

**Air Quality Management Division
Division Director Staff Report
Board Meeting Date: May 23, 2024**

DATE: May 6, 2024

TO: District Board of Health

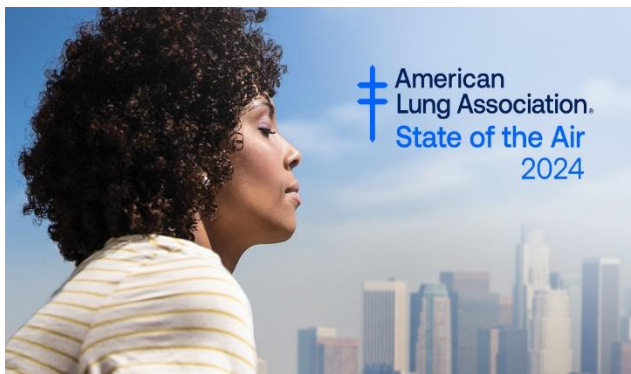
FROM: Francisco Vega, P.E., Division Director
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SUBJECT: **Air Quality Management** - American Lung Association Releases its 2024 Report, Governors Ask EPA to “Pause” Implementation of New PM2.5 NAAQS, Twenty-Three States Petition EPA to Revise Civil Rights Policy, March 2024 EPA Small Business Newsletter, Divisional Update, Program Reports, Monitoring and Planning, Permitting and Compliance

1. Program Update

a. American Lung Association Releases its 2024 Report

In late April, the American Lung Association (ALA) released its annual State of the Air Report analyzing 2020 through 2022 data for particle pollution and ozone. The air quality data used in the report are collected at official monitoring sites across the United States by the federal, state, local and Tribal governments. The ALA calculates values reflecting the air pollution problem and assigns grades for daily and long-term measures of particle



pollution and daily measures of ozone. The ALA states that the purpose of the report is to “provide the public with easy-to-understand information about the quality of the air in their communities based on the credible data and sound science that U.S. Environmental Protection Agency (EPA) is required to use to set and enforce the air quality standards.” The report found the following key

findings:

- 39% of Americans, 131.2 million people, still live in places with failing grades for unhealthy levels of ozone or particle pollution. This is 11.7 million more people breathing unhealthy air compared to last year’s report.
- Although people of color make up 41.6% of the overall population of the U.S., they are 52% of the people living in a county with at least one failing grade. In the counties

with the worst air quality that get failing grades for all three measures of air pollution, 63% of the nearly 44 million residents are people of color, compared to 37% who are white.

- The majority of the 119 counties earning failing grades for year-round particle pollution are in the western U.S.

Washoe County received a grade of “F” for both short-term particle pollution and ozone pollution. In addition, the region received a failing grade for long-term particle pollution. The information below describes how the region ranked compared to other metro areas in the county.

- Ranked 19 worst for high ozone days out of 228 metropolitan areas.
- Ranked 6 worst for 24-hour particle pollution out of 223 metropolitan areas.
- Ranked 18 worst for annual particle pollution out of 204 metropolitan areas.

Wildfires continue to be the greatest source contributing to the poor air quality in Washoe County. The report states “Wildfires in the western United States and Canada remain the major contributing factor to the increasing number of days and places with unhealthy levels of particle pollution in recent years. Wildfires are also continuing to increase the severity of pollution, resulting in the highest number of days designated as either purple or maroon (135 and 79 days, respectively). These are the levels on the Air Quality Index that carry the strongest health warnings.”

For a copy of the report and additional information, please visit the link below.

