

Staff Report
Board Meeting Date: March 14, 2024

DATE: March 7, 2024
TO: Air Pollution Control Hearing Board
FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nnph.org
SUBJECT: Recommendation of Staff to Uphold Notice of Violation No.'s AQMV24-0002, 0003, and 0004 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 40CFR 61.145 (b) (iv), with a total associated administrative fine of \$24,000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

SUMMARY

The Northern Nevada Public Health Air Quality Management Division staff recommends Notice of Violation (NOV) No.'s AQMV24-0002, 0003 and 0004 be **upheld** and a fine in the amount of **\$8,000.00** be levied against All Eagle LLC for each violation for a total penalty of \$24,000.00. These violations were issued for or 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 40CFR 61 Subpart M – National Emissions Standards for Asbestos. This action is a **major violation** 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 Priorities 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

Please refer to the enforcement history in the supporting documentation attached to this Staff Report.

BACKGROUND

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

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 Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV24-0002, 0003, and 0004, associated with Case No.'s 1448, 1449 and 1467, issued to All Eagle, LLC and levy a total administrative fine in the amount 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. AQMV24-0002, and/or AQMV24-0003, and/or AQMV24-0004; or
2. The Board may determine to uphold Notice of Violation No. 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 deny the appeal of NOV No. AQMV24-0002, 0003, and 0004, associated with Case No.'s 1448, 1449 and 1467 issued to All Eagle, LLC and levy a fine of \$8,000.00 per violation for a total penalty amount 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.'s 1448, 1449, and 1467, Notice of Violation No.'s AQMV24-0002, 0003, and 0004 issued to All Eagle, LLC"; or
2. "Move to uphold Case No.'s 1448, 1449, and 1467, Notice of Violation No. AQMV24-0002, 0003, and 0004, and levy a fine in the amount of (range of \$0.00 to \$10,000.00) per day per violation to All Eagle, LLC.

ATTACHMENT 1

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No: AQMV24-0002 ISSUED TO

All Eagle, LLC
Location: 9300 Gateway Drive Reno, Nevada 89511
Permit Number: ASB22-1046
Date of Issuance: 01/22/2024
Case No.: 1448

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that All Eagle, LLC is in violation of the District Board of Health Regulations Governing Air Quality Management Part 030.105 National Emissions Standards for Hazardous Air Pollutants.

1. VIOLATION

- A. 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 40CFR 61.145 (b) (iv).

2. BASIS OF VIOLATION

- A. Regulatory Authority
Pursuant to paragraph 030.105 b. 10, the District Board of Health Regulations Governing Air Quality Management adopt by reference, 40CFR 61 Subpart M and have been delegated the authority to implement and ensure compliance with this Subpart within Washoe County.

Per 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(1) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and



(2) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(B) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,

(1) Provide the Administrator with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(2) For demolitions covered by paragraph (a)(2) of this section, provide the Administrator written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(C) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

B. Facts to Constitute the Violation

On December 28, 2022, a NESHAP Notification of Demolition was submitted to the AQMD for a structure at 9300 Gateway Dr., Reno, NV 89511, APN 164-290-06 under record ASB22-1046. The start date indicated on the notifications was January 5, 2023.

On January 6, 2023, an Air Quality Specialist Trainee (AQST) inspected the site. No activity was observed. Following the inspection, the AQST contacted All Eagle, LLC and advised that a revision to the NESHAP Notification of Demolition was required indicating the correct start date.

On March 2, 2023, the AQST observed that the structure had been demolished. A revision to the NESHAP Notification of Demolition had not been submitted to the AQMD. Following the observation, the AQST contacted All Eagle, LLC concerning the demolition. A revision to the NESHAP Notifications of Demolition was then submitted indicating a start date of February 17, 2023.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

All Eagle, LLC is advised that within (10) working days of the receipt of this Notice of Violation, All Eagle, LLC may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street Suite B171
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of \$8,000.00.

Subject: Notice of Violation No. AQMV24-0002/All Eagle, LLC

Date: January 22, 2024

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1/22/24
Date

A handwritten signature in blue ink, which appears to read "Josh C. Restori", is written over a horizontal line.

