

## Washoe County District Board of Health Meeting Notice and Agenda

### Members

Oscar Delgado, Chair  
Robert Lucey, Vice Chair  
Michael D. Brown  
Kristopher Dahir  
Dr. Reka Danko  
Dr. John Novak  
Tom Young

Thursday, June 24, 2021  
1:00 p.m.

Washoe County Health District  
Commission Chambers, Building A  
1001 East Ninth Street  
Reno, NV

or via zoom at <https://zoom.us/j/97650445987>

Phone: 1-669-900-6833 - Meeting ID: 976 5044 5987

(please be sure to keep your devices on mute and do not place the meeting on hold)

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### 1:00 p.m.

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

#### 2. Pledge of Allegiance.

#### 3. Public Comment.

Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item. All public comment is limited to three minutes per person.

Requests for public comment via zoom must be submitted by email to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) before the scheduled meeting. Reasonable efforts will be made to hear all public comment during the meeting. All members of the public can public comment by logging into the ZOOM meeting via the above link.

NOTE: The zoom option will require a computer with audio and video capabilities.

#### 4. Approval of Agenda. (FOR POSSIBLE ACTION)

May 27, 2021

#### 5. Recognitions.

##### A. Transfers

- i. Petra Bartella, transfer to Community Service Department from EPHP COVID as Grants Coordinator effective July 5, 2021 – Division

##### B. Retirements

- i. Angela Penny, effective July 7, 2021, Public Health Nurse Supervisor – CCHS

##### C. Promotions

- i. Kelley Goatley-Seals, from Health Educator Coordinator to Public Health Supervisor effective May 10, 2021– CCHS

- ii. Tasha Pascal, from Public Health Nurse I to Public Health Nurse II, effective May 13, 2021 – CCHS
- iii. Victoria Nicolson-Hornblower, from Public Health Nurse II to Public Health Nurse Supervisor, effective June 14, 2021 – CCHS

**D. Special Recognitions for EMS Vaccination PODs**

- i. Jill Andersen, North Lake Tahoe Fire Protection District
- ii. Shane Akerson, Truckee Meadows Fire Rescue
- iii. Tyler Gayton, Sparks Fire Department
- iv. Kim Eastman, Reno Fire Department
- v. Markus Dorsey-Hirt, REMSA

**6. Consent Items. (FOR POSSIBLE ACTION)**

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

**A. Approval of Draft Minutes – (FOR POSSIBLE ACTION)**

- i. May 27, 2021

**B. Budget Amendments/Interlocal Agreements – (FOR POSSIBLE ACTION)**

- i. Recommendation to approve an Interlocal Agreement between the Washoe County Health District and the Sheriff’s Office to provide family planning services to female inmates housed at the Washoe County Detention Facility [No fiscal impact] with the effective date of July 1, 2021.

Staff Representative: Lisa Lottritz

**C. Retroactively approve the donation of bike racks and installation supplies for The Village on Sage Street in the amount of \$2,342.39. (FOR POSSIBLE ACTION)**

Staff Representative: Kim Graham and Rayona LaVoie

**D. Acceptance of the “Washoe County, Nevada Air Quality Trends (2011-2020)” Report.**

Staff Representative: Francisco Vega

**E. Recommendation to Uphold Citations Not Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)**

- i. Keystone SF Partners, LLC – Case No. 1233, NOV AQMV21-0024
- ii. Peavine Investors, LLC – Case No. 1234, NOV AQMV21-0025
- iii. RPC Business Park, LLC – Case No. 1265, NOV AQMV21-0028
- iv. Aspen Earthworks, Case No. 1267, NOV AQMV21-0030

