

Air Pollution Control Hearing Board Meeting Minutes

Members

Phil Schweber, Chair
Yvonne Downs, Vice Chair

**Tuesday, April 7, 2026
6:00 p.m.**

Martin Breitmeyer
Anthony Dimpel, PE
Therese A. Stix, Esq.
Chaitanya Korra

**Northern Nevada Public Health
Conference Rooms A and B, Building B
1001 East Ninth Street
Reno, NV**

1. Roll Call and Determination of Quorum.

Board Members Present: Phil Schweber, Chair
Martin Breitmeyer
Therese A. Stix, Esq.
Chaitanya Korra
Anthony Dimple

Board Member Absent: Yvonne Downs, Vice-chair

Mina Wilcox, Recording Secretary, verified a quorum was present.

Staff Present: Francisco Vega, Air Quality Management Division Director
Joshua Restori, Supervisor, Permitting and Compliance
Herbert Kaplan, Deputy District Attorney (via zoom)
Mina Wilcox, Recording Secretary

2. Pledge of Allegiance.

Chair Schweber led the Pledge of Allegiance.

3. Ethics Law Announcement.

Herbert Kaplan, Deputy District Attorney, provided a verbal ethics law announcement.
Chair Schweber asked the board members for any disclosures.

Anthony Dimple disclosed that his company has immaterial business dealings with some of the contractors; however, Mr. Dimple did not recuse himself.

4. Public Comment.

Chair Schweber opened the public comment.

Having no public comment, Chair Schweber closed the public comment period.

5. Approval of Agenda.

April 7, 2026

Ms. Stix moved to approve the April 7, 2026, agenda. Mr. Korra seconded the motion, which carried unanimously.

6. Approval of Draft Minutes.

June 3, 2025

Ms. Stix moved to approve the June 3, 2025, minutes as received. Mr. Korra seconded the motion, which carried unanimously.

7. Recommendation of Staff to Uphold Notice of Violation No.'s AQMV26-0001, issued to JC Golden Mesa, LLC, failure to control fugitive dust and allowing visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour from the Golden Mesa 2 project with a total associated administrative fine of \$1000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board.

Chair Schweber invited staff to present testimony on the case and provided an overview of the process for presenting the case details.

Josh Restori, Supervisor of Permitting and Compliance for the Air Quality Management Division, began his presentation by outlining the topics of discussion. These included the applicable regulatory authority and the violation under Case No. 1604, as well as how the requirements of 040.030 Dust Control as they pertain to notice of violation.

Mr. Restori addressed how these regulations apply to the current Notice of Violation and the events surrounding the case. He explained that construction projects disturbing one acre or more must obtain a permit and maintain dust control 24/7, including during inactive periods. The primary mitigation strategy is the application of water to create a surface crust before, during, and after activities. Under EPA Method 22, a violation occurs if visible fugitive dust is observed for five minutes or more within any one-hour period.

Mr. Restori outlined the sequence of events that resulted in the violation. Additionally, he presented videos from complainants showing significant, uncontrolled dust blowing directly from the 70-acre project into nearby residences.

Mr. Restori presented evidence confirming that JC Mesa LLC exceeded the allowable five-minute threshold for visible fugitive dust. This failure to meet permit standards constituted a formal violation of Air Quality Management regulations.

Mr. Restori formally recommended on behalf of the Air Quality Management Division (AQMD), that the Air Pollution Control Hearing Board deny the appeal for Notice of Violation AQMV26-0001 and uphold the \$1,000 administrative penalty. Furthermore, he recommended that if this penalty is upheld, any future violations at this site incur a fine of \$10,000 per violation, per day, pursuant to Section 020 of the health regulations.

Mr. Breitmeyer inquired whether any additional infractions or site calls had occurred since December 19, 2025; Mr. Restori confirmed there had been none.

Mr. Breitmeyer inquired if there had been any communication with the contractor.

Mr. Restori confirmed that communication had occurred via the issuance of a formal violation notice. He noted that the contractor's awareness of the violation likely prompted their appeal and added that the site is subject to routine inspections.

Mr. Breitmeyer remarked that JC Golden Mesa, LLC is fully aware they are being watched, and they are knowingly violating their permit.

Mr. Restori stated yes. He further explained ongoing concerns, noting that JC Golden Mesa's reactive approach to high winds is inadequate compared to necessary proactive preparation. He recommended that JC Golden Mesa apply a dust palliative, particularly on inactive areas, to reduce the need for emergency management of the entire 70-acre site during wind events. He confirmed that routine inspections will continue and emphasized that any repeated violations will result in further enforcement actions.

Mr. Korra inquired whether any fugitive dust had been observed during routine inspections from January to the present.

Mr. Restori clarified that, to his knowledge, no conditions constituting a violation had occurred during that period.

Mr. Dimple opined that the specific dollar amount of the current fine is less critical than the fact of it being upheld; upholding this violation is what triggers the \$10,000 penalty for any future occurrences.

Mr. Restori explained that the regulations mandate a fine of \$10,000 per violation per day for any third infraction of this section. He emphasized that this escalated penalty serves as a deterrent, intended to compel the contractor to actively resolve the issue rather than treating fines as a recurring cost of business.