<https://www.lung.org/research/sota>

b. Governors Ask EPA to “Pause” Implementation of New PM2.5 NAAQS

The Governors of twenty-two (22) states, including Governor Joe Lombardo, sent a letter to U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan the recently revised primary National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM2.5) from 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 9 $\mu\text{g}/\text{m}^3$ “to provide increased public health protection, consistent with the available health science.” The Governors write, “Setting aside the legal concerns we have about the final rule, the new standard poses significant challenges for our states and ignores the progress made in reducing particulate matter over the last 20 years.” Among the challenges the Governors raise are that “[t]he geography of the United States includes unique regions, all with unique weather patterns. For example, while our states in the Midwest and Southwest may be more susceptible to dust storms and our Eastern states may have more forested areas near urban areas, our Western states are particularly susceptible to wildfires, which can elevate levels of particulate matter.” The Governors also write that the revised standard will require “substantial efforts and resources from state governments and local communities” and cite an analysis in which the U.S. Chamber of Commerce concludes that once effective, the final rule “would make almost 20 percent of counties across the country noncompliant.” The state leaders further write that the revised standards “will significantly impact the economy” and “could grind permitting to a halt and



drive up building costs.” The Governors include in their letter seven “focus areas” recommendations and observations related to ambient impact analysis tools; implementation tools including those used for permitting; background concentrations; smoke management; the impacts of exceptional events; the exceptional events rule, guidance and processes; and foreign emissions.” They conclude by writing, “We strongly encourage you to pause implementation of this rule so our concerns can be addressed. Your consideration of this matter and its overall impact to all of our states is necessary to find a balanced approach that protects both our environment and our economy.”

For further information please visit the link below.

[https://www.4cleanair.org/wp-content/uploads/PM2.5_NAAQS_Revision-Letter of 22 Govs Asking EPA to Pause Impl-041124.pdf](https://www.4cleanair.org/wp-content/uploads/PM2.5_NAAQS_Revision-Letter_of_22_Govs_Asking_EPA_to_Pause_Impl-041124.pdf)

c. Twenty-Three States Petition EPA to Revise Civil Rights Policy

A group of twenty-three (23) state attorneys general have written a letter petitioning U.S. Environmental Protection Agency (EPA) Administrator Michael Regan change the agency's approach to handling civil rights complaints under Title VI of the Civil Rights Act of 1964. The letter comes three months after a court decision in the US Court of Appeals for the Fifth Circuit blocked EPA from using “disparate impacts” in a Title VI investigation of Louisiana's air permitting program. Title VI bars states and other recipients of federal funding from discrimination based on race or color. The letter states that the administration has “taken unprecedented steps” to enforce Title VI barring recipients of federal funding (like clean air agencies) from actions that “have the effect of discrimination”, rather than actions that have “intentional discrimination”. The letter calls for EPA to change its regulations by dropping language in a way which would affect this result.

For additional information and a copy of the letter, please visit the link below.

<https://www.4cleanair.org/wp-content/uploads/FL-23-AGs-civil-rights-petition.pdf>

d. March 2024 EPA Small Business Newsletter

Please visit the link below to view the March 2024 EPA small business monthly newsletter which highlights environmental regulation, compliance assistance, resources, and

SMALLBIZ@EPA

EPA's Asbestos and Small Business Ombudsman Program

A MONTHLY NEWSLETTER FOR THE REGULATED SMALL BUSINESS COMMUNITY

upcoming events. Contact asbo@epa.gov to subscribe to the newsletter. For more information about small business resources and Small Business Environmental Assistance

Programs (SBEAPs), visit <https://www.epa.gov/resources-small-businesses>.

