

**Air Quality Management Division  
Division Director Staff Report  
Board Meeting Date: February 22, 2024**

**DATE:** February 15, 2024

**TO:** District Board of Health

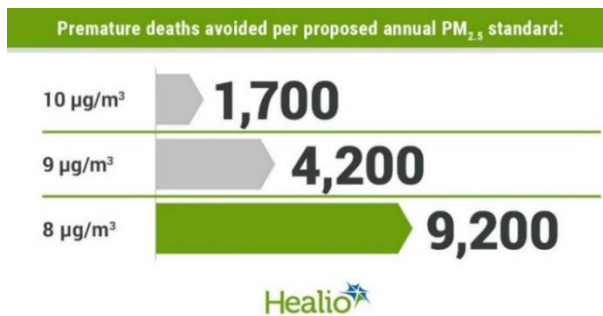
**FROM:** Francisco Vega, P.E., Division Director  
775-784-7211; [fvega@nmph.org](mailto:fvega@nmph.org)

**SUBJECT:** **Air Quality Management** - EPA Expects Final Decision on PM NAAQS, EPA Requests for Remand of 2020 Decision on Ozone NAAQS, EPA Selects Panel for Review of NOx NAAQS, January 2024 EPA Small Business Newsletter, Divisional Update, Program Reports, Monitoring and Planning, Permitting and Compliance

**1. Program Update**

**a. EPA Expects Final Decision on PM NAAQS**

In a motion filed in the U.S. Court of Appeals for the District of Columbia Circuit, the Environmental Protection Agency (EPA) moved to continue to hold in abeyance, until January 30, 2024, consolidated cases challenging EPA’s December 18, 2020, decision to retain, without revision, the existing National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) that were established in 2015. In 2021, EPA announced that it would reconsider the 2020 PM NAAQS decision and the agency moved to hold the cases in abeyance until March 2023, pending completion of the reconsideration. After several extensions, at EPA’s request, the most recent end date of the abeyance was January 2, 2024. With this motion, EPA seeks to extend the abeyance until January 30, 2024, “to allow EPA to bring the reconsideration to a close,” explaining that “the draft final rule has continued to undergo inter-agency review. EPA had expected that that review process would conclude and the rule would be signed by the end of 2023. Currently, however, EPA expects that the rule will be finalized and ready for signature by the end of January 2024. After signature, it will be published in the Federal Register, which could take several weeks.”



In its reconsideration, the EPA has proposed to strengthen the primary annual PM2.5 standard to 9.0-10.0 µg/m<sup>3</sup> and retain all other PM2.5 and PM10 standards. As it pertains to the strengthening of the NAAQS for Particulate Matter, the AQMD commented that the EPA should rely on the best available science in setting the

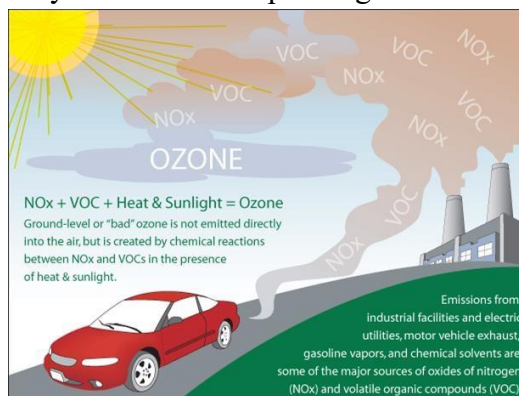
standard. In this case science demonstrates that strengthening of the primary annual PM2.5 standard would have significant benefits on public health.

For additional information regarding the NAAQS and the reconsideration, please visit the link below.