Staff Representative: Joshua Restori

**F. Acknowledge receipt of the Health Fund Financial Review for May, Fiscal Year 2021. (FOR POSSIBLE ACTION)**

Staff Representative: Anna Heenan

**- END OF CONSENT -**

**7. Regional Emergency Medical Services Authority.**

**A. Review and Acceptance of the REMSA Operations Report for May 2021. (FOR POSSIBLE ACTION)**

Presented by: Dean Dow

**B. Update of REMSA’s Public Relations during May 2021.**

Presented by: Alexia Jobson

8. **Emergency Medical Services Advisory Board Update.**  
Presented by: Manager Neil Krutz, Chairman
9. **PUBLIC HEARING for possible action to affirm, modify, or reverse the recommendation of the Air Pollution Control Hearing Board as to Gary R. Schmidt, Owner/Operator of the Reindeer Lodge regarding Notice of Violation No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004, AQMV21-0005. (FOR POSSIBLE ACTION)**  
Staff Representative: Francisco Vega and Joshua Restori
10. **Review, discussion, and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for July 22, 2021, at 1:00 pm. (FOR POSSIBLE ACTION)**  
Staff Representative: Francisco Vega
11. **Recommendation for the reappointment of Nick Vestbie, P.E. and Matt Buehler, MS, MBA as members of the Sewage, Wastewater and Sanitation Hearing Board (SWS Board), reappoint Matt Smith as an alternate, and appoint Frank Kurnik, Jr. as an alternate to the SWS Board for a three-year term beginning June 25, 2021 and ending on June 24, 2024. (FOR POSSIBLE ACTION)**  
Staff Representative: David Kelly
12. **Discussion and recommendation to approve the Academic Health Initiative Agreement between the Washoe County Health District and the University of Nevada, Reno. (FOR POSSIBLE ACTION)**  
Staff Representative: Kevin Dick
13. **Review, discussion, and direction to staff regarding the provision of the Interlocal Agreement (ILA) entered into by the Cities of Reno and Sparks and Washoe County for the creation of the Health District. Take action to accept the ILA in its current form or direct to forward any recommendations for possible amendments to Reno, Sparks, and Washoe County. (FOR POSSIBLE ACTION)**  
Presented by: Dania Reid, Deputy District Attorney
14. **Staff Reports and Program Updates.**
  - A. **Air Quality Management, Francisco Vega, Division Director**  
Program Update - AB 349 Closing "Classic Car" Loophole, SB 448 Clean Energy Investments and Infrastructure, Clean Cars Nevada, Monitoring and Planning, Permitting and Compliance.
  - B. **Community and Clinical Health Services, Lisa Lottritz, Division Director**  
D Divisional Update – Client Satisfaction Survey Results 2020; Data & Metrics; Sexual Health (HIV and Disease Investigation), Immunizations, Tuberculosis Prevention and Control Program, Reproductive and Sexual Health Services, Chronic Disease Prevention Program, Maternal Child and Adolescent Health and Women Infants and Children; COVID-19 Testing; COVID-19 Vaccinations.
  - C. **Environmental Health Services, Erin Dixon, Division Director**  
Environmental Health Services (EHS) Division: Program Updates; Consumer Protection (Food/Food Safety, Commercial Plans, Permitted Facilities); Environmental Protection (Land Development, Safe Drinking Water, Vector-Borne Diseases, Waste Management); and Inspections.

**D. Epidemiology and Public Health Preparedness, Dr. Nancy Diao, Division Director**  
Communicable Disease, Public Health Preparedness, Emergency Medical Services, Vital Statistics.

**E. Office of the District Health Officer, Kevin Dick, District Health Officer**  
District Health Officer Report – COVID-19 Response, Joint Information Center, Government Affairs Update, Senate Bill 4 Update, Public Health Accreditation, Community Health Improvement Plan, Quality Improvement, Customer Service Survey, and Public Communications and Outreach.

**15. Board Comment.**

District Board of Health 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)

**16. Public Comment.**

Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

**Members of the public wishing to attend via zoom can public comment by logging into the ZOOM meeting via link above. All public comment is limited to three minutes per person.**

NOTE: The zoom option will require a computer with audio and video capabilities.

**ADJOURNMENT. (FOR POSSIBLE ACTION)**

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**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 District Board of Health 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. 9<sup>th</sup> Street, Building B, Reno, NV 89512, or by calling 775.328.2416, 24 hours prior to the meeting.

**Public Comment:** During the “Public Comment” items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent, by filling out a “Request to Speak” form and/or submit comments for the record to the Recording Secretary. For the remainder of the agenda, public comment will only be heard during items that are marked FOR POSSIBLE ACTION. All public comment should be addressed to the Board of Health and not an individual member. The Board asks that your comments are expressed in a courteous manner. Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair. Reasonable efforts will be made to hear all public comment during the meeting.

All public comment is limited to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.

**Members of the public that wish to attend via zoom may make public comment by submitting an email comment to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) before the scheduled meeting, which includes the name of the commenter and the agenda item number for which the comment is submitted.**

**Response to Public Comment:** The Board of Health can deliberate or take action only if a matter 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 Board of Health. However, responses from the Board members to unlisted public comment topics 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 Board of Health 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 Board of Health may do this either during the public comment item or during the following item: “Board Comments – District Board of Health 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:

Washoe County Health District, 1001 E. 9th St., Reno, NV

Reno City Hall, 1 E. 1st St., Reno, NV

Sparks City Hall, 431 Prater Way, Sparks, NV

Washoe County Administration Building, 1001 E. 9th St, Reno, NV

Downtown Reno Library, 301 S. Center St., Reno, NV

Washoe County Health District Website <https://www.washoecounty.us/health>

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 Washoe County Health District located at 1001 E. 9<sup>th</sup> Street, in Reno, Nevada. Ms. Susy Valdespin, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Valdespin is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us). Supporting materials are also available at the Washoe County Health District Website <https://www.washoecounty.us/health> pursuant to the requirements of NRS 241.020.



## Washoe County District Board of Health Videoconference Meeting Minutes

### Members

Oscar Delgado, Chair  
Robert Lucey, Vice Chair  
Michael D. Brown  
Kristopher Dahir  
Dr. Reka Danko  
Dr. John Novak  
Tom Young

Thursday, May 27, 2021  
1:00 p.m.

