby
7 neighbors to provide them with information about the compost plant and to
8 address any questions or concerns they may have.

9 Southern Nevada Health District Staff are of the opinion that circumstances
10 exist which satisfy the requirements for a variance and that the granting of this
11 variance will not be detrimental or pose an unreasonable danger to public health
12 and safety if the following conditions as recommended are included.

13 Based thereon, the Board having considered the relative interests of the
14 public; other property owners likely to be affected; and the owners of the subject
15 property, the Board finds the Petitioner's proposed alternative to the standard
16 specified in NAC 444.670.2(a) will comply with the intent of the specified standard
17 and will protect public health and the environment. Upon motion duly made,
18 seconded, and carried:

19 IT IS HEREBY ORDERED that the application of A-1 Organics Nevada, LLC,
20 dba A1 Organics Nevada, LLC for a variance from NAC Chapter 444. Sanitation,
21 NAC 444.670.2(a) is granted, which allows operation of a compost plant not in
22 compliance as required by said Regulations, subject however to the following
23 express conditions:

- 24 1. A buffer zone must be maintained of at least 165 between solid waste
25 and the adjoining property, and at least 20 feet between solid waste and
26 the nearest public road;
- 27 2. Putrescible waste must be mixed with nonputrescible waste within two
28 hours after receipt of the putrescible waste by the facility to create a
 carbon to nitrogen (C:N) ratio of at least 30:1 and a moisture content of
 no more than 55% by weight. This mixture must be removed from the

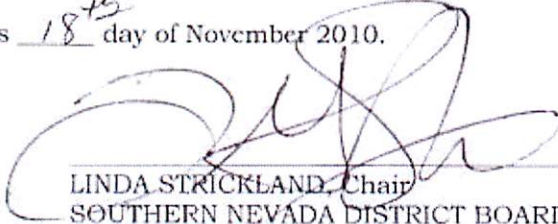
ATTACHMENT A: PREVIOUS VARIANCE ORDER (page 4 of 4)

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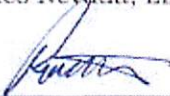
facility within 48 hours after receipt of the putrescible waste by the facility; and


- 3. Nonputrescible waste must have a C:N ratio of at least 40:1 and a moisture content of no more than 70% by weight.

DATED this 18th day of November 2010.


LINDA STRICKLAND, Chair
SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

All conditions expressly agreed to:
A-1 Organics Nevada, LLC dba A1 Organics Nevada, LLC


By: 
Robert Motis, Manager

Approved as to form:

ANNETTE L. BRADLEY, ESQ.
Attorney for Southern Nevada District Board of Health

SOUTHERN NEVADA HEALTH DISTRICT
PO BOX 3902
LAS VEGAS, NV 89127


ATTACHMENT B: VARIANCE APPLICATION (page 1 of 2)

Variance Application Form .doc, Revised 12/3/2015

| | | | |
|---|---|---|---|
|  | | VARIANCE APPLICATION FORM FOR PERMIT/PERMIT MODIFICATIONS TO OPERATE A SOLID WASTE MANAGEMENT FACILITY | |
| Section A: Facility Type | | | |
| <input type="checkbox"/> Class I Disposal Site | <input type="checkbox"/> Class II Disposal Site | <input type="checkbox"/> Class III Disposal Site | <input type="checkbox"/> Compost Plant |
| <input type="checkbox"/> Materials Recovery Facility | <input type="checkbox"/> Medical Waste Management Facility | <input type="checkbox"/> Recycling Center | <input type="checkbox"/> Solid Waste Storage Bin Facility |
| <input type="checkbox"/> Transfer Station | <input type="checkbox"/> Waste Grease Facility | <input type="checkbox"/> Waste Tire Management Facility | <input type="checkbox"/> Waste to Energy/Fuel Facility |
| Section B: Facility | | | |
| 1. Complete name: | Terra Firma Organics, Inc. | | |
| 2. SNHD control number: | CP004-XXX-01 | | |
| 3. Physical address: | 5355 Beesley Drive, Las Vegas, NV 89115 | | |
| 4. Parcel number(s): | 123-34-201-003, 123-34-201-004 | | |
| 5. Phone number: | 702-643-2214 | | |
| 6. Website address: | http://www.terrafirmaorganics.com/nevada-location/ | | |
| Section C: Applicant | | | |
| <input type="checkbox"/> 1a. Facility operator <input type="checkbox"/> 1b. Facility owner | | | |
| 2a. Contact person: | Dane Buk | 2b. Office phone #: | 702-643-2214 |
| 2c. Title: | President | 2d. Cell phone #: | 307-690-1181 |
| 2e. Company: | Terra Firma Organics, Inc. | | |
| 2g. Mailing address: | 5355 Beesley Dr., Las Vegas, NV 89115 | | |
| 2f. E-mail address: | dane_buk@yahoo.com | | |
| Section D: Consultant | | | |
| 1a. Contact person: | Pamela Pitcher | 1b. Office phone #: | 702-870-8771 |
| 1c. Title: | Senior Vice President | 1d. Cell phone #: | 702-277-2082 |
| 1e. Company: | Baughman & Turner, Inc. | | |
| 1g. Mailing address: | 1210 Hinson St., Las Vegas, NV 89102 | | |
| 1f. E-mail address: | pamp@baughman-turner.com | | |

ATTACHMENT B: VARIANCE APPLICATION (page 2 of 2)