Joshua Restori
Supervisor, Permitting and Compliance
Northern Nevada Public Health
Air Quality Management Division

ATTACHMENT 2

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No: AQMV24-0003 ISSUED TO

All Eagle, LLC
Location: 131 California Avenue Reno, Nevada 89509
Permit Number: ASB23-0231
Date of Issuance: 1/22/2024
Case No.: 1449

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that All Eagle, LLC is in violation of the District Board of Health Regulations Governing Air Quality Management Part 030.105 National Emissions Standards for Hazardous Air Pollutants.

1. VIOLATION

- A. 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 40CFR 61.145 (b) (iv).

2. BASIS OF VIOLATION

- A. Regulatory Authority
Pursuant to paragraph 030.105 b. 10, the District Board of Health Regulations Governing Air Quality Management adopt by reference, 40CFR 61 Subpart M and have been delegated the authority to implement and ensure compliance with this Subpart within Washoe County.

Per 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(1) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and

(2) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(B) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,

(1) Provide the Administrator with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(2) For demolitions covered by paragraph (a)(2) of this section, provide the Administrator written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(C) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

B. Facts to Constitute the Violation

On March 27, 2023, a NESHAP Notification of Demolition was submitted for a structure at 131 California Avenue, Reno NV 89509 (APN 011-182-36). The start date indicated on the notification was April 6, 2023.

On April 7, 2023, a revised NESHAP Notification of Demolition was submitted to the AQMD. The start date indicated on the notification was April 12, 2023.

On April 11, 2023, the AQMD received a complaint related to the demolition of the structure. The complaint concerned dust emissions from inadequate mitigation during demolition activities. An Air Quality Specialist Trainee (AQST) responded to the site. The AQST advised that the start date indicated on the notification was April 12, 2023.

On April 12, 2023, a revision to the NESHAP Notification of Demolition was submitted to the AQMD indicating the correct start date of April 11, 2023.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

All Eagle, LLC is advised that within (10) working days of the receipt of this Notice of Violation, All Eagle, LLC may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street Suite B171
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of \$8,000.00.

1/22/24
Date



Joshua Restori
Supervisor, Permitting and Compliance
Northern Nevada Public Health
Air Quality Management Division

ATTACHMENT 3

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No: AQMV24-0004 ISSUED TO

All Eagle, LLC
Location: 9300 Gateway Drive Reno, Nevada 89511
Permit Number: ASB22-1047
Date of Issuance: 01/22/2024
Case No.: 1467

Northern Nevada Public Health Air Quality Management Division (AQMD) has determined that All Eagle, LLC is in violation of the District Board of Health Regulations Governing Air Quality Management Part 030.105 National Emissions Standards for Hazardous Air Pollutants.

1. VIOLATION

- A. 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 40CFR 61.145 (b) (iv).

2. BASIS OF VIOLATION

- A. Regulatory Authority
Pursuant to paragraph 030.105 b. 10, the District Board of Health Regulations Governing Air Quality Management adopt by reference, 40CFR 61 Subpart M and have been delegated the authority to implement and ensure compliance with this Subpart within Washoe County.

Per 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(1) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and



(2) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(B) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,

(1) Provide the Administrator with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(2) For demolitions covered by paragraph (a)(2) of this section, provide the Administrator written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(C) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

B. Facts to Constitute the Violation

On December 28, 2022, a NESHAP Notification of Demolition was submitted to the AQMD for a structure at 9300 Gateway Dr., Reno, NV 89511, APN 164-290-02 under record ASB22-1047. The start date indicated on the notifications was January 5, 2023.

On January 6, 2023, an Air Quality Specialist Trainee (AQST) inspected the site. No activity was observed. Following the inspection. The AQST contacted All Eagle, LLC and advised that a revision to the NESHAP Notification of Demolition was required indicating the correct start date.

On March 2, 2023, the AQST observed that the structure had been demolished. A revision to the NESHAP Notification of Demolition had not been submitted to the AQMD. Following the observation, the AQST contacted All Eagle, LLC concerning the demolition. A revision to the NESHAP Notification of Demolition was then submitted indicating a start date of February 17, 2023.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

All Eagle, LLC is advised that within (10) working days of the receipt of this Notice of Violation, All Eagle, LLC may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

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Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of \$8,000.00.