**Washoe County Health District  
Commission Chambers, Building A  
1001 East Ninth Street  
Reno, NV**

Kevin Dick, at the request of Chair Delgado, briefly reported this meeting is being held with no members of the public present. The Board and some staff members were present, and Mr. Dick informed the policy states if you're vaccinated you are not required to wear a mask, but are welcome to wear one; however, if you're not vaccinated you are required to wear a mask.

Mr. Dick announced next meeting scheduled for June will be open to the public, but intends to continue with the zoom feature for those to opt to attend virtually.

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

Chair Delgado called the meeting to order at 1:01 p.m.

The following members and staff were present:

Members present:

Oscar Delgado, Chair  
Michael Brown  
Kristopher Dahir  
Dr. Reka Danko (telephonically)  
Dr. John Novak  
Tom Young

Members absent: Robert Lucey, Vice Chair

**Mrs. Valdespin verified a quorum was present.**

Staff present:

Kevin Dick, District Health Officer  
Dania Reid, Deputy District Attorney  
Anna Heenan  
Julie Hunter  
Jim English  
Dr. Nancy Diao  
Scott Oxarart  
Francisco Vega  
Erin Dixon  
Lisa Lottritz

**2. Pledge of Allegiance**

Tom Young led the pledge to the flag.

**3. Public Comment**

**Chair Delgado opened the public comment period.**

**Having no public comment, Chair Delgado closed the public comment period.**

Due to an audio issue, Chair Delgado reopened public comment.

Mr. Jeffrey Church began his comment by disclaiming his position as a trustee for the Washoe County School District. Mr. Church pointed out that his three main points were homeless enforcement by the health district, face shields, and clear guidance and preferably no masks.

Mr. Church spoke of the homeless center being open and urged the Health District to be involved in any sanitary issues. Mr. Church urged the Health District to consider face shields as an option in the guidance the Health District provides. Additionally, he requested as clear guidance as the Health District can provide, so that there is no miscommunication.

**Having no additional public comment, Chair Delgado closed the public comment period and moved on to item number 6 in this agenda.**

**4. Approval of Agenda.**

May 27, 2021

**Dr. Novak moved to approve the agenda for the May 27, 2021, District Board of Health regular meeting. Mike Brown seconded the motion which was approved unanimously.**

**5. Recognitions.**

A. New Hires

- i. Brittany Lucier, May 10, 2021, Environmental Health Services Trainee – EHS
- ii. Alyssa Thomas, May 10, 2021, Environmental Health Services Trainee – EHS
- iii. Megan Rennie, May 24, 2021, Air Quality Management Trainee – AQM
- iv. Kaleigh Behrendt, May 24, 2021, Public Health Nurse II – CCHS

Mr. Kevin Dick recognized all the new hires and welcomed them to the Health District.

B. Years of Service

- i. Yann Ling-Barnes, 20 years, hired May 2, 2001 – AQM

Mr. Kevin Dick acknowledged Ms. Ling-Barnes' 20 years of service with the Health District.

Chair Delgado noted an audio connectivity issue he allowed time to remedy the issue.

C. Transfers

- i. Kelsey Zaski, transfer to Human Resources from EPHP COVID as an Office Support Specialist effective May 10, 2021 – EPHP
- ii. Michelle Carral, promoted to Account Clerk at Treasurer's Office from

Immunizations Office Assistant II effective May 17, 2021 – CCHS

Mr. Kevin Dick expressed his sentiments for losing two Health District employees, but congratulated Ms. Zaski and Ms. Cabral for their recent transfer within the County.

D. Retirements/Acknowledgments

- i. Dr. Trudy Larson, 37 years, Immunization Program Medical Director, 1984 – 2021

Lisa Lottritz briefly made remarks regarding Dr. Trudy Larson's departure. Dr. Larson has been an exceptional consultant, mentor, and partner for the past 37 years. Ms. Lottritz went into detail about the services and the support Dr. Larson has provided the Health District. Ms. Lottritz expressed her gratitude for Dr. Larson's guidance and support.

Mr. Kevin Dick added that he feels honored and privileged to know and work with Dr. Larson. Mr. Dick expressed his appreciation for Dr. Larson's availability and assistance during the pandemic. Mr. Dick feels Dr. Larson has done a remarkable job both for the University and the Health District. Mr. Dick congratulated Dr. Larson in her retirement and presented her with a token of appreciation from the Health District. Mr. Dick reports that a scholarship endowment has been established in her name, which provides the opportunity for the Health District to contribute to that to support undergraduate students.

Dr. Trudy Larson stated it is difficult to say goodbye. She expressed she feels honored and privileged to work with the Health District all those years with talented and dedicated people. Dr. Larson commended the work of Public Health. She expressed it has been a pleasure working with the Health District.

Councilman Dahir expressed his thanks to Dr. Larson and congratulated Dr. Larson on her retirement.

Chair Delgado expressed his gratitude for all of Dr. Larson's hard work and congratulated her on her retirement as well.