VARIANCE APPLICATION FORM .DOC, REVISED 12/22/15

| Section E: Facility Operator | | |
|--|--|--|
| 1. Legal & fictitious names: | Terra Firma Organics, Inc. | |
| 2. Mailing address: | 5355 Beesley Dr., Las Vegas, NV 89115 | |
| 3. Phone number: | Office 702-643-2214 Cell 916-806-2370 | |
| Section F: Facility Owner | | |
| 1. Legal & fictitious names: | Terra Firma Organics, Inc. | |
| 2. Mailing address: | 5355 Beesley Dr., Las Vegas, NV 89115 | |
| 3. Phone number: | Office 702-643-2214 Cell 307-690-1181 | |
| Section G: Property Owner | | |
| 1. Legal name: | 50% Sloan 44 LLC & 50% Warren S. Wood Trust | |
| 2. Mailing address: | c/o Richard & Devary Howe, P.O. Box 370369, Las Vegas, NV 89137-0369 | |
| 3. Phone number: | 702-596-9381 | |
| Section H: Certification | | |
| <p>This application form and supporting documents are hereby submitted to SNHD to apply for at least one variance from the regulations governing this facility type. We understand that receipt of this application does not constitute an approval of this request. We understand that each variance must be approved by the Southern Nevada District Board of Health before the implementation of the proposed alternative. We understand that this process will require payment of a Preliminary Plan Review fee per application, a Variance Candidate Worksheet Meeting fee per meeting, a Variance fee per variance, and the cost of each public notice. We certify that, to the best of our knowledge, the information contained above and in the supporting documents is complete and accurate.</p> | | |
| Legal signature of applicant's agent: |  | |
| Printed name of applicant's agent: | Dane Burk | |
| Title or authority of applicant's agent: | Pres. | |
| Date of signing: | 2-9-17 | |
| Section I: Receipt of Application (for SNHD use only) | | |
| SNHD date stamp | Legal signature of SNHD staff: | |
| | Printed name of SNHD staff: | |
| | Title of SNHD staff: | |
| | Date of signing: | |

ATTACHMENT C: PUBLIC NOTICE

Print

Page 1 of 1

The newspapers of Nevada make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Clark


Printed In: Las Vegas Review-Journal

Printed On: 2017/03/12

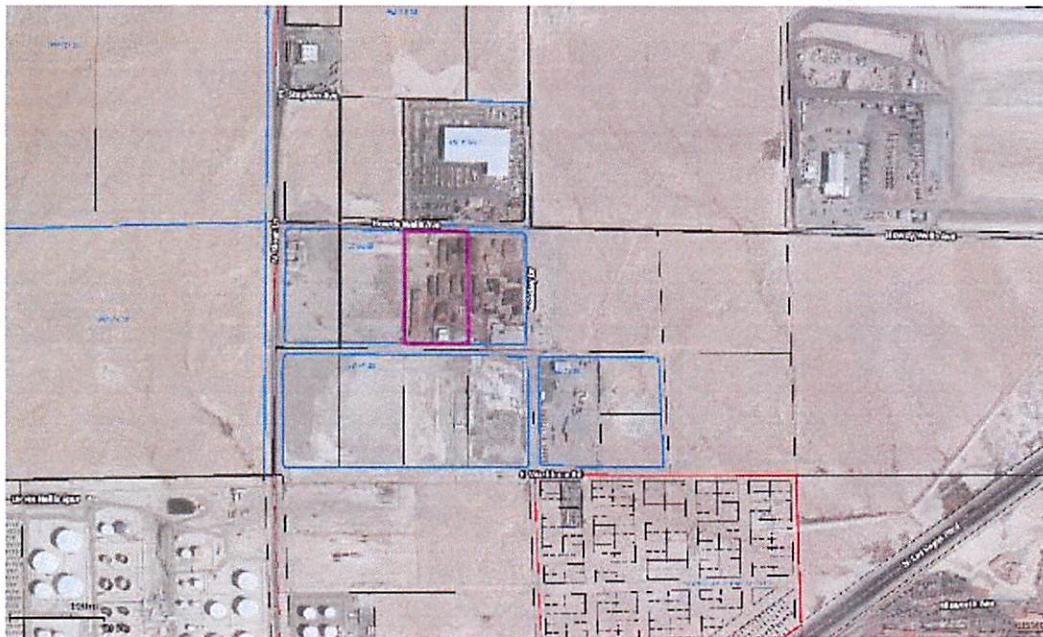
PUBLIC NOTICE The Southern Nevada District Board of Health (DBOH) will conduct a PUBLIC HEARING on Thursday, April 27, 2017 at 8:30 a.m., at the Southern Nevada Health District, Red Rock Conference Room, 280 S. Decatur, Las Vegas, Nevada, for an Application for a Variance Request to Operate a Compost Plant, for Terra Firma Organics, Inc., located in unincorporated Clark County, at 5355 Beesley Drive, Las Vegas, Nevada 89115; APNs: 123-34-201-003 and 123-34-201-004. In the event this application is not presented at the April 27, 2017, meeting, it will be rescheduled for the May 25, 2017, DBOH meeting. The Solid Waste Management Authority Regulations Governing the Management of Solid Waste are available at <http://www.southernnevadahealthdistrict.org/solid-waste/regulations.php>. The Variance Application is to allow the Petitioner to operate a compost plant with a 24-foot buffer setback from the west adjacent property. This buffer zone would not be compliant with the buffer zone stipulated in Chapter 3-4.01(C)(1) of the Solid Waste Management Authority Regulations, which states "If the Compost Plant accepts putrescible solid waste and if not fully contained within a building, a buffer zone must be maintained at least five hundred (500) feet from the adjoining property and one thousand (1,000) feet from any public roads." However, via a variance approved on November 18, 2010 by the Board of Health, the facility is currently operating with approved buffer setbacks of 165-feet from the west adjoining property and 20-feet from the nearest public road. The variance application is available for review and comments can be entered at <http://www.southernnevadahealthdistrict.org/public-notices.php> and is available for review at the SNHD, Environmental Health Division, 280 S. Decatur Blvd., Las Vegas, Nevada 89107. Please contact Carol Akin at (702) 759-0661 to schedule an appointment to review the permit application during normal business hours of 8:00 a.m. to 4:30 p.m. or for special viewing needs. Copies of documents may be requested during that time at a nominal fee. Interested persons may appear at the PUBLIC HEARING and present their views thereon. Written comments will also be considered and must be forwarded to Walter Ross, Environmental Health Engineer/Supervisor, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-0902, within 30 days after this notice is published. A Fact Sheet is available for viewing at <http://www.southernnevadahealthdistrict.org/public-notices.php> and by mail, fax, or e-mail upon request from Walter Ross. If there are special viewing needs, please call (702) 759-0661 for accommodation. -S- Herbert Luis Sequera, R.E.H.S. Environmental Health Manager Date March 8, 2017 Prior to the above PUBLIC HEARING before the Board of Health on April 27, 2017, or May 25, 2017, there will be a Public Workshop for the public to present their views on the proposed Application on March 28, 2017, at 11:00 a.m., at the Southern Nevada Health District's Red Rock Conference Room, 280 S. Decatur, Las Vegas, Nevada. Written submissions are encouraged. For additional information, call (702) 759-0661. PUB: March 12, 2017 LV Review-Journal

