

ATTACHMENT 1

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No.: AQMV24-0026 ISSUED TO

Renown Regional Medical Center
Location: 1155 Mill St., Reno, NV 89502
Permit Number: AAIR16-0714
Date of Issuance: October 9, 2024
Case No.: 1486

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that Renown Regional Medical Center is in violation of the District Board of Health Regulations Governing Air Quality Management PART 030.000 Source Permitting and Operation.

1. VIOLATION

- A. Failure to comply with the provisions of Permit to Operate AAIR16-0714. Specifically, Condition of Operation C.:

It is unlawful for any person to make any modifications affecting the emissions of any equipment covered by this Permit to Operate. Modification of the equipment covered by this Permit to Operate outside of routine operation and maintenance may require an Authority to Construct. (DBOH 030.000; 030.002)

2. BASIS OF VIOLATION

- A. Regulatory Authority
The District Board of Health Regulations Governing Air Quality Management PART 030.000 Source Permitting and Operation:

It is unlawful for any person to:

- A. Construct any new source;
B. Make any modifications affecting the emissions of any existing source; or
C. Operate any new source, within the meaning of these regulations, except those sources in Section 030.003,

without first submitting an application to the Control Officer and obtaining an Authorization to Construct.

- B. Facts to Constitute the Violation
12/15/2021 - The AQMD identified the proposed installation of emissions units during a building plan review for a new central heat plant at Renown Regional Medical Center. The



AQMD provided comments on the plans and emailed the applicant directly, providing information regarding source permitting for the new emissions units.

6/2/2022 - Renown Regional Medical Center was issued a building permit for the construction of a new central utility plant. The new central utility plant included multiple new emission units.

6/15/2023 – The AQMD observed construction had commenced on the new emission units. An application for an Authority to Construct (ATC) had not been submitted and an ATC had not been obtained for the emission units.

8/24/2023 – Renown Regional Medical Center submitted an application to the AQMD for the new emission units.

7/31/2024 – Renown Regional Medical Center was issued an Authority to Construct for the new emission units.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Renown Regional Medical Center is advised that within (10) working days of the receipt of this Notice of Violation, Renown Regional Medical Center may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street Suite B171
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of \$45,000.00.

10/9/24

Date

A handwritten signature in blue ink, which appears to read "Joshua C. Restori", is written over a horizontal line.

Joshua C. Restori
Supervisor, Permitting and Compliance
Air Quality Management Division
Northern Nevada Public Health

ATTACHMENT 2

CHAPTER 020 - GENERAL PROVISIONS

PART 020.100 - VIOLATIONS OF REGULATIONS AND PENALTIES

SECTION A - VIOLATION OF REGULATIONS AND PENALTIES

1. VIOLATION OF REGULATIONS

- a. In determining whether a violation of these regulations has been committed, whether the violation was intentional or inadvertent is immaterial and does not constitute cause for dismissal of the case by the Hearing Board or District Board of Health. However, either board may consider whether the violation was intentional or inadvertent in determining the amount of the penalty to be imposed.

2. NOTICE OF VIOLATION

- a. Whenever the Control Officer or their authorized agent or representative has a reasonable cause to believe that any section of these regulations for the prevention, abatement or control of air pollution has been violated, the Control Officer shall cause written notice to be served upon the person or persons responsible for the alleged violations.
- b. The notice shall specify:
 - (1) The section or sections of these regulations alleged to be violated.
 - (2) The facts alleged to constitute the violation.
 - (3) Appeal procedure including any time limitations.
- c. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within ten (10) working days after service of the notice, a person named in the order requests a hearing before the Hearing Board.
- d. With or without the issuance of an order pursuant to paragraph 020.100.A.2.c:
 - (1) The Control Officer or their authorized agent or representative may notify the person or persons responsible for the alleged violation to appear before the Hearing Board at a specified time and place; or
 - (2) The Hearing Board may initiate proceedings for recovery of the appropriate penalty set forth in paragraph 020.100.A.3.
- e. Nothing in this section prevents the Hearing Board or the Control Officer or their authorized agent or representative from making efforts to obtain voluntary compliance through warning, conference, or other appropriate means.

