

Northern Nevada Public Health Air Pollution Control Hearing Board Meeting Minutes

Members

Richard Harris, JD, PhD, Chair
Yvonne Downs, Vice Chair
Martin Breitmeyer
Anthony Dimpel, PE
Paul Kaplan
Phil Schweber
Lee Squire

Thursday, July 31, 2024
6:00 p.m.

Northern Nevada Public Health
Bldg B, Conference Rooms A & B
1001 East Ninth Street
Reno, NV 89512

1. Roll Call and Determination of Quorum.

Board members present: Richard Harris, JD, PhD, Chair
Martin Breitmeyer
Anthony Dimpel, PE
Paul Kaplan
Phil Schweber
Lee Squire

Board member absent: Yvonne Downs, Vice Chair

Mina Wilcox, Recording Secretary, verified a quorum was present.

Staff present: Francisco Vega, Air Quality Management Division Director
Joshua Restori, Supervisor, Permitting and Compliance
Chaz Lehman, Deputy District Attorney Civil Division
Mina Wilcox, Senior Office Specialist

2. Pledge of Allegiance.

Chair Harris led "The Pledge of Allegiance."

3. Ethics Law Announcement.

Chaz Lehman, Deputy District Attorney provided a verbal ethics law announcement.

4. Public Comment.

Chair Harris opened the public comment period.

Having no public comment, Chair Harris closed the public comment period.

5. Approval of Agenda.

July 31, 2024

Lee Squire moved to approve the July 31, 2024, agenda. Martin Breitmeyer seconded the motion, which carried unanimously.

6. Approval of Draft Minutes.

March 14, 2024

Lee Squire moved to approve the July 31, 2024, minutes as received. Martin Breitmeyer seconded the motion, which carried unanimously.

Joshua Restori and Appellant, Ward Chilton, were sworn in by Mr. Lehman, Deputy District Attorney.

7. Recommendation of Staff to Uphold Notice of Violation No. AQMV24-0018, issued to STC Ventures, LLC for failure to obtain a dust control permit prior to the commencement of a dust generating activity, with an administrative fine of \$1,000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Chair Harris called staff to provide testimony on this case.

Josh Restori, Supervisor of Permitting and Compliance for the Air Quality Management Division, stated that the Appellant requested to provide testimony first.

Mr. Ward Chilton stood before the Board with a confession of judgement. He stated that he was aware that the Air Quality Management Division had been discussing STC Venture's project with his contractor named John Maxwell. Documents requiring Mr. Chilton's signature about the operation were received in his office from Air Quality Management Division. Mr. Chilton signed the documents thinking he was signing for the appropriate permit, until the notice of violation was issued by Air Quality Management with a \$500 fine.

Mr. Chilton verified the violations with Mr. Maxwell. Mr. Maxwell confirmed the dust control permit violation.

Mr. Chilton approved Mr. Maxwell to pay the \$500 fine and put Mr. Maxwell in-charge of the situation. Yet, shortly after, another notice of violation was issued by the Air Quality Management Division.

Mr. Chilton stated that he thought he was signing documents for proper permit. However, he also recognized the oversight on his part as the owner of STC Ventures, LLC.

Having heard his testimony, Chair Harris asked for suggestion on how to proceed with the motion.

DDA Lehman responded. He stated that the best thing to do is to follow the agenda, or follow the Staff recommendation. He also offered whether Chair Harris would like to hear a presentation or review documentation placed before him and/or make the motion base on the

statement provided by Mr. Chilton.

Chair Harris asked the Board if they had any questions for Mr. Chilton.

Martin Breitmeyer asked: “I understand that Mr. Chilton was the signer of the permits, why did the fine not go to Knox? It sounds like they are the infractor for the second time.”

Josh Restori responded: “The applicant is the responsible official associated with the permit, therefore any noncompliance issues would fall on that responsible official. Even though there is a contractor of record onsite, there will be multiple contractors of record as the project proceeds however there is an individual responsible for compliance at that site”

Mr. Breitmeyer said that he was just curious because he thought it fell to the contractor on record when they were doing the operation under the permit. He knew he pulled the permit, but he thought it fell to the contractor when he was operating under the permit, because he had to follow the permit.

Chair Harris stated that he was able to verify that Mr. Chilton’s name was on the permit application.

Josh Restori responded by referring to a column on a page with names of responsible individuals associated with the permit.

Mr. Squire stated that essentially, the buck stops on him.

Anthony Dimpel moved to Uphold Notice of Violation No. AQMV24-0018, issued to STC Ventures, LLC for failure to obtain a dust control permit prior to the commencement of a dust generating activity, with an administrative fine of \$1,000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board.

Lee Squire seconded the motion, which carried unanimously.

8. Board Comment

Chair Harris called for comments from the Board.

Having no additional Board comments, Chair Harris closed the Board Comment period.

9. Public Comment

Chair Harris opened the public comment period.

Having no public comment, Chair Harris closed the public comment period.

10. ADJOURNMENT

Mr. Squire moved to adjourn the meeting. Mr. Dimpel seconded the motion, which carried unanimously.

Chair Harris adjourned the meeting at 6:30 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 Air Quality Management Division in writing at Northern Nevada Public Health, 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 Northern Nevada Public Health 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, Notice of this meeting was posted electronically at the following locations:

Northern Nevada Public Health, 1001 E. 9th St., Reno, NV

Washoe County Administration Building A, Reno, NV

Northern Nevada Public Health Website <https://www.NNPH.org>.

State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Northern Nevada Public Health located at 1001 E. 9th Street, in Reno, Nevada. The Senior Office Specialist to the Air Pollution Control Hearing Board is the person designated by the Northern Nevada Public Health to respond to requests for supporting materials. The Senior Office Specialist is located at Northern Nevada Public Health and may be reached by telephone at (775) 784-7200 or by email at AQMDAdmin@nnph.org. Supporting materials are also available at the Northern Nevada Public Health Website <https://www.NNPH.org> pursuant to the requirements of NRS 241.020.