

NORTHERN NEVADA

# Public Health



# **Air Pollution Control Hearing Board**

**Case No. 1511**

**NOV No.'s AQMV25-0003, 0004, 0005, 0006, 0007**

**Saronic Investments, LLC**

**June 3, 2025**





# Topics of Discussion

- Northern Nevada Public Health Air Quality Management's Regulatory Authority
- Notice of Violation No. AQMV25-0003, 0004, 0005, 0006 and 0007
  - Requirements of 40 CFR 61 Subpart M – National Emissions Standards for Asbestos
  - Events surrounding each violation







# Regulatory Authority

## 40 CFR 61 Subpart M - Asbestos

- EPA has determined that asbestos presents a significant risk to human health because of hazardous air emissions from demolition and renovation activities and therefore promulgated rules and standards associated with these activities in 40 CFR 61 Subpart M – National Emissions Standard for Asbestos
- The AQMD has been delegated authority to enforce the rules associated with 40 CFR 61 Subpart M
- The standards for demolition and renovation found in Subpart M apply to all regulated *facilities* in Washoe County







# 40 CFR 61 Subpart M

## Standard for Demolition and Renovation

- 40 CFR 61.145(a) Applicability:

“Prior to any *demolition or renovation* at a *facility*, the facility owner/operator must inspect the affected facility or part of the facility where the renovation operation will occur for the presence of asbestos”

### § 61.145 Standard for demolition and renovation.

- (a) **Applicability.** To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:





# Notice of Violation No. AQMV25-0003

- **Violation:** Did the appellant inspect the affected facility or part of the facility at 3131 S. Virginia Street where the renovation operation occurred for the presence of asbestos prior to the start of the renovation in January of 2024? **Yes**
- Is this a violation of NNPH and/or Federal Clean Air Act Regulations? **No**







# 40 CFR 61 Subpart M

## Standard for Demolition and Renovation

- 40 CFR 61.145(b) Notification Requirements

“Provide the Administrator with written notice of intention to demolish or renovate...”

- (b) **Notification requirements.** Each owner or operator of a demolition or renovation activity to which this section applies shall:
- (1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.
  - (2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.
  - (3) Postmark or deliver the notice as follows:
    - (i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a) (4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in [paragraph \(a\)\(2\)](#) of this section, notification is required 10 working days before demolition begins.



# Notice of Violation No. AQMV25-0004

- **Violation:** Did the appellant comply with the “Notification Requirements” by submitting a notification to the AQMD 10-days before the start of asbestos stripping or removal work in January 2024 as part of the renovation at 3131 S. Virginia Street? **No**
- Is this a violation of NNPH and/or Federal Clean Air Act Regulations? **Yes**







# 40 CFR 61 Subpart M

## Standard for Demolition and Renovation

- 40 CFR 61.145(c)(6) Procedures for asbestos emission control

“Adequately wet the RACM material and ensure that it remains wet until collected and contained or treated in preparation for disposal”

- (6) For all RACM, including material that has been removed or stripped:
  - (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; and
  - (ii) Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.
  - (iii) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.
  - (iv) RACM contained in leak-tight wrapping that has been removed in accordance with paragraphs (c)(4) and (c)(3)(i)(B)(3) of this section need not be wetted.



# Notice of Violation No. AQMV25-0005

- **Violation:** Did the appellant adequately wet the Regulated Asbestos Containing Material (RACM) and ensure it remained wet until collection and prior to disposal during the RACM stripping and removal period of January through May 2024 at 3131 S. Virginia Street? **No**
- Is this a violation of NNPH and/or Federal Clean Air Act Regulations? **Yes**







# 40 CFR 61 Subpart M

## Standard for Demolition and Renovation

- 40 CFR 61.145(c)(8) Procedures for asbestos emission control

“...at least one onsite representative, such as the foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present”

(8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.



# Notice of Violation No. AQMV25-0006

- **Violation:** Did the appellant have at least one onsite representative at 3131 S. Virginia during the period between January through May 2024 who was trained and had the means of complying with the provisions of 40 CFR 61 Subpart M during the stripping and removing of Regulated Asbestos Containing Materials? **No**
- Is this a violation of NNPH and/or Federal Clean Air Act Regulations? **Yes**







# 40 CFR 61 Subpart M

## Standard for Asbestos Waste Disposal

- 40 CFR 61.150 Procedures for asbestos waste disposal

“Discharge no visible emissions to the outside air during the collection, processing...packaging or transport of any asbestos waste”

“All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at a waste disposal site operated in accordance with the provisions”

(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) A waste disposal site operated in accordance with the provisions of § 61.154, or





# Notice of Violation No. AQMV25-0007

- **Violation:** Did the appellant comply with the “Procedures for asbestos waste disposal” during the RACM stripping and removal period of January through May 2024 at 3131 S. Virginia Street? **No**
- Is this a violation of NNPH and/or Federal Clean Air Act Regulations? **Yes**







# Recommendation

- Due to the negligence associated with the testing, notification, removal, stripping, handling, and disposal of the Regulated Asbestos Containing Materials and exposure of hazardous asbestos fibers to the ambient air and the public at 3131 S. Virginia between the dates of January 2024 and May 2024, the AQMD requests the Air Pollution Control Hearing Board to uphold Notice of Violations AQMV25-0003, 0004, 0005, 0006, and 0007 and the total administrative penalty of \$105,000.00.







# Questions?



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