3. CIVIL FINES AND PENALTIES

- a. Except as provided in paragraphs 020.100.A.3.b. and c., a violation of any section of these regulations constitutes a major violation. Failure to comply with any condition of an operating permit constitutes a violation.
- b. Any person who commits a major violation of any section of these regulations, other than paragraph 020.100.A.5. and SECTION 020.000.D., is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00 per day, per violation. Each day of violation constitutes a separate offense. The District Board of Health may establish a compliance schedule as a part of any civil

- finding either in lieu of, or in addition to, monetary penalties. Any fines assessed may be held in abeyance pending fulfillment of any compliance schedule.
- c. Violations of PARTS 040.030 (Dust Control), 040.035 (Open Burning), 040.040 (Fire Set for Training), 040.050 (Incinerator Emission), 040.051 (Wood-Burning Devices), 040.055 (Odorous Emissions), 040.080 (Gasoline Transfer and Dispensing Facilities), 040.200 (Diesel Engine Idling) or 050.001 (Emergency Episode Plan) of these regulations constitutes a minor violation unless there are three or more violations of any one of those PARTS by a person or entity, occurring within a period of twelve (12) consecutive months. All minor violations become major violations upon the occurrence of the third violation of the same PART within a period of twelve (12) consecutive months.
- (1) The first offense of a minor violation shall result in an administrative fine of \$500.
 - (2) The second offense of a minor violation shall result in an administrative fine of \$1,000.
 - (3) Administrative non-compliance of the PARTS described in this paragraph (i.e. incomplete Dust Log, on site permit missing) shall constitute a warning. Any further administrative non-compliance with conditions of the PARTS described in this paragraph may constitute a violation.
- d. Administrative fines shall be levied by appropriate action of the District Board of Health and recorded in its official minutes. The evidence or information on which the District Board of Health bases its action may include any one or more of the following:
- (1) The recommendation of the Control Officer, or their authorized agent or representative, based on any Notice of Violation served on any person in accordance with these regulations if that person has not appeared or requested a hearing before the Hearing Board.
 - (2) The recommendation of the Hearing Board, based on its findings in connection with any appeal or other matter referred to the District Board of Health in accordance with these regulations.
 - (3) Evidence presented before the District Board of Health by any person, public official, or representative of the District Board of Health, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) calendar days in advance) of the hearing at which such evidence is to be presented and is provided an opportunity to present evidence in his defense at the hearing.
- e. Unless the District Board of Health bases its decision on the recommendations and/or findings of the Control Officer, their authorized agent or representative, or the Hearing Board as set forth in paragraphs 020.000.A.3.d.(1) and (2), the District Board of Health shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the District Board of Health pursuant to paragraph 020.100.A.3.d.(3). Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts if the original is not readily available and, on request, parties shall be given an opportunity to compare the copy with the original. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first was called to testify and rebut the evidence against them. The District Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the District Board of Health's specialized knowledge. All decisions of the District Board of Health respecting administrative fines shall be in writing or notice of the District Board of Health's decision shall be forwarded to the aggrieved party at their last known mailing address.
- f. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the District Board of Health, at its discretion, may choose to waive the fine for a first violation, levy any fine providing it does not exceed the appropriate range limitation, require use of other mitigation methods or schedules of compliance and, in emergency situations, require a stop work order to be issued and/or any other combination of remedies to bring about compliance with the regulations.
- g. All administrative fines collected by the District Board of Health pursuant to this section shall be deposited

in the school district fund of Washoe County.

- h. All monetary fines assessed pursuant to violations of PARTS 030.105 or 030.107 for improper asbestos containing material removal, shall be for an amount greater than the estimated savings obtained by the illegal removal.

4. INJUNCTIVE RELIEF

- a. In addition to any remedy at law hereunder, the Control Officer may apply to a court of competent jurisdiction for any other equitable and injunctive relief to enforce compliance with, or to restrain violation of any provisions of these regulations or to any regulation or rule made and adopted pursuant thereto.

5. INTERFERENCE WITH PERFORMANCE OF DUTY

- a. No person shall refuse entry or access to any authorized representative of the District Board of Health, upon presentation of appropriate credential, who requests entry to inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall obstruct, hamper or interfere with any such inspection. If entry is refused, or prior to attempting to enter, such officer may apply to any magistrate for a search warrant. The magistrate shall issue the warrant if he believes from the supporting affidavit or affidavits that there is probable cause to believe that a source of air contaminant exists or is being constructed or operated on the premises to be searched.

ATTACHMENT 3

Administrative Penalty Table

Air Quality Management Division Washoe County Health District

I. Minor Violations - Section 020.100.A.3.c.

Regulation		1st Violation	2nd Violation
040.030	Dust Control	500	1000
040.035	Open Burning	500	1000
040.040	Fire Set for Training	500	1000
040.050	Incinerator Emissions	500	1000
040.051	Wood-burning Devices	500	1000
040.055	Odor Emissions	500	1000
040.080	Gasoline Transfer and Dispensing	500	1000
040.200	Diesel Engine Idling	500	1000
050.001	Emergency Episode Plan	500	1000