Public Notice ID:

ATTACHMENT D: VARIANCE FACT SHEET

| | |
|--|---|
|  | <p>SOLID WASTE MANAGEMENT FACILITY VARIANCE FACT SHEET</p> |
| <p>Section A: Facility name</p> | |
| <p>Terra Firma Organics, Inc., 5355 Beesley Dr, Las Vegas, NV 89115</p> | |
| <p>Section B: Regulation reference(s)</p> | |
| <p>Solid Waste Management Authority Regulations Governing the Management of Solid Waste Chapter 3-4 Nevada Administrative Code 444.670.2(a)</p> | |
| <p>Section C: Standard specified in the regulations</p> | |
| <p>Chapter 3-4.01(C)(1), which states "If the Compost Plant accepts putrescible solid waste and if not fully contained within a building, a buffer zone must be maintained at least five hundred (500) feet from the adjoining property and one thousand (1,000) feet from any public roads."</p> | |
| <p>Section D: Proposed alternative to standard specified in the regulations</p> | |
| <p>There is currently an existing variance order (Inst #20101124:0000555, recorded by Clark County Recorder) in place for a 165-foot buffer zone from solid waste and the adjoining west property and 20-feet between solid waste and the public roads that bound the north, east and south boundaries of the facility. This variance request is to reduce the buffer zone from 165-feet to 24-feet.</p> <p>Additionally, the condition that <i>putrescible waste will be mixed with non-putrescible waste within two hours after receipt of the putrescible waste by the facility so as to create a carbon nitrogen (C:N) ratio of at least 30:1 and a moisture content of no more than 55% by weight</i> will be maintained. However, this mixture will not be removed from the facility within 48 hours after receipt of the putrescible waste by the facility, as required by Condition 1 of the existing variance order. Instead the mixture will be incorporated into the onsite composting process.</p> | |
| <p>Section E: How the proposed alternative will comply with the intent of the specified standard and will protect public health and the environment</p> | |
| <p>Other than the north property, the adjoining properties are currently undeveloped. The facility is separated from the adjoining north, east and south properties by paved roads.</p> <p>The intent of the buffer zone specified in the regulations is to provide reasonable protection to adjoining neighbors and the public utilizing public roads from exposure to nuisance conditions such as unpleasant odors and flies that may potentially exist in the operation of a compost plant that is not properly designed or operated. The proposed alternative will comply with this intent by including conditions that will prevent the creation of nuisance conditions for the adjoining property and the public utilizing nearby public roads.</p> | |

ATTACHMENT E: AERIAL VIEW
Southern Nevada GIS ~ OpenWeb Info Mapper



The MAPS and DATA are provided without warranty of any kind, expressed or implied.

Date Created: 4/4/2017

Property Information

| | |
|------------------------|--|
| Parcel: | 123-34-201-003 |
| Owner Name(s): | SLOAN 44 L L C and WOOD WARREN S TRUST |
| Site Address: | 0 |
| Jurisdiction: | CC Unincorporated - 89115 |
| Zoning Classification: | Industrial - Without Dwelling (M-2) |
| Planned Landuse: | IND - Industrial |

