**Washoe County Health District**

**Air Pollution Control Hearing Board
Meeting Minutes**

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| **Members** | **Thursday, October 13, 2022** |
| Richard Harris, JD, PhD, Dr. | **6:00 p.m.** |
| Yvonne Downs, CEM, ViceAnthony Dimpel, PE |  |
| Paul Kaplan | **Washoe County Health District** |
| Phil Schweber | **WCHD Conference Rooms A & B** |
| Lee Squire | **1001 East Ninth Street** |
| Martin Breitmeyer | **Reno, NV 89512** |

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* 1. **Roll Call and Determination of Quorum.**

Dr. Harris called the meeting to order at 6:00 p.m.

Board members present: Richard Harris, JD, PhD, Chair

 Yvonne Downs, CEM, Vice Chair

Martin Breitmeyer

Anthony Dimpel, PE

 Paul Kaplan

 Phil Schweber

 Lee Squire

Board members absent: None.

Marisa McCune, acting as Recording Secretary, verified a quorum was present.

Staff present: Francisco Vega, Air Quality Management Division Director

 Joshua Restori, Supervisor, Permitting and Compliance

 Jeffrey Jeppson, Senior Air Quality Specialist

 Marisa McCune, Administrative Secretary

 Chaz Lehman, Deputy District Attorney Civil Division

* 1. **Pledge of Allegiance.**

Dr. Harris led “The Pledge of Allegiance.”

* 1. **Ethics Law Announcement.**

Mr. Lehman provided a verbal ethics law announcement.

* 1. **Public Comment.**

There was no public comment.

* 1. **Approval of Agenda.**

Dr. Harris called for a motion to approve the agenda of the APCHB for October 13, 2022. Ms. Downs moved that the agenda be approved as presented. Mr. Schweber seconded the motion, which carried unanimously for approval.

* 1. **Approval of Draft Minutes.**

Dr. Harris called for a motion to approve the draft minutes of the APCHB from February 16, 2022. Ms. Downs moved that the minutes be approved as received. Mr. Schweber seconded the motion, which carried unanimously for approval.

1. **Presentation and Discussion on Washoe County Air Quality Management Division compliance process.**

Mr. Vega presented a compliance process presentation. During the presentation, Ms. Downs asked whether the EPA, State, and County can fine a single source should there be noncompliance by standard or by permit. Mr. Vega replied that those agencies can fine based on enforcement authority regarding federal requirements. Mr. Vega completed his presentation without further questions.

1. **Recommendation of Staff to Uphold Notice of Violation No. AQMV22-0016 and**

**AQMV22-0017 with a total associated administrative fine of $2,000.00 issued to**

**Metcalf Builders, Inc. by the Air Quality Management Division and Appealed to the**

**Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)**

Before Mr. Restori’s presentation, Mr. Dimpel interjected that he has a business relationship and ongoing contracts with Metcalf Builders, Inc. Mr. Lehman interjected and advised that the relationship should be put on record and Mr. Dimpel should recuse himself. Mr. Dimpel agreed to put the relationship on record and recused himself.

Staff Presentation by Mr. Restori regarding the Issuance of Notice of Violation (NOV) No.’s AQMV22-0016 and AQMV22-0017 for failing to control fugitive dust and failing to maintain a logbook of all dust control operations at the project site and made available to District representatives upon request. These actions are minor violations of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030.C.1 and Section 040.030.E.2.a. Recommended Penalty: $2,000.00.

Upon completion of Mr. Restori’s presentation, Mr. Squire asked questions regarding whether there have been additional complaints received after the violations and whether Metcalf Builders, Inc. is now in compliance. Mr. Restori responded that there have not been additional complaints and that subsequent inspections demonstrated that Metcalf Builders, Inc. has been compliant since the violations. Mr. Breitmeyer asked if Metcalf Builders, Inc.’s reporting and dustlogs have been corrected since the violations. Mr. Restori responded that to his knowledge, the reporting and log issues have been corrected.

Dr. Harris then moved to call those witnesses wishing to speak on behalf of Metcalf Builders, Inc. Witness, Ron Lacey, Vice President of Operations for Metcalf Builders, Inc., was sworn in by Dr. Harris. Mr. Lacey testified on behalf of Metcalf Builders, Inc., saying the company is not disputing any of the violations. Mr. Lacey appeared before the Board because he wanted the Board to be aware that Metcalf Builders, Inc. has taken, and continues to take, steps to maintain compliance since the violations.

Hearing no additional comments, Dr. Harris called for a motion to deny the appeal of NOV No.’s AQMV22-0016 and AQMV22-0017, associated with Case #: 1377, issued to Metcalf Builders, Inc., and levied an administrative fine in the amount of $2,000. The motion was moved by Mr. Schweber and seconded by Mr. Squire. Dr. Harris then took a vote, unanimously in favor to uphold the recommendation of the staff.

Dr. Harris advised Mr. Lacey that Metcalf Builders, Inc. has the right to appeal to the DBOH.

* 1. **Board Comment.**

There was no additional Board comment.

* 1. **Public Comment.**

There was no public comment.

* 1. **ADJOURNMENT.**

Dr. Harris adjourned the meeting at 6:47 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 Administrative Health Services in writing at the Washoe County Health District, 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 Health District 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, and AB253 (effective May 31, 2021), this notice has been posted at the Washoe County Health District Building (1001 East Ninth Street, Building B, Reno, NV 89512) and electronically at the following locations:

Washoe County Health District Website [https://www.washoecounty.us/health](https://www.washoecounty.us/health/about-us/board-committees/district-board-of-health/index.php)

State of Nevada Website: [https://notice.nv.gov](https://notice.nv.gov/)

**How to Get Copies of Agenda and Support Materials:** Supporting materials are available to the public at the Washoe County

Health District located at 1001 E. 9th Street, in Reno, Nevada. The Administrative Secretary to the Air Pollution Control Hearing Board is the person designated by the Washoe County Health District to respond to requests for supporting materials. The Administrative Secretary is located at the Washoe County Health District and may be reached by telephone at (775) 784-7200 or by email at AQMDAdmin@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website [www.washoecounty.gov/health](http://www.washoecounty.gov/health) pursuant to the requirements of NRS 241.020.