II. Major Violations - Section 020.100.A.3.a.

Regulation	Violation	Source Category	
		Minimum	Maximum
030.000	Construction/Operating without Permit (per major process system or unit/day)	5000	10000
030.1402	Failure to Comply with Stop Work Order	10,000/day	10,000/day
030.2175	Operation Contrary to Permit Conditions (per day or event)	2500	10000
030.235	Failure to Conduct Source Test or Report (per Reporting Period for Each Unit)	2500	5000
	All other Major Violations (per day or event)	5000	10000

III. Major Violations - Section 030.107 Asbestos

A. Asbestos Sampling & Notification	\$ 2,000 - \$10,000
B. Asbestos Control Work Practices (per day or event)	\$ 2,000 - \$10,000
C. Asbestos Containment & Abatement (per day or event)	\$ 5,000 - \$10,000

ATTACHMENT 4

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Renown Regional Medical Center
Contact Name Amy McCombs
Case Number 1486

I. Violation of Section 030.000 SOURCE PERMITTING AND OPERATION

I. Recommended Penalty = \$ 45000.00

II. Violation of Section 0

II. Recommended Penalty = \$ 0.00

III. Violation of Section 0

III. Recommended Penalty = \$ 0.00

IV. Violation of Section 0

IV. Recommended Penalty = \$ 0.00

V. Violation of Section 0

V. Recommended Penalty = \$ 0.00

Total Recommended Penalty = \$ 45,000.00



Senior AQ Specialist/Supervisor

10/9/24

Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Renown Regional Medical Center
 Contact Name Amy McCombs
 Case Number 1486
 Violation Number AQMV24-0026

Violation of Section 030.000 SOURCE PERMITTING AND OPERATION
 Permit Condition General Provision C. Modification of Permit to Operate

I. **Base Penalty as specified in the Penalty Table** = \$ **7,500.00**

II. **Severity of Violation**

A. **Public Health Impact**

1. **Toxicity of Release** (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
Adjustment Factor **1**

Comment: Unable to Quantify

2. **Environmental/Public Health Risk** (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Negligible

Total Adjustment Factors (1 x 2) = **1**

B. **Adjusted Base Penalty**

Base Penalty \$ 7,500.00 x Adjustment Factor 1 = \$ **7,500.00**

C. **Number of Days/Weeks/Months or Units in Violation**

Adjusted Penalty \$ 7,500.00 x Number of Days/Weeks/Mo **6** = \$ **45,000.00**

Comment: (6) Emissions Units constructed without the Authority to Construct

D. **Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

Comment: No economic benefit determined

Penalty Subtotal

Adjusted Base Penalty \$ 45,000.00 + Economic Benefit \$ 0.00 = \$ **45,000.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment No mitigating factors provided

B. Compliance History

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5 years

5% x 0, # of previous violations

+ 0%

Comment: No compliance history noted

Total Penalty Adjustment Factors – Sum of A & B

0%

IV. Recommended Penalty

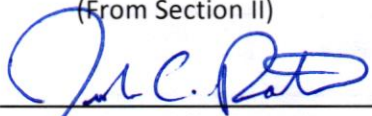
Penalty Adjustment:

\$ 45,000.00	x	0%		=	\$ 0.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training	-	\$ 0.00
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Comment: _____
Adjusted Penalty:

\$ 45,000.00	+/-	\$ 0.00	=	\$ 45,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty



Senior AQ Specialist/Supervisor

10/9/24

Date

ATTACHMENT 5

MEMORANDUM OF UNDERSTANDING

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION

Date: October 9, 2024

Company Name: Renown Regional Medical Center

Address: 1155 Mill Street Reno, Nevada 89502

Case No. 1486 Notice of Violation No.(s) AQMV24-0026

The staff of the Northern Nevada Public Health, Air Quality Management Division issued the above referenced citation for the violation of Regulation: 030.000 Source Permitting and Operation

A settlement of this matter has been negotiated between the undersigned parties resulting in a penalty amount of \$ 40,500.00. This settlement will be submitted to the District Board of Health for review at the regularly scheduled meeting on November 21, 2024.

The undersigned agrees to waive an appeal to the Air Pollution Control Hearing Board so this matter may be submitted directly to the District Board of Health for consideration.



Signature of Company Representative

Tammy Oliver

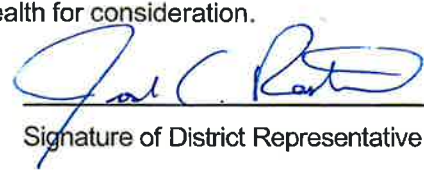
Print Name

Director of Regulatory
and Accreditation

Title

Maycee Shepard

Witness



Signature of District Representative

Joshua C. Restori

Print Name

Air Quality Supervisor

Title

Francisco Veje

Witness