Misc Information

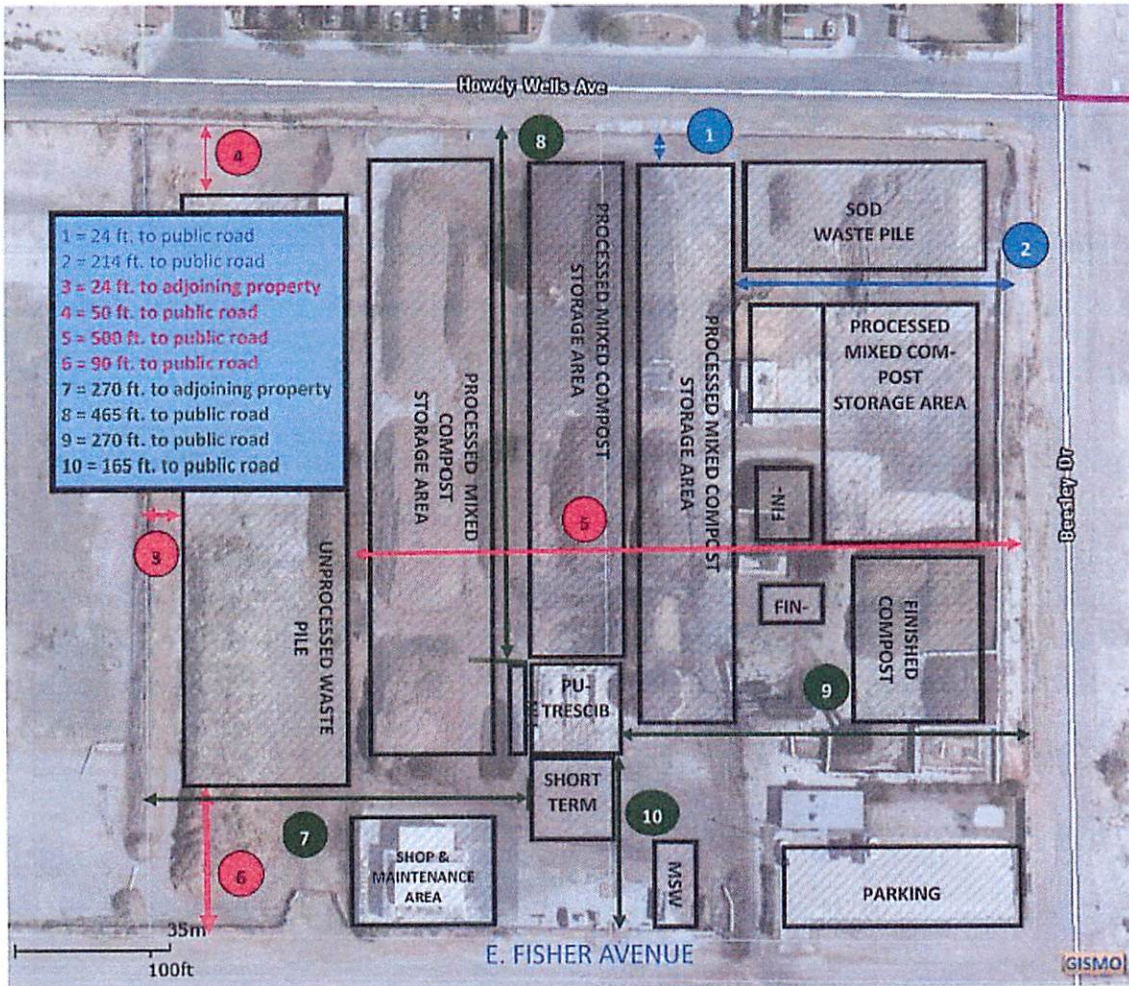
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|----------------------|--------------------------------|---------------------|--------------------------|
| Subdivision Name: | LAND DIVISION 50-89 | | |
| Lot Block: | Lot:3 Block: | Construction Year: | Construction Year: |
| Sale Date: | Not Available | T-R-S: | 19-62-34 |
| Sale Price: | Not Available | Census Tract: | 3628 |
| Recorded Doc Number: | 20080724 00002496 | Estimated Lot Size: | Estimated Lot Size: 4.77 |
| Flight Date: | Aerial Flight Date: 04/18/2016 | | |

Elected Officials

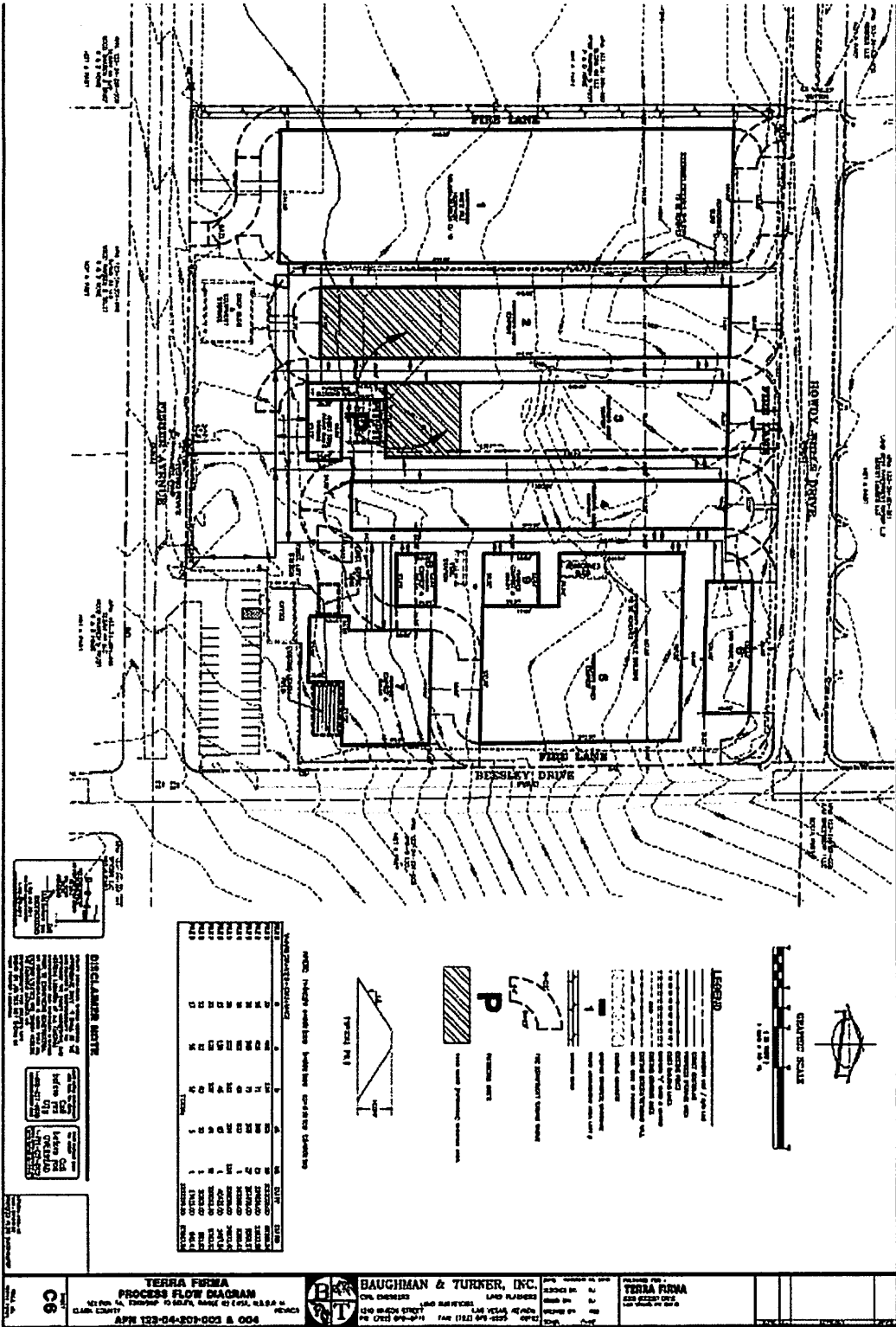
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| Commission District: | B - MARILYN KIRKPATRICK (D) | | |
| US Senate: | Dean Heller, Harry Reid | US Congress: | 4 - RUBEN J KIHUEN |
| State Senate: | 12 - JOE HARDY (R) | State Assembly: | 19 - CHRIS EDWARDS (R) |
| School District: | B - CHRISTINE "CHRIS" GARVEY | University Regent: | 8 - CATHY MCADOO |
| Board of Education: | 4 - MARK NEWBURN | Minor Civil Division: | North Las Vegas |