1/22/24
Date



Joshua Restori
Supervisor, Permitting and Compliance
Northern Nevada Public Health
Air Quality Management Division

ATTACHMENT 4

CHAPTER 020 - GENERAL PROVISIONS

PART 020.100 - VIOLATIONS OF REGULATIONS AND PENALTIES

SECTION A - VIOLATION OF REGULATIONS AND PENALTIES

1. VIOLATION OF REGULATIONS

- a. In determining whether a violation of these regulations has been committed, whether the violation was intentional or inadvertent is immaterial and does not constitute cause for dismissal of the case by the Hearing Board or District Board of Health. However, either board may consider whether the violation was intentional or inadvertent in determining the amount of the penalty to be imposed.

2. NOTICE OF VIOLATION

- a. Whenever the Control Officer or their authorized agent or representative has a reasonable cause to believe that any section of these regulations for the prevention, abatement or control of air pollution has been violated, the Control Officer shall cause written notice to be served upon the person or persons responsible for the alleged violations.
- b. The notice shall specify:
 - (1) The section or sections of these regulations alleged to be violated.
 - (2) The facts alleged to constitute the violation.
 - (3) Appeal procedure including any time limitations.
- c. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within ten (10) working days after service of the notice, a person named in the order requests a hearing before the Hearing Board.
- d. With or without the issuance of an order pursuant to paragraph 020.100.A.2.c:
 - (1) The Control Officer or their authorized agent or representative may notify the person or persons responsible for the alleged violation to appear before the Hearing Board at a specified time and place;
or
 - (2) The Hearing Board may initiate proceedings for recovery of the appropriate penalty set forth in paragraph 020.100.A.3.
- e. Nothing in this section prevents the Hearing Board or the Control Officer or their authorized agent or representative from making efforts to obtain voluntary compliance through warning, conference, or other appropriate means.

3. CIVIL FINES AND PENALTIES

- a. Except as provided in paragraphs 020.100.A.3.b. and c., a violation of any section of these regulations constitutes a major violation. Failure to comply with any condition of an operating permit constitutes a violation.
- b. Any person who commits a major violation of any section of these regulations, other than paragraph 020.100.A.5. and SECTION 020.000.D., is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00 per day, per violation. Each day of violation constitutes a separate offense. The District Board of Health may establish a compliance schedule as a part of any civil

- finding either in lieu of, or in addition to, monetary penalties. Any fines assessed may be held in abeyance pending fulfillment of any compliance schedule.
- c. Violations of PARTS 040.030 (Dust Control), 040.035 (Open Burning), 040.040 (Fire Set for Training), 040.050 (Incinerator Emission), 040.051 (Wood-Burning Devices), 040.055 (Odorous Emissions), 040.080 (Gasoline Transfer and Dispensing Facilities), 040.200 (Diesel Engine Idling) or 050.001 (Emergency Episode Plan) of these regulations constitutes a minor violation unless there are three or more violations of any one of those PARTS by a person or entity, occurring within a period of twelve (12) consecutive months. All minor violations become major violations upon the occurrence of the third violation of the same PART within a period of twelve (12) consecutive months.
 - (1) The first offense of a minor violation shall result in an administrative fine of \$500.
 - (2) The second offense of a minor violation shall result in an administrative fine of \$1,000.
 - (3) Administrative non-compliance of the PARTS described in this paragraph (i.e. incomplete Dust Log, on site permit missing) shall constitute a warning. Any further administrative non-compliance with conditions of the PARTS described in this paragraph may constitute a violation.
 - d. Administrative fines shall be levied by appropriate action of the District Board of Health and recorded in its official minutes. The evidence or information on which the District Board of Health bases its action may include any one or more of the following:
 - (1) The recommendation of the Control Officer, or their authorized agent or representative, based on any Notice of Violation served on any person in accordance with these regulations if that person has not appeared or requested a hearing before the Hearing Board.
 - (2) The recommendation of the Hearing Board, based on its findings in connection with any appeal or other matter referred to the District Board of Health in accordance with these regulations.
 - (3) Evidence presented before the District Board of Health by any person, public official, or representative of the District Board of Health, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) calendar days in advance) of the hearing at which such evidence is to be presented and is provided an opportunity to present evidence in his defense at the hearing.
 - e. Unless the District Board of Health bases its decision on the recommendations and/or findings of the Control Officer, their authorized agent or representative, or the Hearing Board as set forth in paragraphs 020.000.A.3.d.(1) and (2), the District Board of Health shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the District Board of Health pursuant to paragraph 020.100.A.3.d.(3). Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts if the original is not readily available and, on request, parties shall be given an opportunity to compare the copy with the original. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first was called to testify and rebut the evidence against them. The District Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the District Board of Health's specialized knowledge. All decisions of the District Board of Health respecting administrative fines shall be in writing or notice of the District Board of Health's decision shall be forwarded to the aggrieved party at their last known mailing address.
 - f. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the District Board of Health, at its discretion, may choose to waive the fine for a first violation, levy any fine providing it does not exceed the appropriate range limitation, require use of other mitigation methods or schedules of compliance and, in emergency situations, require a stop work order to be issued and/or any other combination of remedies to bring about compliance with the regulations.
 - g. All administrative fines collected by the District Board of Health pursuant to this section shall be deposited