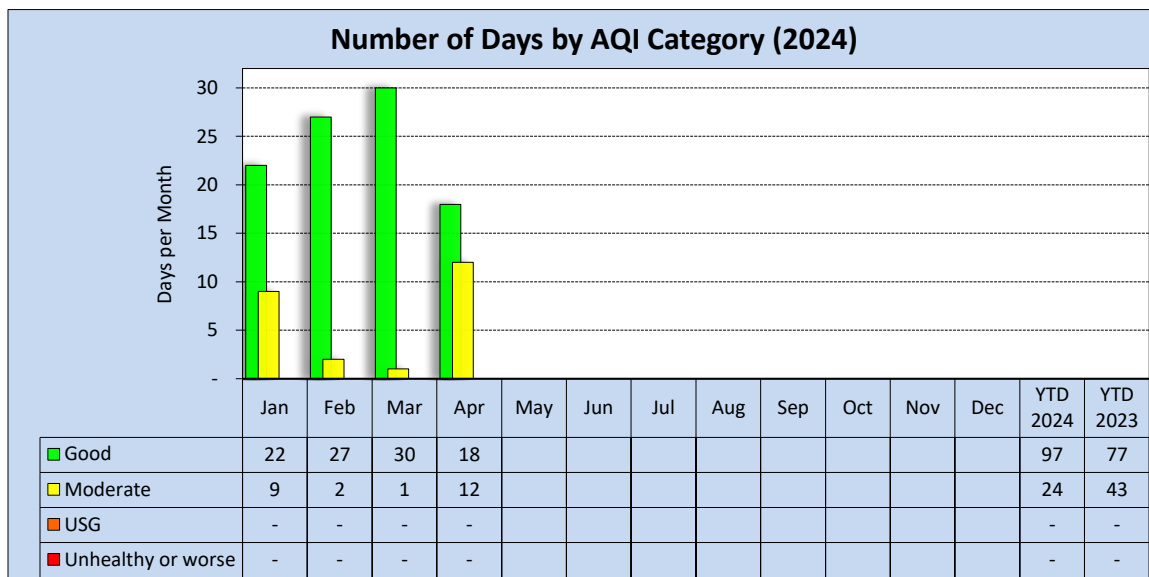
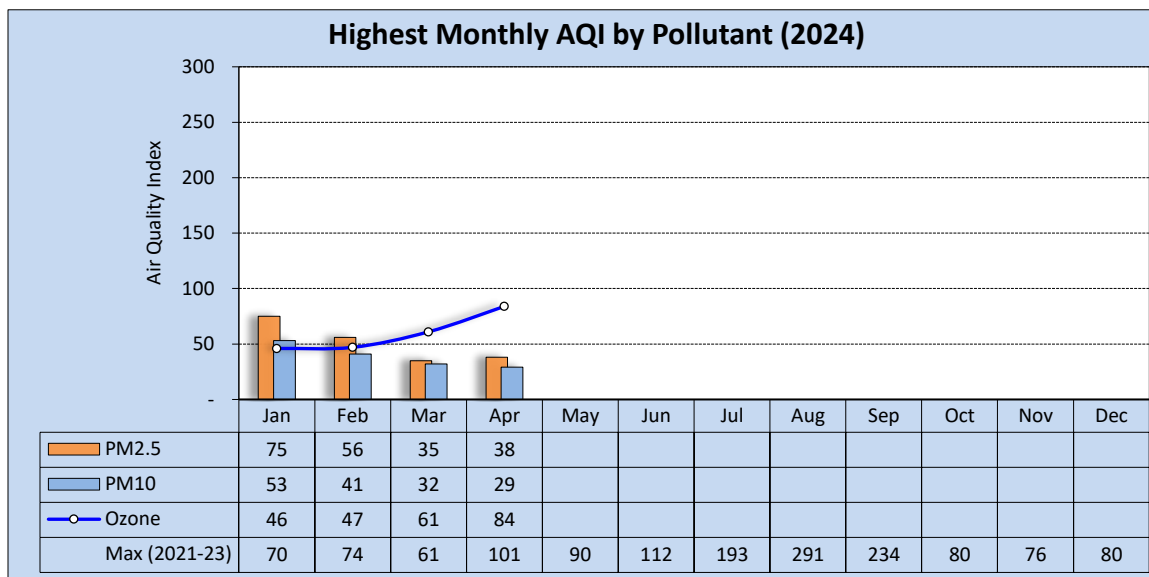
March Newsletter

<https://www.epa.gov/system/files/documents/2024-03/asbo-march-2024-smallbiz.pdf>

Francisco Vega, P.E., MBA
Division Director

2. Divisional Update

- a. Below are two charts detailing the most recent ambient air monitoring data. The top chart indicates the highest AQI by pollutant and includes the highest AQI from the previous three (3) years in the data table, for comparison. The bottom chart indicates the number of days by AQI category and includes the previous year to date for comparison.



Ambient air monitoring data in these charts represent midnight to midnight concentrations to illustrate comparisons to the NAAQS. These data are neither fully verified nor validated and should be considered PRELIMINARY. As such, the data should not be used to formulate or support regulation, guidance, or any other governmental or public decision.