ATTACHMENT F: BUFFER ZONE MAP

**Terra Firma Organics Nevada, LLC
Buffer Zone Map**



ATTACHMENT G: PROCESS FLOW DIAGRAM



**ATTACHMENT H: PUBLIC AGENDA, WORKSHOP MINUTES,
AND SIGN IN SHEET (page 1 of 8)**



**PUBLIC WORKSHOP
AGENDA**

*Tuesday, March 28, 2017, 11:00 a.m.
Southern Nevada Health District
Red Rock Conference Room
280 S Decatur, Las Vegas, NV*

Terra Firma Organics, Inc.
5355 Beesley Dr
Las Vegas, NV 89115
APN: 123-34-201-003 & 123-34-201-004

| | |
|--|--|
| I. Introductory Remarks | Dan Burns, EI, CEM, REHS Environmental Health Engineer Southern Nevada Health District (SNHD) Environmental Health Department Solid Waste Plan Review Program Introduction of SNHD Environmental Health Staff |
| II. Description of the SNHD Plan Review Process | Dan Burns, EI, CEM, REHS Environmental Health Engineer SNHD-Solid Waste Plan Review Program |
| III. Public Comments on the Application | Participants to use microphone at front of room. Each time, participant identifies self and organization |
| IV. Summary & Final Comments | Dan Burns, EI, CEM, REHS |
| V. Adjournment | Dan Burns, EI, CEM, REHS |

This agenda has been posted in the main lobby of the following locations:

1. SOUTHERN NEVADA HEALTH DISTRICT, 280 S Decatur Blvd, Las Vegas, Nevada
2. CITY OF LAS VEGAS, 495 S Main St, Las Vegas, Nevada
3. CLARK COUNTY GOVERNMENT CENTER, 500 S Grand Center Parkway, Las Vegas, Nevada
4. CITY OF NORTH LAS VEGAS, 2250 N Las Vegas Blvd, North Las Vegas, Nevada
5. CITY OF HENDERSON, 240 Water Street, Henderson, Nevada

NOTE: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Carol Akin in Environmental Health at the Southern Nevada Health District by calling (702) 759-0661

**ATTACHMENT H: PUBLIC AGENDA, WORKSHOP MINUTES,
AND SIGN IN SHEET (page 2 of 8)**



**TERRA FIRMA ORGANICS, INC.
COMPOST PLANT
PUBLIC WORKSHOP MINUTES**

March 28, 2017, 11:00 a.m.

PUBLIC PRESENT: Gilbert Gutierrez, Terra Firma Organics
Aristotle McLonas, Spyder, LLC
Randy Williams, Terra Firma Organics

SNHD STAFF PRESENT: Carol Akin
Erik Anderson
Brian Northam
Dan Burns

I. INTRODUCTORY REMARKS

Dan Burns opened the workshop at 11:00 a.m., introducing himself as an Environmental Health Engineer in the Solid Waste and Environmental Compliance Plan Review program; and the primary plan reviewer for the subject application. Mr. Burns asked that all attending turn off, or silence, your cell phones.

Mr. Burns welcomed all attendees and explained that the purpose of this public workshop is to collect public comments on the variance application, submitted on November 30, 2016, for an existing permit to operate a Compost Plant in unincorporated Clark County, namely Terra Firma Organics, Inc., located at 5355 Beesley Drive, Las Vegas, NV on Assessor's Parcel Numbers 123-34-201-003 and 123-34-201-004.

Mr. Burns announced that this public workshop will be incorporated into this variance application's Public Hearing, to be held by the Southern Nevada District Board of Health (DBOH), on Thursday, April 27, 2017 at 8:30 a.m. If the variance is not able to be heard at the April 27, 2017 Board of Health meeting, it will be placed on the agenda for the May 25, 2017 Board of Health meeting.

Mr. Burns explained that he would be conducting this workshop, and since this is a public workshop, it is required that we record all of the proceedings and enter all the comments that we receive this morning into the record. This workshop will be open for approximately thirty minutes to allow for late arrivals.

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Copies of the Agenda, Public Notice, and Fact Sheet are available at the table near the entrance. Please sign in on the sign-in sheet. Should it be necessary to do so, the Variance Application is also available, electronically, for viewing on the monitors located throughout the room in which we are holding this workshop.

Mr. Burns announced that the workshop was advertised by Public Notice in the Las Vegas Review Journal on March 12, 2017. Publishing of the Public Notice opened the 30-day period for the public to review and make comments on this permit application. The 30-day period for the public review and comment will end on April 13, 2017. Once the 30-day period has ended, the next opportunity for the public to comment will be at the Public Hearing.

Mr. Burns introduced the Environmental Health staff: Brian Northam, Supervisor of Solid Waste and Compliance; Erik Anderson, Senior Environmental Health Specialist of Solid Waste and Compliance; and Carol Akin, Administrative Assistant for Solid Waste Plan Review and Subdivisions Plan Review. Carol will be recording the minutes of this workshop.

Mr. Burns then asked the representatives of Terra Firma Organics, Inc. to introduce themselves.

Gilbert Gutierrez, Terra Firma Operations Manager

Randy Williams, Terra Firma Organics, Sustainable Programs Manager

**II. DESCRIPTION OF SOUTHERN NEVADA HEALTH DISTRICT'S PLAN
REVIEW PROCESS**

Mr. Burns announced that he would now give a description of the Plan Review Process.