in the school district fund of Washoe County.

- h. All monetary fines assessed pursuant to violations of PARTS 030.105 or 030.107 for improper asbestos containing material removal, shall be for an amount greater than the estimated savings obtained by the illegal removal.

4. INJUNCTIVE RELIEF

- a. In addition to any remedy at law hereunder, the Control Officer may apply to a court of competent jurisdiction for any other equitable and injunctive relief to enforce compliance with, or to restrain violation of any provisions of these regulations or to any regulation or rule made and adopted pursuant thereto.

5. INTERFERENCE WITH PERFORMANCE OF DUTY

- a. No person shall refuse entry or access to any authorized representative of the District Board of Health, upon presentation of appropriate credential, who requests entry to inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these regulations. No person shall obstruct, hamper or interfere with any such inspection. If entry is refused, or prior to attempting to enter, such officer may apply to any magistrate for a search warrant. The magistrate shall issue the warrant if he believes from the supporting affidavit or affidavits that there is probable cause to believe that a source of air contaminant exists or is being constructed or operated on the premises to be searched.

ATTACHMENT 5

Administrative Penalty Table

Air Quality Management Division Northern Nevada Public Health

I. Minor Violations - Section 020.040(C)

Regulation	1st Violation	2nd Violation	
040.030	Dust Control	500	1000
040.035	Open Burning	500	1000
040.040	Fire Set for Training	500	1000
040.050	Incinerator Emissions	500	1000
040.051	Wood-burning Devices	500	1000
040.055	Odorous Emissions	500	1000
040.080	Gasoline Transfer and Dispensing	500	1000
040.200	Diesel Engine Idling	500	1000
050.001	Emergency Episode Plan	500	1000
040.030	Construction Without a Dust Control Permit		
	Project Size – Less than 10 acres	\$ 500 + \$50 per acre	
	Project Size – 10 acres or more	\$1,000 + \$50 per acre	

II. Major Violations - Section 020.040

Regulation	Violation	Source Category	
		Minimum	Maximum
030.000	Construction/Operating without Permit (per major process system or unit/day)	5000	10000
030.1402	Failure to Comply with Stop Work Order	10,000/day	10,000/day
030.2175	Operation Contrary to Permit Conditions (per day or event)	2500	10000
030.235	Failure to Conduct Source Test or Report (per Reporting Period for Each Unit)	2500	5000
	All other Major Violations (per day or event)	5000	10000

III. Major Violations - Section 030.107 Asbestos

A. Asbestos Sampling & Notification	\$ 2,000 - \$10,000
B. Asbestos Control Work Practices (per day or event)	\$ 2,000 - \$10,000
C. Asbestos Containment & Abatement (per day or event)	\$ 5,000 - \$10,000

ATTACHMENT 6

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
Contact Name Teresa Sidle
Case Number 1448

I. Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements

I. **Recommended Penalty** = \$ 8000.00

II. Violation of Section 0

II. **Recommended Penalty** = \$ 0.00

III. Violation of Section 0

III. **Recommended Penalty** = \$ 0.00

IV. Violation of Section 0

IV. **Recommended Penalty** = \$ 0.00

V. Violation of Section 0

V. **Recommended Penalty** = \$ 0.00

Total Recommended Penalty = \$ 8,000.00


Senior AQ Specialist/Supervisor

1/22/24
Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
 Contact Name Teresa Sidle
 Case Number 1448
 Violation Number AQMV24-0002
 Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements
 Permit Condition n/a

I. **Base Penalty as specified in the Penalty Table** = \$ **2,000.00**

II. **Severity of Violation**

A. **Public Health Impact**

1. **Toxicity of Release** (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
 Adjustment Factor **1**

Comment: Unable to Quantify

2. **Environmental/Public Health Risk** (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Negligible

Total Adjustment Factors (1 x 2) = **1**

B. **Adjusted Base Penalty**

Base Penalty \$ 2,000.00 x Adjustment Factor 1 = \$ **2,000.00**

C. **Number of Days/Weeks/Months or Units in Violation**

Adjusted Penalty \$ 2,000.00 x Number of Days/Weeks/Mo **1** = \$ **2,000.00**

Comment: One instance of failing to properly update an Asbestos NESHAP Notification

D. **Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

Comment: There is no cost associated with revising the start date on an Asbestos Notification

Penalty Subtotal

Adjusted Base Penalty \$ 2,000.00 + Economic Benefit \$ 0.00 = \$ **2,000.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment: No mitigating factors

B. Compliance History

Similar Violation < 12 months (300%)

+ 300%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x , # of previous violations

+ 0%

Comment: No previously unrelated violations

Total Penalty Adjustment Factors – Sum of A & B

300%

IV. Recommended Penalty

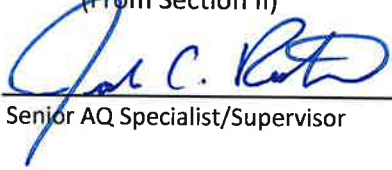
Penalty Adjustment:

\$ 2,000.00	x	300%		=	\$ 6,000.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$

Comment: _____
Adjusted Penalty:

\$ 2,000.00	+/-	\$ 6,000.00	=		\$ 8,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)			Recommended Penalty



Senior AQ Specialist/Supervisor

1/22/24

Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
Contact Name Teresa Sidle
Case Number 1449

I. Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements

I. Recommended Penalty = \$ 8000.00

II. Violation of Section 0

II. Recommended Penalty = \$ 0.00

III. Violation of Section 0

III. Recommended Penalty = \$ 0.00

IV. Violation of Section 0

IV. Recommended Penalty = \$ 0.00

V. Violation of Section 0

V. Recommended Penalty = \$ 0.00

Total Recommended Penalty = \$ 8,000.00


Senior AQ Specialist/Supervisor

1/22/24
Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
 Contact Name Teresa Sidle
 Case Number 1449
 Violation Number AQMV24-0003
 Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements
 Permit Condition n/a

I. **Base Penalty as specified in the Penalty Table** = \$ **2,000.00**

II. **Severity of Violation**

A. **Public Health Impact**

1. **Toxicity of Release** (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
 Adjustment Factor **1**

Comment: Unable to Quantify

2. **Environmental/Public Health Risk** (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Not proximal to any sensitive groups

Total Adjustment Factors (1 x 2) = **1**

B. **Adjusted Base Penalty**

Base Penalty \$ 2,000.00 x Adjustment Factor 1 = \$ **2,000.00**

C. **Number of Days/Weeks/Months or Units in Violation**

Adjusted Penalty \$ 2,000.00 x Number of Days/Weeks/Mon **1** = \$ **2,000.00**

Comment: One instance of starting demolition prior to the start date on the notification

D. **Economic Benefit**

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

Comment: n/a

Penalty Subtotal

Adjusted Base Penalty \$ 2,000.00 + Economic Benefit \$ 0.00 = \$ **2,000.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment: No mitigating factors

B. Compliance History

Similar Violation < 12 months (300%)

+ 300%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x , # of previous violations