3. **Program Reports**

a. **Monitoring and Planning**

April Air Quality: There were no exceedances of the ozone, PM₁₀, and PM_{2.5} National Ambient Air Quality Standards (NAAQS). The highest ozone, PM_{2.5}, and PM₁₀ concentrations for the month are listed in the table below.

Pollutant	Concentration	Date(s)	Site(s)	Notes
Ozone (8-hour)	0.065 ppm	4/18	Incline	-
PM _{2.5} (24-hour)	9.0 µg/m ³	4/24	Reno4	-
PM ₁₀ (24-hour)	31 µg/m ³	4/12	Sparks	-

Data Certification: Air monitoring data for calendar year 2023 was certified on April 26, 2024. Certification means the U.S. Environmental Protection Agency (EPA) can make regulatory decisions based on the data such as NAAQS “attainment” and “nonattainment” designations. Data completeness percentages for all monitors and for all pollutants for the entire year were 97% and above. Portions of Washoe County are officially violating the 24-hour PM_{2.5} and 24-hour PM₁₀ NAAQS. Wildfire smoke events in 2021 and 2022 contributed to the violations. The Clean Air Act provides a path to exclude these “Exceptional Events” from regulatory decisions. EPA will be providing direction to AQMD on which, if any “Exceptional Events” should be further documented.

Funding Opportunity: AQMD was successful in receiving an additional \$38,000 in one-time funding through the Clean Air Act Section 103 grant. \$34,000 of the funds will be used to replace the Sartorius MSE6.6S Microbalance located in AQMD’s particulate matter (PM) gravimetric filter lab. AQMD has operated its own PM lab since 1999 and replaces the microbalance approximately every 10 years as part of an EPA-approved replacement plan. The remaining \$4,000 will be used as travel funding to send two AQMD staff to EPA’s 2024 National Ambient Air Monitoring Conference in New Orleans, LA.



Craig A. Petersen
Supervisor, Monitoring and Planning

b. Permitting and Compliance

April

Staff reviewed fifty-six (56) sets of plans submitted to the Reno, Sparks, or Washoe County Building Departments to assure the activities complied with Air Quality requirements.

In April 2024, Staff conducted forty-three (43) stationary source inspections. Staff were assigned nine (9) new asbestos abatement projects – monitoring the removal of approximately fourteen thousand five hundred (14,500) square feet of asbestos containing materials. Staff received one (1) facility demolition projects to monitor. Further, there were seventeen (17) new construction/dust projects comprising an additional two hundred twenty one (221) acres of disturbance. Staff documented forty-eight (48) construction site inspections. During the month, enforcement staff also responded to thirteen (13) complaints.

Type of Permit	2024		2023	
	April	YTD	April	Annual Total
Renewal of Existing Air Permits	95	367	97	1,079
New Authorities to Construct	6 (New and Major Modifications)	19	2 (New and Major Modifications)	42
Dust Control Permits	17 (221 acres)	63 (997 acres)	22 (283 acres)	193 (2,386 acres)
Wood Stove (WS) Certificates	23	77	22	242
WS Dealers Affidavit of Sale	4 (2 replacements)	36 (16 replacements)	4 (1 replacements)	124 (56 replacements)
WS Notice of Exemptions	585 (4 stoves removed)	2,036 (17 stoves removed)	458 (6 stoves removed)	6,495 (57 stoves removed)
Asbestos Assessments	86	239	65	731
Asbestos Demo and Removal (NESHAP)	10	52	18	196

Complaints	2024		2023	
	April	YTD	April	Annual Total
Asbestos	1	6	1	12
Diesel Idling	1	1	1	2
Dust	4	18	15	96
Nuisance Odor	5	5	1	7
Permit to Operate	0	0	0	0
Burn Code	0	1	0	4
General	2	9	4	40
TOTAL	13	40	22	161
Enforcement	April	YTD	April	Annual Total
Warnings	5	12	0	26
Notice of Violation	1	17	0	20
TOTAL	6	29	0	46

Joshua C. Restori
Supervisor, Permitting & Compliance