The following is a summary of the application and submittal process to request a variance from the regulations governing a Solid Waste Management Facility, in this case a Compost Plant.

The application must be in conformance with the Solid Waste Management Authority's Regulations governing a Compost Facility, as well as other applicable federal, state, and local laws, statutes, and regulations.

The Regulation's definition of Composting means the biological process of degrading organic materials that is facilitated and controlled through the intentional and active manipulation of piles and/or windrows (NAC 444.572).

The following is an outline of the application process

1. Per the Solid Waste Management Authority Regulations [Chapter 2-1.05(A)-Petition for Variance (NRS 444.0.580)], any person who believes that an alternative to any standard specified in NAC 444.570 to 444.7499, inclusive, Chapter 2-4 to 2-6, inclusive, and/or Solid Waste Management Authority Regulations Chapter 3 will

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comply with the intent of the specified standard and will protect public health and the environment, may petition the Solid Waste Management Authority for a variance. A variance may not be granted if it is less stringent than federal regulations. To request a variance, the applicant (i.e., the owner or operator of a facility) must first submit (a) a Variance Application, as outlined in Chapter 2-1.06 of the Solid Waste Management Authority regulations. This includes applicable fees; maps and drawings; detailed description of the variance requested and proposed alternative(s); the reason(s) for the variance; and an analysis of the environmental effects of the facility and to the local environment and public health under the worst expected conditions, if the variance is granted and if the variance is not granted.

2. The Solid Waste Plan Review Program staff will review the application and inform the applicant whether the proposed alternative(s) is/are accepted or rejected.
3. If Solid Waste Plan Review Program staff agrees with the proposed alternative(s), a Variance Public Workshop will be scheduled.
4. SWPR staff will prepare a Variance Fact Sheet and a Public Notice for posting in a local newspaper and at various local government locations. The public notice, with the variance fact sheet will also be posted on the SNHD website for at least thirty days.
5. From the date of publishing, the public will have thirty days to review the Variance Application and provide comments. At least one public workshop will be conducted in the thirty-day public review period. The applicant must attend this workshop.
6. Upon completion of the 30-day public comment period, SWPR staff will prepare a memorandum to the Southern Nevada District Board of Health for the variance request, to be presented to the Board of Health, in the form of a Public Hearing.
7. At its first available Board of Health meeting, the variance request will be presented to the Board of Health. The Board of Health will either approve or deny the variance request. The applicant must attend this public hearing.

This summarizes the variance application process.

III. PUBLIC COMMENTS ON THE APPLICATION

Mr. Burns announced that at this point in time, anyone present who wishes to comment on this Variance Application, please step forward, identify yourself, the organization that you represent, and give your name and address for the record. Then proceed with your comment.

Aris Melonas, Spyder LLC, 5265 Beesley Dr: I wish to voice my objection. I'll begin with item 1:

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1. *The variance is not compliant nor in keeping with growth and expansion currently of the area.*
2. *As developer of aforesaid property, I was held to "standards." I feel this variance is unfair to me. I had to comply and I don't see any reason why anybody else shouldn't have to comply. Anybody else that has been developing those properties since I have completed my project has also had to keep to the Standards.*
3. *A containment should be required as pest and tramp materials migrate to surrounding property through the winds, and the winds are considerable in this area, causing undo clean-up and pest control, not to mention the odor issue as well.*
4. *Organic putrescible waste attracted unwanted, this is from previous, pest and insect issues of past. Since ceasing the aforementioned problems are nil.*
5. *As the owner of the adjacent property, the continued tenancy is important to my livelihood and I wouldn't want that compromised by a variance that would impact my tenant and my livelihood of which the tenant had expressed concerns when the composter was previously accepting putrescible waste. It's a very important point that should be considered in this variance.*

We had some recently we had some issues brought up with odor. And I'm not talking about this particular area but I am talking about the general awareness of the community about odor and I see no reason why to extend.

Please take this into consideration. Thank you.

Mr. Burns: You say you have, it was hard for me to hear what had. Odor is a complaint or a concern of yours?

Mr. Melonas: Has been a complaint from my tenant. Not to mention the flies and the insects.

Mr. Burns: The property you have is which one? North, adjacent, which one?

Mr. Melonas: Kitty corner southeast. You envision Fisher and Beesley and the variance request is from I believe the property of the northwest corner my property is the southeast corner.

Mr. Burns: Are you familiar with that property? Randy?

Randy Williams: Is this the property, sir that would be next to WRS Installation?

Mr. Melonas: It is the WRS, I am the owner.

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Mr. Williams: Thank you. It would be kitty corner if you will directly to the south and to the east of our facility that we operate in. Across Beesley Drive if that helps.

Mr. Burns: Has anyone called in complaints to compliance?

Brian Northam: As to my knowledge there have been no formal complaints filed that the Health District would investigate. So we would have no reason to look into complaints as you state. If there are complaints; for us to be able to do anything about an issue we have to know about it. If it's never told to us we can't investigate that which we don't know. I'd have to check the records. I don't believe there have been any complaints filed on this property for incidents involving Terra Firma at this point in time. I'm not disagreeing to the validity or veracity of anything you're saying I just don't believe we have any record of it in our files.

Mr. Melonas: That might be true, but I've had to take a complaint from my tenant. I want to clarify that it had been the situation previously where the petrusible waste, it's a word I'm not wholly familiar with but I am today, I had been accepted and there had been some, more than acceptable issues with that. Mostly the pest and the insects and the odor, not to mention the fact that during one particular rain storm that stuff flooded onto my property. I do remember that particularly and I thought, that's very strange that I should find a cheeseburger on my property. Not to mention some other food waste. Recently I leave, I don't believe I know as a matter of fact I sold adjacent four acres east of my property that we're discussing about today and I know that they the buyer is in the process of developing that property. I'm sorry that he's not here today. However, I expect that he will be on subsequent meetings. Is there anything more that I can answer?