E. Special Recognitions

- i. Scott Oxarart, COVID19 Communications Champion- Public Relations Society of America

Mr. Kevin Dick wrapped up the special recognitions by acknowledging Scott Oxarart, who is the recipient of the Silver Spike Award, COVID-19 Communications Champion from the Public Relations Society of America. Mr. Dick continued by providing details of Mr. Oxarart's work including over 90 media briefings and approximately 480 media updates. Mr. Dick expressed his gratitude for the incredible job Mr. Oxarart has done.

Chair Delgado commended Mr. Oxarart's work as he believes communication is critical.

Ms. Valdespin informed Chair Delgado of a request for public comment that was inadvertently missed due to an audio issue.

6. **Proclamation.**

**Emergency Medical Services Week: This is EMS – Caring for our Communities.**

Accepted by: Julie Hunter

Mr. Kevin Dick read the proclamation into the record.



Julie Hunter accepted the signed proclamation.

**Mike Brown moved to approve the Emergency Medical Services Week Proclamation. Dr. Novak seconded the motion which was approved unanimously.**

**7. Consent Items**

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Approval of Draft Minutes

- i. April 22, 2021

B. Budget Amendments/Interlocal Agreements

- i. Approve a Subaward from the State of Nevada Department of Health and Human Services, Division of Public & Behavioral Health for the period retroactive to July 1, 2020 through June 30, 2022 in the total amount of \$4,321,402.97 (no required match) in support of the Community and Clinical Health Services Division (CCHS) Immunization COVID Compliance Subaward IO 11829, which includes the creation of 4.0 FTE, fully benefitted, full-time positions (2- Public Health Nurse II, 1-Health Educator II, and 1-Office Assistant II); and authorize the District Health Officer to execute the Subaward and any future amendments.  
Staff Representative: Kim Graham and Kathy Sobrio
- ii. Approve an Interlocal Agreement between Washoe County Health District and University of Nevada School of Medicine Integrated Clinical Services, Inc., and University of Nevada School of Medicine MultiSpecialty Group Practice North, Inc., dba MEDSchool Associates North, to designate a faculty member to serve as Medical Consultant to the District for the Sexually Transmitted Disease Clinic effective July 1, 2021 through June 30, 2022 unless extended by the mutual agreement of the Parties, or previously terminated pursuant to other provisions of this Agreement.  
Staff Representative: Kim Graham and Angela Penny
- iii. Approve a Subaward from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health in the total amount of \$117,750.00 (no match required) for the period April 29, 2021 through April 28, 2022 in support of the Community and Clinical Health Services Division (CCHS) Tobacco Prevention and Control Grant Program, IO# 11833 and authorize the District Health Officer to execute the Subaward and any future amendments.  
Staff Representative: Kim Graham and Lisa Lottritz
- iv. Approve the Agreement between Washoe County Health District (WCHD) and Social Entrepreneurs, Inc. (SEI) to establish an implementation process for the County's behavioral health crisis response system for a total amount of \$149,980.00 for the period June 1, 2021 through June 30, 2022.  
Staff Representative: Kim Graham and Rayona LaVoie
- v. Approve the Interlocal Agreement between Washoe County Health District and The Board of Regents of the Nevada System of Higher Education obo University of Nevada, Reno, to provide a Peer Recovery Support Specialist (PRSS) Professional Development Program to individuals in Washoe County from June 1, 2021 through May 31, 2022 in the amount of \$25,723.07.

Staff Representative: Kim Graham and Rayona LaVoie

- vi. Approve Agreement between Washoe County Health District (WCHD) and Keep Truckee Meadows Beautiful (KTMB) in the amount of \$240,000 for the period July 1, 2021 to June 30, 2023 in support of the Recycling and Solid Waste Plan program activities on behalf of the Environmental Health Services Division of the Washoe County Health District; authorize the Chair or the Board designee to execute the Agreement and related documents.

Staff Representative: Kristen Palmer

- vii. Approve the Service Agreement between Washoe County Health District and Board of Regents, NSHE on behalf of the University of Nevada Reno Nevada Public Health Training Center in the amount not to exceed \$2,768,444.97 effective July 1, 2021 through June 30, 2023 , to provide a team of employees to assist in the Health District's COVID response activities to include, but not limited to, disease investigation, call center, and testing and vaccination site management services; and authorize the District Health Officer to execute any amendments to the agreement on behalf of the Board Chair.

Staff Representative: Kristen Palmer and Heather Kerwin

- viii. Approve Notice of Subaward from the State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health in the amount of \$15,159,010 retroactive to January 15, 2021 through June 30, 2023 to support COVID-19 Epidemiology and Laboratory Capacity (ELC), which includes the creation of 2.0 FTE, fully benefitted, full-time positions (Department Systems Specialist, and Department Systems Technician); and authorize the District Health Officer to execute the Notice of Subaward and any future amendments.