Mr. Dimple viewed that the penalty must "hurt a little bit" to be effective.

Mr. Restori agreed, noting that the escalated fine is intended to influence the contractor's business decisions and ensure the consequences for non-compliance are significant.

Ms. Stix inquired about the timeline for the start of actual construction.

Mr. Restori responded that AQMD has repeatedly requested this information from JC Messa, LLC. He noted that while some mass grading is occurring, there is no visible progress on infrastructure such as roads, curbs, or gutters to support vertical home construction. He added that while the developer claims to be actively working, the pace likely depends on market demand, as no definitive completion date has been provided.

Chair Schweber inquired about the approximate cost of applying a dust palliative.

Mr. Restori responded that he can't provide a specific estimate as costs vary by selection.

Chair Schweber noted that the Appellant, JC Mesa, LLC was not in attendance.

Chair Schweber noted that the appellant had previously requested a postponement to attend this hearing and was reminded of the current date via certified mail. The Chair's finding was based on belief that the appellant's absence and failure to provide information were not an oversight.

Chair Schweber called for comments from the Board.

Ms. Stix stated that the legal requirements in this matter are clear. She noted that investigations from October through December confirmed no construction had occurred during that period. Given the property's scale, she observed that the project could have been completed in phases to mitigate the impact of dust and particulate matter. Noting that dust control is a well-established necessity in Nevada's windy climate, Ms. Stix expressed her support for the recommended \$1,000 fine and the mandatory application of a dust palliative.

Chair Schweber expressed agreement with Ms. Stix and sought to clarify if the board could mandate the use of dust tape or simply recommend it.

Mr. Dimple expressed personal discomfort with a formal requirement of the application of dust palliative due to potential legal implications and ambiguity but confirmed he is fully supportive of recommending it.

Mr. Breitmeyer asserted that a construction site with a prolonged lack of activity should be legally classified as dormant and subject to mandatory securing, SWPPPing, and sealing requirements, regardless of whether the developer claims the project remains active.

Mr. Restori noted that while SWPPP (Stormwater pollution Prevention Plan) regulations require site stabilization after inactivity, this specific property may be exempt because it drains toward Swan Lake, though it still requires verification from Washoe County or City of Reno officials. Regardless of stormwater rules, the site failed to comply with Regulation 040.030 for dust mitigation.

Mr. Korra supported the \$1,000 fine, noting that the fugitive dust issue appears to be seasonally recurring. He emphasized that without immediate and formal mitigation measures, the untreated site will continue to pose a health and safety risk to neighboring properties in future years.

Chair Schweber confirmed that the motion was upheld, sustaining the violation and the \$1,000 fine. Additionally, the board recommended that the respondent implement alternative dust abatement methods, specifically suggesting the use of a dust palliative.

Mr. Vega requested clarification whether Ms. Stix made the initial motion.

Ms. Stix moved to approve the motion. Mr. Korra seconded the motion, which carried unanimously.

8. Board Comment

Chair Schweber called for comments from the Board.

Having no Board comments, Chair Schweber closed the Board Comment period.

9. Public Comment

Chair Schweber opened the public comment period.

Having no public comment, Chair Schweber closed the public comment period.

10. Adjournment

Mr. Breitmeyer moved to adjourn the meeting. Mr. Dimple seconded the motion, which carried unanimously.

Chair Schweber adjourned the meeting at 6:42 p.m.

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The Air Pollution Control Hearing Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Air Quality Management Division in writing at Northern Nevada Public Health, 1001 E. 9th Street, Building B-171, Reno, NV 89512, or by calling 775-784-7201, 24 hours prior to the meeting.

Public Comment: Reasonable efforts will be made to hear all public comment during the meeting. During the “Public Comment” items, emails may be submitted pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment emails will only be heard during items that are not marked FOR POSSIBLE ACTION. All public comment should be addressed to the Air Pollution Control Hearing Board and not an individual member. The Hearing Board asks that your comments are expressed in a courteous manner. All public comment is limited to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.

Response to Public Comment: The Air Pollution Control Hearing Board can only deliberate or take action on a matter if it has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Air Pollution Control Hearing Board. However, responses from the Air Pollution Control Hearing Board members to specific items presented during public comment, which are not listed as agenda items could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Air Pollution Control Hearing Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Northern Nevada Public Health staff action or to ask that a matter be listed on a future agenda. The Air Pollution Control Hearing Board may do this either during the public comment item or during the following item: “Board Comment – Hearing Board Member’s announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)”

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted electronically at the following locations:

Northern Nevada Public Health, 1001 E. 9th St., Reno, NV

Washoe County Administration Building A, Reno, NV

Northern Nevada Public Health Website <https://www.NNPH.org>.

State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Northern Nevada Public Health located at 1001 E. 9th Street, in Reno, Nevada. The Senior Office Specialist to the Air Pollution Control Hearing Board is the person designated by the Northern Nevada Public Health to respond to requests for supporting materials. The Senior Office Specialist is located at Northern Nevada Public Health and may be reached by telephone at (775) 784-7200 or by email at AQMDAdmin@nnph.org. Supporting materials are also available at the Northern Nevada Public Health Website <https://www.NNPH.org> pursuant to the requirements of NRS 241.020.