+ 0%

Comment: No previously unrelated violations

Total Penalty Adjustment Factors – Sum of A & B

300%

IV. Recommended Penalty

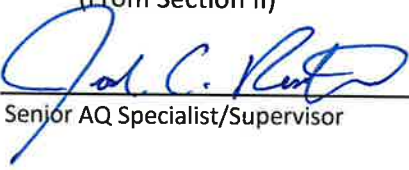
Penalty Adjustment:

\$ 2,000.00	x	300%		=	\$ 6,000.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$

Comment: _____
Adjusted Penalty:

\$ 2,000.00	+/-	\$ 6,000.00	=		\$ 8,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)			Recommended Penalty


Senior AQ Specialist/Supervisor

1/22/24
Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
Contact Name Teresa Sidle
Case Number 1467

I. Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements

I. Recommended Penalty = \$ 8000.00

II. Violation of Section 0

II. Recommended Penalty = \$ 0.00

III. Violation of Section 0

III. Recommended Penalty = \$ 0.00

IV. Violation of Section 0

IV. Recommended Penalty = \$ 0.00

V. Violation of Section 0

V. Recommended Penalty = \$ 0.00

Total Recommended Penalty = \$ 8,000.00



Senior AQ Specialist/Supervisor

1/22/24

Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name All Eagle LLC
 Contact Name Teresa Sidle
 Case Number 1467
 Violation Number AQMV24-0004
 Violation of Section 40CFR 61.145 (b) (iv) Notification Requirements
 Permit Condition n/a

I. Base Penalty as specified in the Penalty Table = \$ **2,000.00**

II. Severity of Violation

A. Public Health Impact

1. Toxicity of Release (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
 Adjustment Factor **1**

Comment: Unable to quantify

2. Environmental/Public Health Risk (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Negligible

Total Adjustment Factors (1 x 2) = **1**

B. Adjusted Base Penalty

Base Penalty \$ 2,000.00 x Adjustment Factor 1 = \$ **2,000.00**

C. Number of Days/Weeks/Months or Units in Violation

Adjusted Penalty \$ 2,000.00 x Number of Days/Weeks/Mo **1** = \$ **2,000.00**

Comment: One instance of failing to properly update an Asbestos NESHAP Notification

D. Economic Benefit

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ **0.00**

Comment: There is no cost associated with revising the start date on an Asbestos Notification

Penalty Subtotal

Adjusted Base Penalty \$ 2,000.00 + Economic Benefit \$ 0.00 = \$ **2,000.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment: No mitigating factors

B. Compliance History

Similar Violation < 12 months (300%)

+ 300%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x , # of previous violations

+ 0%

Comment: No previously unrelated violations

Total Penalty Adjustment Factors – Sum of A & B

300%

IV. Recommended Penalty

Penalty Adjustment:

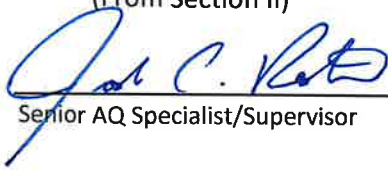
\$ 2,000.00	x	300%	=	\$ 6,000.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)		Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$

Comment: _____

Adjusted Penalty:

\$ 2,000.00	+/-	\$ 6,000.00	=	\$ 8,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty


Senior AQ Specialist/Supervisor

Date 1/22/24

ATTACHMENT 7

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

October 14, 2022

All Eagle LLC
Attn: Max Caradenas Jr.
4865 Joule St. #C3
Reno, NV 89502

Re: Failure to Submit Notifications of Renovation and Notifications of Demolition in Compliance with 40 CFR Part 61 Subpart M (Asbestos NESHAP)

Dear Mr. Cardenas,

The Air Quality Management Division (AQMD) has been delegated responsibility to enforce the Asbestos NESHAP regulation under 40 CFR Part 61 Subpart M within Washoe County. The District Board of Health has adopted Subpart M by reference:

Washoe County District Board of Health Regulations Governing Air Quality Management:

030.105 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

B. The National Emission Standards for Hazardous Air Pollutants for those subparts of 40CFR61 listed below, along with all the duly promulgated revisions are herewith adopted by reference.