Staff Representative: Kristen Palmer, Heather Kerwin, and Jim English

- C. Approval of the donation of various obsolete ambient air monitoring equipment with a current market value estimated at \$-0- that have exceeded the useful value for regulatory purposes but may still have value for educational, research, and community organizations.

Staff Representative: Kristen Palmer and Daniel Inouye

- D. Recommendation to Uphold Citations Not Appealed to the Air Pollution Control Hearing Board.

- i. Reno Red Rock, LLC – Case No. 1284, NOV AQMV21-0020
- ii. Truckee Meadows Water Authority – Case No. 1285, NOV AQMV21-0019
- iii. NVIF – Case No. 1286, NOV AQMV21-0018
- iv. CAP Storage South Meadows, LLC, Case No. 1287, NOV AQMV21-0006
- v. Silver State Construction, LLC – Case No. 1288, NOV AQMV21-0023
- vi. Toll Brothers NV Limited Partnership – Case No. 1300, NOV AQMV21-0022
- vii. Toll Brothers NV Limited Partnership – Case No. 1301, NOV AQMV21-0021

Staff Representative: Joshua Restori

- E. Recommendation for the Board to consider approval of a Supplemental Environmental Project for Rilite Aggregate Company as required in Order No. 00004 as a settlement for Notice of Violations associated with Case No.'s 1251, 1270, and 1289.

Staff Representative: Josh Restori

- F. Acknowledge receipt of the Health Fund Financial Review for April, Fiscal Year 2021.  
Staff Representative: Anna Heenan

Mr. Kevin Dick made note of the funding from the federal government for the COVID-19 response that is being received via the items listed in this item. Mr. Dick stated the Health District is receiving approximately \$20 million, of which over \$2.5 million is a contract with UNR for the temporary staffing that has been provided for the response. Additionally, Mr. Dick made note of all the settlement agreements being brought forth by AQM, dating from August 2020 thru March 2021. He specifically, made note of Item #E, the Supplemental Environmental Project with Rilite Aggregate Company. This is the first supplemental environmental project brought to the Board for approval, which represents an innovative approach that allows businesses to invest on improving their operations rather than imposing fines and penalties.

Councilman Dahir commended Air Quality Management Division Director, Francisco Vega and his team for the approach regarding Rilite Aggregate Company.

Councilman Dahir asked for a correction to be made to the draft of the April 22, 2021 minutes, to reflect that he was not echoing Mr. Dick's statements rather the City of Sparks and Councilman Dahir were looking to move forward as rapidly as possible rather than putting other things in place. He did agree that he appreciated Mr. Dick communicating with the Board on all matters before correspondence is put out to the public.

Chair Delgado directed a correction be made to the minutes as amended.

**Tom Young moved to approve the consent agenda. Councilman Dahir seconded the motion which was approved unanimously.**

## **8. Regional Emergency Medical Services Authority**

### **A. Review and Acceptance of the REMSA Operations Report for April 2021.**

Presented by: Dean Dow

Mr. Dean Dow opened this item for questions the Board may have regarding the report that was submitted by REMSA.

**Michael Brown moved to approve REMSA's April 2021 Report. Councilman Dahir seconded the motion which was approved unanimously.**

### **B. Update of REMSA's Public Relations during April 2021.**

Presented by: Alexia Jobson

Alexia Jobson presented the Public Relations report for April 2021.

Ms. Jobson provided updates since the writing of her report. In honor of EMS week, REMSA celebrated its 35<sup>th</sup> anniversary as well as Care Flight's 40<sup>th</sup> anniversary. Ms. Jobson reports staff was also recognized for all their hard work and contributions, especially during the past fourteen months.

In conclusion, Ms. Jobson reported a refresh to REMSA's look and name. The new name is REMSA Health. This new name expresses all of REMSA Health's contributions including world class emergency medical services as well as the evolving innovated programs that address community and population health, strategic partnerships, leadership, and health education and prevention.

Ms. Jobson opened her item for questions from the Board.

Councilman Dahir commended REMSA Health on their celebration, which he believes

continues to push and encourage the morale.

**9. Discussion and possible approval of the revisions to the REMSA Compliance Franchise Checklist.**

Staff Representative: Julie Hunter

Julie Hunter began her presentation by providing a background for the item dating back to the Board approving this checklist in 2016 and informs the checklist was developed to ensure all documentation required by the Franchise Agreement is properly submitted by both REMSA and the EMS Oversight Program.

Ms. Hunter informs that on April 2021 revisions were made to the checklist. The changes involved were mainly for purposes clarifying the documentation needed, requests of informal documentation, and removal of redundant documentation.

Ms. Hunter opened her item for questions from the Board.

**Dr. Novak moved to approve the revisions to the REMSA Compliance Checklist. Mike Brown seconded the motion which was approved unanimously.**

**10. Presentation, discussion, and possible approval of the revised Washoe County Emergency Medical Services Strategic Plan (2019-2023), a requirement of the Interlocal Agreement for the Emergency Medical Services Oversight.**

Staff Representatives: Julie Hunter

Julie Hunter opened her presentation by stating this item is a requirement of the Interlocal Agreement for the EMS Oversight. The mission of the Strategic Plan is to coordinate the delivery of medical services to citizens, businesses, and visitors of Washoe County through collaboration with EMS providers.