<https://www.epa.gov/criteria-air-pollutants/naaqs-table>

**b. EPA Requests for Remand of 2020 Decision on Ozone NAAQS**

The Environmental Protection Agency (EPA) has filed an unopposed motion in the U.S. Court of Appeals for the District of Columbia Circuit for a voluntary remand without vacatur of the agency's December 31, 2020, decision to retain, without revision, the National Ambient Air Quality Standards (NAAQS) for ozone, established in 2015. The 2020 decision was challenged by multiple parties and, recently, a January 5, 2024, deadline had been set for the parties to submit proposed schedules for merits briefings. In this motion, EPA also requests that the court stay that deadline pending the courts' response to the agency's request for a remand. EPA's lawyers say they have consulted with petitioners and intervenors in the consolidated cases and none opposes the motion. On October 29, 2021, EPA announced it would reconsider the 2020 decision to retain the ozone NAAQS and, at EPA's request, the D.C. Circuit held the cases in abeyance on December 21, 2021. Reconsideration proceedings were initiated and continued into mid-2023, at which time EPA Administrator Michael Regan announced he had "decided that the best path forward is to initiate a new statutory review of the ozone NAAQS and the underlying air quality criteria and to wrap the EPA's reconsideration process of the 2020 ozone NAAQS decision into that review." EPA's arguments in support of its motion for remand without vacatur include that the agency has initiated a full NAAQS review and is incorporating its reconsideration of the 2020 decision "to support its work addressing 'significant issues' identified by the Clean Air Act Advisory Committee and the Committee's Review Panel. "In seeking remand, the Agency is committed to conducting a transparent, scientifically rigorous review that provides opportunities for public input and engagement."



The AQMD will continue to follow any action the agency takes on the ozone NAAQS as air quality in the region remains at or above the current standard. For additional information regarding the ozone and the ozone NAAQS, please visit the website below.

<https://www.epa.gov/ground-level-ozone-pollution>

**c. EPA Selects Panel for Review of NOx NAAQS**

The Environmental Protection Agency (EPA) announced the 19 individuals selected to serve as the panel that will provide advice, through EPA's Clean Air Scientific Advisory Committee (CASAC), on the scientific and technical bases for the agency's next review of the primary National Ambient Air Quality Standards (NAAQS) for nitrogen oxides

(NO<sub>x</sub>). Members of the panel were selected from among numerous experts nominated in response to a November 3, 2023, EPA Federal Register notice soliciting nominations and include Dr. Judith C. Chow of the Desert Research Institute located here in Reno, Nevada. The previous review of the primary NO<sub>x</sub> NAAQS concluded in April 2018 with a decision by the EPA Administrator to retain, without revision, the existing annual standard of 53 parts per billion (ppb) and 1-hour threshold of 100 ppb.



For more information about the CASAC please visit the link below.

[https://casac.epa.gov/ords/sab/r/sab\\_apex/casac/home?session=5019161795311](https://casac.epa.gov/ords/sab/r/sab_apex/casac/home?session=5019161795311)

**d. January 2024 EPA Small Business Newsletter**

Please visit the link below to view the January 2024 EPA small business monthly newsletter which highlights environmental regulation, compliance assistance, resources, and upcoming events. Contact [asbo@epa.gov](mailto: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>.