10. Subpart M - Asbestos

The AQMD has recently observed and documented multiple incidents of noncompliance concerning Notifications of Demolition and Renovation submitted by All Eagle LLC as required by Subpart M. A summary of recent incidents is listed below.

1st Documented Incident of Noncompliance:

On August 1, 2022, the AQMD received two Notifications of Demolition for multiple structures at 9610-9640 N. Virginia St. The start date was listed as August 10, 2022.

On August 5, 2022, the AQMD received two revised notifications for the project indicating a new start date of August 15, 2022.

AIR QUALITY MANAGEMENT
1001 East Ninth Street, Building B-171, Reno, Nevada 89512
AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com
Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.



Public Health
Prevent. Promote. Protect.

On August 15, 2022, an Air Quality Specialist (AQS) inspected the site. The project had not started.

On August 18, 2022, the AQS contacted All Eagle LLC and advised that a revised notification must be submitted to the AQMD before demolition commenced. A response was received indicating that a revised notification would be submitted indicating a new start date.

On September 1, 2022, the AQS observed the structures being demolished. No revised notification had been submitted to the AQMD.

2nd Documented Incident of Noncompliance:

On July 26, 2022 the AQMD received a Notification of Renovation for an asbestos abatement at 1850 Sullivan Lane. The start date was listed as August 4, 2022.

On August 4, 2022 an AQS inspected the site. The project had not started.

On August 15, 2022 the AQS inspected the site. The project had not started.

On August 31, 2022 the AQS inspected the site. The project had not started. The AQS contacted All Eagle LLC and advised that a revision to the notification was required prior to a change occurring.

On September 7, 2022 the AQS inspected the site. The AQS observed representatives of All Eagle LLC preparing for asbestos abatement. The AQS again contacted All Eagle LLC and advised that a revision to the notification was required.

On September 12, 2022 the AQS inspected the site and noted no activity was occurring.

On September 20, 2022 the AQS inspected the site and noted no activity was occurring.

On September 22, 2022 the AQS emailed representatives of All Eagle LLC and advised that a revised notification must be submitted by the end of the following day indicating the new start date. The AQS advised that an incident of noncompliance had been observed and documented for failure to submit a revised notification as required by 40 CFR §61.145. A revised notification was then submitted by All Eagle LLC.

3rd Documented Incident of Noncompliance:

On July 29, 2022 the AQMD received a Notification of Demolition for a structure at 14465 Virginia Foothills Dr. The start date was listed as August 10, 2022.

On August 11, 2022 an AQS inspected the site. The project had not started.

On August 15, 2022 the AQS inspected the site. The project had not started. The AQS contacted All Eagle LLC via email to inquire about the start date.

On August 18, 2022 the AQS sent email correspondence to All Eagle LLC advising that a revised notification was required indicating the new start date.

On September 6, 2022 the AQS inspected the site. The AQS observed that the demolition was complete. No revised notification had been submitted to the AQMD.

4th Documented Incident of Noncompliance:

On August 1, 2022 the AQMD received a Notification of Demolition for a structure at 1195 Corporate Blvd. The notification was incomplete. An AQS contacted All Eagle LLC and advised that the incomplete areas on the notification must be corrected and submitted as a revised notification.

On August 5, 2022 a revised notification was submitted to the AQMD. The revised notification listed a start date of August 15, 2022.

On August 15, 2022 the AQS inspected the site. The project had not started.

On August 16, 2022 the AQS inspected the site. The project had not started. The AQS then contacted All Eagle LLC and advised that a revised notification was required.

On October 12, 2022 the AQS inspected the site. The AQS noted that demolition was complete. The AQS contacted All Eagle LLC and was told the demolition started on September 22, 2022. No revised notification had been submitted to the AQMD.

Based on the information available, it has been determined that All Eagle LLC has allegedly violated the District Board of Health Regulations Governing Air Quality Management 030.105 (Subpart M). Specifically, per 40 CFR §61.145(b)(3)(iv)(A):

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

- (1) *Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and*
- (2) *Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.*

In response to the incidents of noncompliance described above, the AQMD has made the determination to issue a **Warning** to All Eagle LLC.