Mr. Burns: No. Make sure you sign in. What we do, we'll draft up complaint responses and get those to you and see if they're acceptable. We'll do all that before we go to the Board.

Mr. Burns asked if there were any other comments. *No comments made.*

IV. SUMMARY AND FINAL COMMENTS

Mr. Burns announced that we hold this workshop to satisfy the requirements established by the Board of Health to make sure that we solicit public comments on our variance applications for solid waste management facilities.

Mr. Burns announced that currently the application for approval of a variance is scheduled to go before the Board of Health Thursday, April 27, at 8:30 a.m. during their regular meeting. As I mentioned earlier during this workshop, if the variance is not able to be heard at the April 27, 2017, Board of Health meeting, it will be placed on the May 25, 2017, Board of Health meeting agenda.

Mr. Burns informed the applicant that SNHD would like to meet with them prior to the District Board of Health meeting for a half an hour, so we can go over any last minute comments before we present it to the Board.

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Mr. Burns asked if the applicant wishes to make any comments at this workshop? Mr. Williams, Terra Firma Sustainable Solutions Program Manager, expressed his appreciation for the public comment and relayed his willingness to address public comment.

Mr. Burns announced that at this point, to allow for late comers, we will wait until at least 11:30.

Mr. Burns announced that it is now approximately 11:40 a.m. and asked if there is anyone who was not present during the public comments portion of this workshop, who would like to comment on this variance application? If so, please step forward, identify yourself, the organization that you represent, and give your name and address for the record. Then proceed with your comment. *No comments made.*

Mr. Burns announced that the process has been completed to this point. When deliverables have been received and approved by SNHD staff, the variance application will go forward to the Board of Health Hearing.

Mr. Burns announced that the plan review staff does not have the ability to approve the variance. The variance has to be approved by the Board of Health.

V. ADJOURNMENT

Mr. Burns thanked the applicant and the public for attending this workshop.

This public workshop for a variance application for existing permit to operate a Compost Plant in unincorporated Clark County, namely Terra Firma Organics, located at 5355 Beesley Drive, Las Vegas, NV on Assessor's Parcel Numbers 123-34-201-003 and 123-34-201-004 is hereby adjourned.

Meeting adjourned: 11:37 a.m.



Carol Akin, Administrative Assistant

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Southern Nevada Health District
Environmental Health Division/Solid Waste Plan Review
PUBLIC WORKSHOP
Southern Nevada Health District, Red Rock Conference Room
March 28, 2017, 11:00 a.m.
Terra Firma Organics

| NAME, TITLE (Please Print Legibly) | BUSINESS/AGENCY and ADDRESS | PHONE NUMBER | E-MAIL ADDRESS |
|---|--|---------------------|-----------------------|
| Carol Akin Administrative Assistant <i>CA</i> | SNHD | 702-759-0661 | akin@snhdmail.org |
| Erik Anderson Senior EH Specialist | SNHD | 702-759-0729 | anderson@snhdmail.org |
| Dan Burns, Environmental Health Engineer <i>DB</i> | SNHD | 702-759-0684 | burnsd@snhdmail.org |
| Brian Northam EH Supervisor <i>BN</i> | SNHD | 702-759-0600 | northam@snhdmail.org |
| Walter Ross EH Engineer/Supervisor | SNHD | 702-759-0661 | ross@snhdmail.org |
| Herb Sequera Environmental Health Manager | SNHD | 702-759-0600 | sequera@snhdmail.org |
| <i>ARISTOLE MELONAS</i> | <i>SPYDER L.L.C.</i> | [REDACTED] | [REDACTED] |
| <i>RAWDY WILLIAMS</i> | <i>TERRA FIRMA ORGANICS</i> | [REDACTED] | [REDACTED] |
| <i>GILBERT GONZALEZ</i> | <i>TERRA FIRMA ORGANICS</i> | [REDACTED] | [REDACTED] |
| | | | |
| | | | |

ATTACHMENT I: PUBLIC COMMENTS AND RESPONSES (page 1 of 5)

| # | PUBLIC COMMENT | RESPONSE Note: SNHD comments are in regular font. Applicant's responses are in <i>italics</i> . |
|--|--|--|
| <i>Public Workshop – Mr. Aris Melonas, Spyder, LLC, property owner of 5265 Beesley Dr.</i> | | |
| 1. | The variance is not compliant nor in keeping with growth and expansion currently of the area | <p>Since the current ownership has owned and operated the facility (May 2015), Southern Nevada Health District has received no complaints regarding the facility (odor or otherwise). The only complaint on record for the location was against the previous ownership and was an illegal dumping complaint (SW14-982/57), in July 2014.</p> <p>In regards to “keeping with growth and expansion currently in the area” the facility is approved to operate under the existing Clark County land use requirements; and it is not expanding off the property it currently occupies.</p> <p><i>Terra Firma Organics, Inc. use of the current site follows a previous use by A1 Organics Nevada and a previous use by a forest products company which utilized all four parcels of the block in which we inhabit. The zoning of the property which we utilize allows permitted composting operations. Terra Firma Organics, Inc. strives very diligently to maintain all conditions required by our operating permits and takes pride in high quality and responsible management. We have never received a complaint and have met SNHD inspections and standards.</i></p> |
| 2. | As developer of the property to the southeast, I was held to “standards” (Clark County). I feel this variance is unfair to me as I had to meet the then codes. | <p>Development standards are set by Clark County Planning, not the Southern Nevada Health District. Prior to issuing a permit to the facility, Southern Nevada Health District requires the facility to obtain proper land use and maintain applicable jurisdictional permits. To our knowledge, the facility is compliant with Clark County’s jurisdictional “standards” required of the property.</p> <p><i>The proposed variance applies to the western boundary of parcel 3 for the proposed 24-foot setback. The 24-foot setback meets Clark County Fire code and otherwise meets all other standards for air quality, storm water, and other environmental requirements as currently exist in Terra Firma Organics, Inc. approved operations plan that would be maintained. The use of putrescible waste within operation plan standards will be incorporated into ground green waste within a 2-hour time period of receipt. This would then be within the aerobic static pile composting process which renders it non-putrescible.</i></p> |