**SMALLBIZ@EPA**

EPA's Asbestos and Small Business Ombudsman Program

A MONTHLY NEWSLETTER FOR THE REGULATED SMALL BUSINESS COMMUNITY

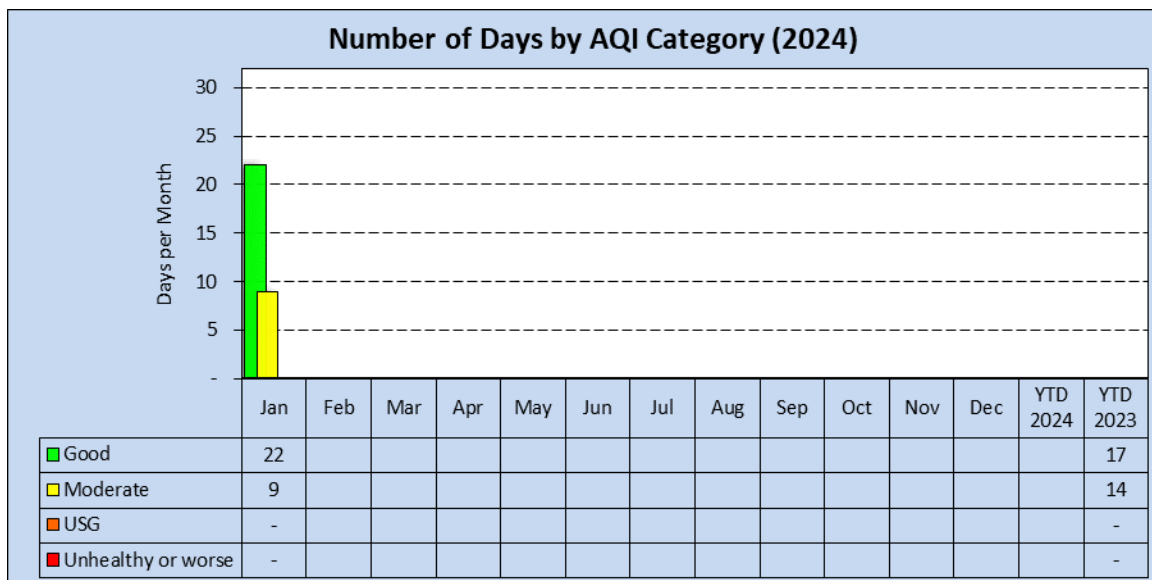
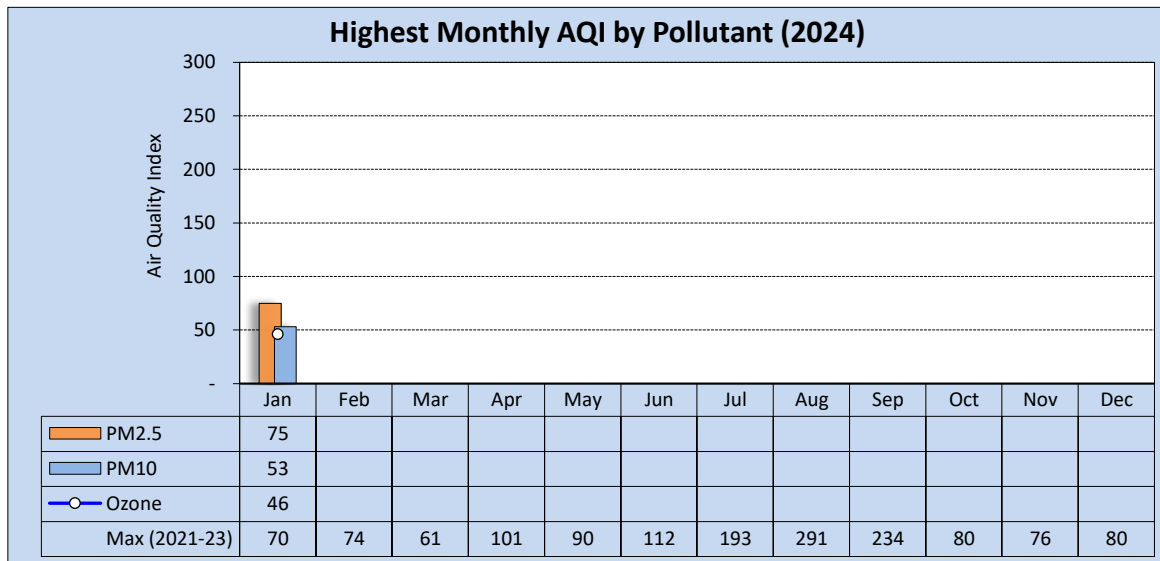
January Newsletter

<https://www.epa.gov/system/files/documents/2024-01/asbo-january-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**

January Air Quality: There were no exceedances of the ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). The highest ozone, PM<sub>2.5</sub>, and PM<sub>10</sub> concentrations for the month are listed in the table below.