Ms. Hunter informed the present plan was approved by the EMS Advisory Board on May 2, 2019. On May 6, 2021, the revisions were added and presented to the EMS Advisory Board. The Board approved those revisions on May 6, 2021.

Ms. Hunter briefly detailed the main priorities included in the plan and how they were incorporated into the Strategic Plan.

Ms. Hunter opened her item for questions from the Board.

Mike Brown expressed his appreciation for Ms. Hunter and the members that worked on this process.

Councilman Dahir opined the conversations surrounding Goal #3, regarding communication improvements between EMS partners, are not happening the way he would like.

Ms. Hunter made note of Councilman Dahir's comment.

**Mike Brown moved to approve the revised Washoe County Emergency Medical Services Strategic Plan. Dr. Novak seconded the motion which was approved unanimously.**

**11. PUBLIC HEARING: Discussion and possible action to adopt amendments to the Regulations of the Washoe County District Board of Health Governing Public Accommodation Facilities (Regulations) as amended and adopted by the Nevada Department of Health and Human Services on April 30, 2021 as required by Senate**

**Bill 4 of the 32<sup>nd</sup> Special Session (2020) with an effective date of June 1, 2021, and to repeal the Regulations of the Washoe County District Board of Health Governing 447E Regulations Related to SARS-COV-2 and Public Accommodation Facilities as approved at the special meeting of the District Board of Health on September 10, 2020.**

Staff Representative: Jim English

James English began his presentation by providing a brief explanation as to the reason this item must be presented to the Board today.

Mr. English reported that the Nevada Division of Health and Human Services made amendments on April 30, 2021 to NAC 447 as it relates to SARS-COV-2 and Public Accommodation Facilities. Mr. English explained the current amendments made to the regulations allow for immediate adoption of any changes or alterations made to the emergency regulations. Mr. English reported this change does not have financial impacts on businesses. Additionally, Mr. English reported a public zoom workshop was held with 43 individuals attending including all 17 properties that are directly affected by these regulations. Mr. English reports if this item was approved, it would come into effect at 12:01 a.m. on June 1, 2021 in conformance with the Local Control Plan.

Councilman Dahir asked if this item meant that if changes were made such changes will not be brought to the Board.

Mr. English clarified that these changes will be brought forth to the Board; however, in an effort to prevent delays from complying with the requirement from State Law to adopt these changes and to ease the process, he opined it is best not be in front of the Board every time changes are made. Additionally, he reported the legislature is looking to make additional changes to this legislation.

Councilman Dahir opined that these changes affect all the cities and everything that is done within the County, so he believes this Board in its place to give their opinion as the Board helps guide and process some of these things. He asked that any changes continue to come to the Board.

Mr. Kevin Dick stated that while he understands Councilman Dahir's concern, the purpose of this item is to streamline the process because under the SB4 statute reads that the "Board must adopt" the regulations within a certain time frame from when the State NAC's amendments go into effect.

Chair Delgado clarified that it appears as though Councilman Dahir wants to be informed as changes come forward. He also asked Councilman Dahir if his statement is to vote on those items.

Councilman Dahir stated that he understands the State has certain regulatory power, but he believes this Board is the filter to those matters even if it comes in the form of a mandate. Councilman Dahir asked to vote on those matters but also asked if his request is labor intensive for staff.

Mr. English responded that it is not difficult to change the regulations; however, the time constraints on the required adoption would require the Board to meet via a Special Meeting within the expected time frame.

Mr. Kevin Dick added that currently there are other proposed changes to SB4 that are being considered, which would require adoption from the District Board of Health within 5 days.

Councilman Dahir continued to opine that the State can make decisions, but this Board is the filter to stand up and make decisions at the local level. Additionally, he believes his elected official role cannot be removed by another elected official.

Dr. John Novak asked if, due to the time constrain, this information could be shared directly to the Board with an opportunity to comment.

Deputy District Attorney, Dania Reid, advised that Dr. Novak's suggestion would be considered deliberation, which should happen in an open meeting. Ms. Reid clarified that if the item is approved as written it would only be for purposes of SB4 State NAC not for the Public Accommodation Regulations, as the Public Accommodation Regulations are Washoe County Health District regulations.

Tom Young agreed with Councilman Dahir's assessment regarding the issues with SB4 as he believes they were written hastily. Mr. Young opined that with legislation winding down he hopes changes may not be likely. Mr. Young stated if a meeting to vote on these changes is not feasible, he would like to see a summary out of the consent agenda with information regarding the changes that have been made and adopted.

Chair Delgado called for a reading of the motion.

Mr. English clarified that this item is also repealing the Emergency Regulation that was adopted in September 2020.

Dr. Novak reiterated that the intent of his previous comment was to be informed and not to start comments or negotiations.

