

**Staff Report**  
**Board Meeting Date: April 25, 2024**

**DATE:** April 18, 2024  
**TO:** District Board of Health  
**FROM:** Francisco Vega, Division Director  
(775) 784-7211, fvega@nnpd.org  
**SUBJECT:** Recommendation for the Board to Uphold the Air Pollution Control Hearing Board's Recommendation regarding Appealed Notice of Violation No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004, to issue a \$24,000.00 total Administrative Penalty issued to All Eagle, LLC for failure to provide the AQMD with written notice of intention to demolish a facility on a date other than the one contained in the original notice as required by 40 CFR 61.145 (b) (iv).

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**SUMMARY**

The Northern Nevada Public Health Quality Management Division (AQMD) staff recommends appealed Notice of Violation (NOV) No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004 be upheld and a fine in the amount of **\$8,000.00** be levied against All Eagle, LLC for each violation for total administrative penalty of **\$24,000.00**, as recommended by the Air Pollution Control Hearing Board (APCHB). These violations were issued for failure to provide the AQMD with written notice of intention to demolish a facility on a date other than the one contained in the original notice as required by 40 CFR 61 Subpart M – National Emissions Standards for Asbestos. These actions are major violations of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 030.105 (National Emissions Standards for Hazardous Air Pollutants).

**District Health Strategic Priority 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**

All Eagle, LLC was issued a Warning Letter on October 14, 2022, for similar violations of 40 CFR 61.145 (b) (iv). The Warning Letter can be found in the Supporting Documentation to this Staff Report.

**BACKGROUND**

Please refer to the attachments for information pertaining to NOV No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004. The NOV's and attachments contain the facts associated with the incidents of noncompliance and supporting documentation relevant to the NOV's.

An Appeal Petition from All Eagle, LLC for the issuance of NOV No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004 and the associated administrative penalty was received by the AQMD on January 31, 2024. An APCHB meeting was held on March 14, 2024, where Case No.'s 1448, 1449, and 1467 were heard. The APCHB voted unanimously to uphold NOV No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004 and the recommended total administrative penalty of \$24,000.00.

### **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 the decision of the APCHB regarding the appealed NOV No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004 issued to All Eagle, LLC in Case No. 1448, 1449, and 1467 with a recommended total administrative penalty of \$24,000.00.

### **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 AQMV24-0002 and/or AQMV24-0003 and/or AQMV24-0004; or
2. The Board may determine to uphold Notice of Violation No.'s AQMV24-0002 and/or AQMV24-0003 and/or AQMV24-0004 and levy any fine in the range of \$0.00 to \$10,000.00 per day per violation.

### **POSSIBLE MOTION**

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

1. "Move to uphold the decisions of the Air Pollution Control Hearing Board regarding appealed NOV No. AQMV24-0002, AQMV24-0003, and AQMV24-0004 issued to All Eagle, LLC with a recommended total administrative penalty of \$24,000.00."

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. 1448 and/or 1449 and/or 1467 associated with Notice of Violation No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004 issued to All Eagle, LLC", or
2. "Move to uphold Case No.'s 1448 and/or 1449 and/or 1467, associated with Notice of Violation No.'s AQMV24-0002, AQMV24-0003, and AQMV24-0004, and levy a fine in the amount of (range of \$0.00 to \$10,000.00) per day for each violation, with the matter being continued to the next meeting to allow for All Eagle, LLC to be properly noticed."