Pollutant	Concentration	Date(s)	Site(s)	Notes
Ozone (8-hour)	0.050 ppm	1/31	Toll	-
PM <sub>2.5</sub> (24-hour)	23.5 µg/m <sup>3</sup>	1/1	Sparks	-
PM <sub>10</sub> (24-hour)	58 µg/m <sup>3</sup>	1/29	Sparks	-

Rising Temperatures and Urban Heat Island: One issue that our region is facing is rising temperatures and urban heat island (UHI) effects. A UHI is an area within a city that experiences higher temperatures due to buildings or roads absorbing and re-emitting the sun's heat more than a natural landscape would. This can increase daytime temperatures in urban areas by 1-7°F compared to outlying areas. Warmer temperatures increase energy demand for cooling buildings and motor vehicles, and increase ground level ozone formation, a pollutant of concern in our region.

One strategy to combat rising temperatures, UHI effects, and increasing ozone formation is to increase the urban tree canopy. In May of 2023, AQMD submitted a letter to the U.S. Department of Agriculture (USDA) supporting the City of Reno's USDA Forestry Service Inflation Reduction Act – Urban & Community Forestry grant application to plant trees along Airway Drive in Reno as part of the Green Airway Planting Project. This project aims at making disadvantaged communities more sustainable by creating a more equitable tree canopy. On January 17, 2024, the Reno City Council accepted the \$500,000 USDA Forest Service Grant.



Craig A. Petersen  
 Supervisor, Monitoring and Planning

**a. Permitting and Compliance**

**January**

Staff reviewed forty-nine (49) sets of plans submitted to the Reno, Sparks, or Washoe County Building Departments to assure the activities complied with Air Quality requirements.

In January 2023, Staff conducted thirty-three (33) stationary source inspections and (2) initial compliance inspections. Staff were assigned five (5) new asbestos abatement projects – monitoring the removal of approximately eighty-eight thousand four hundred fifty (88,450) square feet of asbestos containing materials. Staff received seven (7) facility demolition projects to monitor. Further, there were fifteen (15) new construction/dust projects comprised of an additional one hundred forty-eight (148) acres. Staff documented thirty-one (31) construction site inspections. During the month, enforcement staff also responded to nine (9) complaints.

Type of Permit	2024		2023	
	January	YTD	January	Annual Total
<b>Renewal of Existing Air Permits</b>	77	77	79	1,079
<b>New Authorities to Construct</b>	2 (New and Major Modifications)	2	4 (New and Major Modifications)	42
<b>Dust Control Permits</b>	15 (148 acres)	15 (148 acres)	5 (30 acres)	193 (2,386 acres)
<b>Wood Stove (WS) Certificates</b>	15	15	15	242
<b>WS Dealers Affidavit of Sale</b>	15 (7 replacements)	15 (7 replacements)	10 (4 replacements)	124 (56 replacements)
<b>WS Notice of Exemptions</b>	445 (4 stoves removed)	445 (4 stoves removed)	398 (2 stoves removed)	6,495 (57 stoves removed)
<b>Asbestos Assessments</b>	48	48	60	731
<b>Asbestos Demo and Removal (NESHAP)</b>	12	12	16	196



Complaints	2024		2023	
	January	YTD	January	Annual Total
Asbestos	2	2	1	12
Diesel Idling	0	0	0	2
Dust	5	5	1	96
Nuisance Odor	0	0	0	7
Permit to Operate	0	0	0	0
Burn Code	0	0	0	4
General	2	2	3	40
<b>TOTAL</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>161</b>
Enforcement	January	YTD	January	Annual Total
Warnings	2	2	11	26
Notice of Violation	6	6	5	20
<b>TOTAL</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>46</b>

Joshua C. Restori  
 Supervisor, Permitting & Compliance