Please be aware that although no fine amount will be issued as part of this determination, any future incidents of noncompliance may be affected by the issuance of this warning. Specifically, this warning may result in a future penalty recommendation being compounded, by as much as 300%, as a result of this issuance. In Attachment 1, please find the penalty table the AQMD uses to establish base penalty amounts. In addition, in Attachment 2 is the "Recommended Penalty Calculation Worksheet" the AQMD uses to adjust the base penalty amount. Under III.B, Compliance History, of the "Recommended Penalty Calculation Worksheet" is how past compliance history may affect future penalty recommendations made by the AQMD.

If you have any questions regarding the information contained in this letter, please contact me at 775-784-7232 or Josh Restori at 775-784-7202.

Sincerely,



Jeff Jeppson
Senior Air Quality Specialist
Air Quality Management Division
Washoe County Health District

Enclosed:

Attachment 1- Penalty Table

Attachment 2 - Recommended Penalty Calculation Worksheet

E-copy: AQMD Enforcement Group

Cert. Mail No.: (Return Receipt Required)

9171 9690 0935 0218 9204 94

ATTACHMENT 8

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

Return to: Northern Nevada Public Health
Air Quality Management Division
1001 East Ninth Street B171
Reno, Nevada 89512
(775) 784-7200

www.OurCleanAir.com

PETITIONER: ALL EAGLE LLC

PHONE: 775-400-8290

EMAIL: max@alleaglellc.com

MAILING ADDRESS: 4865 Joule St C3

CITY: Reno

STATE: NV

ZIP CODE: 89502

PHYSICAL ADDRESS: Same

CITY: _____

STATE: _____

ZIP CODE: _____

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: 1448,1449,1467

DATE RECEIVED: 1/23/2024

REGULATION INVOLVED: SECTION: Failure to provide Written Notice for project start.

BASIS FOR APPEAL/VARIANCE: As specified with the letter of explanation (also attached separately). unfortunately we were sabotaged from withing by managing staff and were against the Demolition Division projects and refused to do the additional paperwork without increas of pay but continued to force the division away by causing trouble Notified. Due to these reasons that were outside of our knowledge and control the fine is very high and unreasonable. We don't deny that the damage is already done. All Eagle would like to appeal the fine by offering \$16,000.00 to settle the fine.

Max Cardenas

PRINT NAME

SIGNATURE 

V.P. P.M.

1/30/2024

TITLE

DATE

Revised 09/26



ALL EAGLE, LLC

Asbestos, Mold, Demolition
Lic.# 0079718

As an employee of All Eagle, LLC (AEL) it is expected that employees adhere to our policies and procedures. Also, is important to show respect towards fellow employees and the owners. At All Eagle, we are committed to the company's mission, "**to be reliable, offer great communication, act with integrity and always provide quality workmanship.**" We take pride in our work and professionalism in the field and in the office.

Unfortunately, the following incidents involving Desire Morley have deeply affected the morale of the office staff and have created a financial burden that could have been avoided. The following actions have been noted and discussed to great length with all involved. The actions Ms. Morely demonstrates constitutes insubordination and includes the following:

- Failing to adequately process permits demolition work in a timely manner.
- Creating a hostile work environment by delaying the process of applying for permits; in turn this stops the workflow for workers in the field and in the office.
- Causing jobs to lose time, and additional fees were applied to permits.
- Jeopardizing All Eagles, LLC reputation with Northern Nevada construction superintendents and large/small construction companies by delaying jobs.
- By sabotaging the companies' efforts by completing jobs on time.
- The financial loss equals to \$

The steps we have taken to eliminate the financial loss from our company AEL are as follows. All Eagle contracted and hired an HR Group to help alleviate office tasks. We also hired an additional person in the office to help with the daily workflow. The person AEL hired has 10 years' working experience in construction management and can navigate the Northern Nevada construction environment successfully. She holds both a bachelor's degree and master's (ABD) and is working towards a project management certificate. She also has many years of accounting experience. We have started training the incumbent and it is clear Ms. Morely has not kept up with various tasks such as safety book, licenses, and other very pertinent information we need to continue our work. But would cause us to be fined and cause additional financial burdens to AEL.