ATTACHMENT I: PUBLIC COMMENTS AND RESPONSES (page 2 of 5)

| # | PUBLIC COMMENT | RESPONSE Note: SNHD comments are in regular font. Applicant's responses are in <i>italics</i> . |
|----|--|---|
| 3. | A containment should be required as pest and tramp materials migrate to surrounding property causing undo clean-up and pest control, not to mention the odor issue as well | <p>Proper management of composting operations should not create odors or vector issues. The facility's operating plan includes odor and vector control provisions, including utilizing odor control agents as needed on surface areas, utilizing biological fly control methods (such as parasitic fly wasps), fly traps, and timely mixing of compost feedstock's and bulking agents to control flies. While it is true that the site's surface gradient is southeast, which would direct storm water towards your property, the facility has an existing storm water pollution prevention plan. The compost piles are required to be set back 20-feet from the roadways; and there is a block wall along the east portion of the site to prevent offsite flow of materials. Also, the southeast portion of the property consists of an office building and parking lot.</p> <p>Southern Nevada Health District inspects the facility a minimum of twice per year. During our inspections, no notation of odor or vector concerns was made. As mentioned in response to comment 1, since the current ownership has owned and operated the facility, there have been no complaints (odor or otherwise) reported to the Southern Nevada Health District.</p> <p><i>Terra Firma Organics, Inc. maintains its operations under the currently approved operations plan which includes provisions for prevention of vector, odor, and other issues. Putrescible waste processing in a 2-hour period of time from receipt to be blended into aerobic composting piles renders it non-putrescible and the nitrogen content of the putrescible waste is very important to the successful composting of the carbon (palm and tree waste feedstocks). We have never received a complaint on any of these issues and very much plan to maintain proper site operating protocols.</i></p> |

ATTACHMENT I: PUBLIC COMMENTS AND RESPONSES (page 3 of 5)

| # | PUBLIC COMMENT | RESPONSE Note: SNHD comments are in regular font. Applicant's responses are in <i>italics</i> . |
|----|--|--|
| 4. | Organic (putrescible) waste attracted unwanted pest and insect issues of past. Since ceasing the acceptance of such waste, aforementioned problems are nil | <p>The current ownership has owned and operated the facility since May of 2015. The facility accepts putrescible wastes which they incorporate into their composting piles. Putrescible waste may attract vectors. Southern Nevada Health District has received no complaints regarding the facility (odor or otherwise).</p> <p><i>Terra Firma Organics, Inc. does not operate under the conditions or with the same MSW materials of the former and different operator of this site which had mixed solid waste materials in open piles. Terra Firma Organics operation expends a significant amount of time, equipment, and operational methods to prevent receipt of MSW materials, and to maintain overall high quality conditions at our facility of the organic materials that we do accept. Putrescible waste processing in a 2-hour period of time from receipt to be blended into aerobic composting piles renders it non-putrescible and the nitrogen content of the putrescible waste is very important to the successful composting of the carbon (palm and tree waste feedstocks). We have never received a complaint of our operations and fully intend to maintain high standards in our operations.</i></p> |

ATTACHMENT I: PUBLIC COMMENTS AND RESPONSES (page 4 of 5)

| # | PUBLIC COMMENT | RESPONSE Note: SNHD comments are in regular font. Applicant's responses are in <i>italics</i> . |
|----|--|---|
| 5. | As the owner of adjacent property, the continued tenancy is important to my livelihood and I wouldn't want that compromised by a variance that would impact my income... of which the tenant had expressed concerns when the composter was previously accepting putrescible waste (whether or not the "acceptance" was allowable). | Your opposition is noted and will be included in the materials submitted to the Board of Health for their review in considered whether to approve or deny the requested variance at the Public Hearing. You are welcome to attend the Public Hearing and reiterate your comments during the public comment portion of the Public Hearing on Thursday, April 27, 2017 at 8:30 a.m., at the Southern Nevada Health District, Red Rock Conference Room, 280 S. Decatur, Las Vegas, Nevada. In the event this application is not presented at the April 27, 2017, meeting, it will be rescheduled for the May 25, 2017, DBOH meeting. <i>We very much respect all adjacent landowners and their respective uses and/or operations of their property. As noted above we have never received a complaint from the tenant of Mr. Melonas and directly contacted them upon which they stated they had no complaints regarding our operation. We see the tenant of Mr. Melonas on a weekly basis certainly support their continued operation. The ability for us to continue to operate and lease the site property from our site land owner, with his respective livelihood, is contingent upon this variance approval. We have not received any previous complaints and will continue proper practices to prevent unwanted issues from arising.</i> |
| 6. | Rains washing material from your facility onto the southeast property used by WRS. | <i>Mr. Melonas stated that a flood at one time had washed a cheeseburger over to his property. Terra Firma Organics, Inc. maintains our permitted storm water standards and has not received any waste that would have contained a cheeseburger since we have operated so that must have occurred during the prior operator's tenure, which as noted above was a mix of MSW and organic waste.</i> |

ATTACHMENT I: PUBLIC COMMENTS AND RESPONSES (page 5 of 5)

| # | PUBLIC COMMENT | RESPONSE Note: SNHD comments are in regular font. Applicant's responses are in italics. |
|----|--|--|
| 7. | WRS (tenants) complaining to the property owner about odors. | <i>Terra Firma Organics, Inc. operates according to our approved operations plan and maintains aerobic static pile composting. Turning of piles is carefully implemented in accordance with the operation plan standard with careful monitoring to prevent anaerobic conditions that would produce methane type odors. We will maintain proper blending of putrescible waste within the 2-hour window of receipt to render it non-putrescible and otherwise maintain all other proper operating procedures. Again, our operation has received no complaints and it appears that previous operations before our time are being referred to in the public comments contained here.</i> |