**Tom Young moved to adopt amendments to the Regulations of the Washoe County District Board of Health Governing Public Accommodation Facilities with an effective date of June 1, 2021, and to repeal the Regulations of the Washoe County District Board of Health Governing 447E Regulations Related to SARS-COV-2 and Public Accommodation Facilities. Mike Brown seconded the motion which was approved unanimously.**

Councilman Dahir opened a discussion to reiterate that the updates for this item should be agendized outside of the consent agenda.

Chair Delgado confirmed.

## **12. Discussion and possible direction regarding legislative issues.**

Staff Representative: Joelle Gutman-Dodson

Mr. Kevin Dick presented this item on behalf of Ms. Gutman-Dodson.

Mr. Dick reported these are the final days of the session. He added that one of the bills in play is SB386. This bill addresses the right to rehire bill, driven by casino workers that wanted to be reemployed versus someone else being hired in their place. Mr. Dick continued to speak about some of the amendments within this bill that affect SB4, as it removes the social distancing requirements, reduces the cleaning and laundry requirements, and changes the leave pay requirements for the employment due to COVID-19 quarantine. The area of the amendments that is not supported by the Washoe County Health District is the striking of a required EPA approved cleaner that is effective against COVID-19.

Mr. Dick reported on AB349 which addresses the loophole to the classic vehicle exemption. Mr. Dick states this bill will not require two-thirds majority vote in order to pass, as the fee increase for smog certificates will be removed. Mr. Dick reports this bill is moving forward with the primary objective of reducing the number of vehicles that would not necessarily be considered classic vehicles.

Mr. Dick also reported on SB424, which addresses the creation of the public health resource office, is into the assembly. This bill has been amended to move it from Department of Health and Human Services to the Governor's office. Mr. Dick opined this bill would be helpful for public health and getting the resources it needs.

Councilman Dahir asked if this bill will be a new regulatory over the Health Boards in the state.

Mr. Dick reported this bill is meant to create a resource office that works with the Health Boards. Mr. Dick opined that the concern would be for the resource office to give priority to programs that the Health District may not see as a priority, which would affect the way the funds are disbursed.

Mr. Dick reported on SB318, which addresses record keeping and language preferences. He also reported that funding made available for Vaping Prevention Programs through SB263, which passed the previous session, was also likely to be restored.

### **13. Staff Reports and Program Updates**

#### **A. Air Quality Management, Francisco Vega, Division Director**

Program Update - EPA's Reconsideration of Vehicle Standards Waiver, American Lung Association Releases 2021 State of The Air Report, States Challenge Administrations Approach to Climate Metric, Monitoring and Planning, Permitting and Compliance.

Mr. Vega open his item by stating no updates were available and continued to open his item for questions regarding the Supplemental Environmental Project.

Councilman Dahir would like to receive updates regarding the project once it's completed.

Mr. Vega reports one of the requirements of the project is to provide a final report describing the work and achievements.

Tom Young asked what the main reason for issuing citations.

Mr. Vega reported that without looking at the specific data he believes that one of the top violations is dust violations.

Mr. Young asked if resistance is an issue while issuing a violation. Additionally, Mr. Young asked if there was an educational component that can be added to the process.

Mr. Vega responded by stating that in most cases violation recipients are accepting of the fact that there is an issue that needs to be resolved. Mr. Vega welcomed ideas to create education opportunities to help reduce the violations.

Chairman Delgado made reference to specific groups that focus on educating on these issues such as the Builders Association and asked if Mr. Vega is reaching out to those resources,

Mr. Vega affirmed Chair Delgado's statement.

**B. Community and Clinical Health Services, Lisa Lottritz, Division Director**

Divisional Update – Teen Pregnancy Prevention Month; Data & Metrics; Sexual Health (HIV and Disease Investigation), Immunizations, Tuberculosis Prevention and Control Program, Reproductive and Sexual Health Services, Chronic Disease Prevention Program, Maternal Child and Adolescent Health and Women Infants and Children: COVID-19 Testing; COVID-19 Vaccinations.

Ms. Lottritz began her report by informing the Board that Dr. Vanessa Slots will be taking over as the Medical Director for the Immunization Program as of July 1, 2021. Ms. Lottritz also reported the Family Planning Program was able to go the Sheriff's office after 15 months and conduct services. In conclusion, Mr. Lottritz reported the American Rescue Plan Funding is allowing WEC to provide an additional \$35 per month per child and adult in fruits and vegetables.

Ms. Lottritz opened her item for questions from the Board.

Councilman Dahir asked if there has been an increase in request for services due to people losing their jobs and homes as a result of COVID-19.

Ms. Lottritz reported their numbers were down quite a bit in the last 15 months. She reports an increase has not been noted. Additionally, she reported WIC services kept active the entire time.

**C. Environmental Health Services, David Kelly, Division Director**

Environmental Health Services (EHS) Division: Program Updates; Consumer Protection (Food/Food Safety, Commercial Plans, Permitted Facilities); Environmental Protection (Land Development, Safe Drinking Water, Vector-Borne Diseases, Waste Management); and Inspections.

