NORTHERN NEVADA Public Health
Serving Reno, Sparks & Washoe County

AGENDA PACKET NO. 5.C.1.

Staff Report
Board Meeting Date: January 13, 2025

DATE: January 22, 2025

TO: District Board of Health

FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nnph.org

SUBJECT: Recommendation for the Board to uphold a settled penalty issued to 840 I Street, LLC, Case No. 1504, Notice of Violation No.'s AQMV24-0032, 0033, 0034, 0035, 0036 with a $46,800.00 total fine, for multiple violations of 40 CFR 61 Subpart M – National Emissions Standards for Asbestos and violating a Stop Work Order issued by the Air Quality Management Division. (FOR POSSIBLE ACTION)

SUMMARY

The Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No.'s AQMV24-0032, 0033, 0034, 0035, 0036 be upheld and a total fine in the amount of **$46,800.00** be levied against 840 I Street, LLC. For additional information about the violations or the recommended penalty, please refer to the attached information.

District Health Strategic Priorities supported by this item:

2. **Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

No previous action.

BACKGROUND

Please refer to the attached NOV(s) for specific information regarding each violation. The NOV(s) contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

Pursuant to the procedures to discuss and potentially settle the Notice of Violation (NOV) associated with a major violation of DBOH Regulations, the AQMD scheduled a compliance and enforcement meeting with the facility to discuss the noncompliance incident and the proposed violation and penalty. A meeting was held on November 19, 2024, and attended by the AQMD Enforcement Group, AQMD Supervisor of Permitting and Compliance and representatives of the facility. During the meeting, the incidents of noncompliance associated with the NOV(s) were discussed. The facility concurred with the violations and agreed to settle by signing a Memorandum of Understanding (MOU) dated December 9, 2024. NOV No.'s AQMV24-0032, 0033, 0034, 0035, and 0036 were considered final with a total fine of $46,800.00 on December 17, 2024.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation and associated fine. All fine money collected is forwarded to the Washoe County School District to be used for environmentally focused projects for the benefit of the students.

RECOMMENDATION

Staff recommends the Board uphold a settled penalty issued to 840 I Street, LLC, Case No. 1504, Notice of Violation No.'s AQMV24-0032, 0033, 0034, 0035, and 0036 with a total fine of $46,800.00, for multiple violations of 40 CFR 61, Subpart M – National Emissions Standards for Asbestos and violating a Stop Work Order issued by the AQMD.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the item should be pulled from the Consent Agenda for discussion. Possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No.'s AQMV24-0032, and/or 0033, and/or 0034, and/or 0035, and/or 0036; or

2. The Board may determine to uphold Notice of Violation No.'s AQMV24-0032, and/or 0033, and/or 0034, and/or 0035, and/or 0036 and levy any fine in the range of $0.00 to $10,000.00 per day per violation for the major violation.

POSSIBLE MOTION

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold a settled penalty issued to 840 I Street, LLC, Case No. 1504, Notice of Violation No.'s AQMV24-0032, 0033, 0034, 0035, and 0036 with a total fine of $46,800.00."

Or, should the Board wish to consider an alternative motion the item should be pulled from the Consent Agenda for discussion and, the possible motion may be:

1. "Move to dismiss Case No. 1504, Notice of Violation No.'s AQMV24-0032, and/or 0033, and/or 0034, and/or 0035, and/or 0036, issued to 840 I Street, LLC", or
2. "Move to uphold Case No. 1504, Notice of Violation No.'s AQMV24-0032, and/or 0033, and/or 0034, and/or 0035, and/or 0036, and levy a fine in the amount of (range of $0.00 to $10,000.00) per day per violation, with the matter being continued to the next meeting to allow for the 840 I Street, LLC to be properly noticed."