Erin Dixon began her report by updating the Board about staff completing pool openings. Ms. Dixon continued to report that a National Consultant started working with the Division on Monday to ensure staff is FDA standardized.

Ms. Dixon opened her item for questions from the Board.

**D. Epidemiology and Public Health Preparedness, Dr. Nancy Diao, Division Director**

Communicable Disease, Public Health Preparedness, Emergency Medical Services, Vital Statistics.

Dr. Diao began her report by highlighting that the Health Care Preparedness Team held a Burn Care Mass Casualty course that was well attended. Dr. Diao also reported the distribution of the EPI Newsletters, which serve to bring awareness and education to specific disease.

Dr. Diao made herself available to respond to questions from the Board.

**E. Office of the District Health Officer, Kevin Dick, District Health Officer**

District Health Officer Report – Local Authority Plan, COVID-19 Response, Joint Information Center, Washoe County Budget Process Update, Public Health Accreditation, Community Health Improvement Plan, Workforce Development, and Public Communications and Outreach.

Kevin Dick opened his item by providing an update on the COVID-19 response. Mr. Dick reported the number of cases and positivity rates continue to decline. He



continued to provide specifics on those figures. Mr. Dick commended the Health District and all their partners for a job well done as the Washoe County leads the state in the number of people that are being vaccinated. Mr. Dick continued to opine that the Washoe County is in a good position as the county moves forward with the full reopening on June 1, 2021.

Mr. Dick reported on the budget process. On May 18, 2021 the Board of County Commissioners took action to adopt the Washoe County Budget which included the Health District Budget of \$25.6 million.

Mr. Dick opened his item for question from the Board.

Chair Delgado expressed his gratitude to staff for their work.

#### **14. Board Comment.**

Dr. Novak expressed his appreciation for the people working and volunteering in the POD operations.

Councilman Dahir asked if the Board can visit their roles in the region when it comes to the homeless population.

Chair Delgado suggested the District Health officer can set something up with the staff members that are most involved with homelessness.

#### **15. Public Comment.**

**Chair Delgado opened the public comment period.**

**Having no registered public comment, Chair Delgado closed the public comment period.**

#### **Adjournment.**

**Chair Delgado adjourned the meeting at 2:21 p.m.**

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**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 District Board of Health 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. 9<sup>th</sup> Street, Building B, Reno, NV 89512, or by calling 775.328.2416, 24 hours prior to the meeting.

**Public Comment:** Members of the public may make public comment by submitting an email comment to [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us) before the scheduled meeting, which includes the name of the commenter and the agenda item number for which the comment is submitted. 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 Board of Health and not an individual member. The 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 Board of Health can deliberate or take action only if a matter 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 Board of Health. However, responses from the Board members to unlisted public comment topics 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 Board of Health 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 Board of Health may do this either during the public comment item or during the following item: “Board Comments – District Board of Health 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:

Washoe County Health District Website <https://www.washoecounty.us/health>

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

**Under an emergency directive issued by Governor Sisolak on March 22, 2020, and extended by a subsequent directive issued on July 31, 2020, the physical location requirement has been suspended.**

**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. 9<sup>th</sup> Street, in Reno, Nevada. Ms. Susy Valdespin, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Valdespin is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at [svaldespin@washoecounty.us](mailto:svaldespin@washoecounty.us). Supporting materials are also available at the Washoe County Health District Website <https://www.washoecounty.us/health> pursuant to the requirements of NRS 241.020.

DD_LL _____
DHO _____ KD

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** May 26, 2021  
**TO:** District Board of Health  
**FROM:** Lisa Lottritz, RN, MPH, CCHS Division Director  
775-328-6159, [llotritz@washoecounty.us](mailto:llotritz@washoecounty.us)  
**SUBJECT:** Recommendation to approve an Interlocal Agreement between the Washoe County Health District and the Sheriff's Office to provide family planning services to female inmates housed at the Washoe County Detention Facility [No fiscal impact] with the effective date of July 1, 2021.

**SUMMARY**

The Washoe County District Board of Health must approve and execute Interlocal Agreements and amendments to the adopted budget. The District Health Officer is authorized to execute agreements on the Board of Health's behalf not to exceed \$100,000 per contract; over \$100,000 requires approval of the Board.

**District Health Strategic Objective supported by this item:**

**Healthy Lives:** Improve the health of our community by empowering individuals to live healthier lives.

**PREVIOUS ACTION**

On April 26, 2018, the Board of Health approved an Interlocal Agreement between the Washoe County Health District and the Sheriff's Office to provide family planning services to female inmates housed at the Washoe County Detention Facility for the period of May 08, 2018, through June 30, 2019, which automatically renewed for two-successive one-year periods for a total of three years on the same terms.

**BACKGROUND**

The Washoe County Sheriff's Office and the Family Planning Program have been collaborating since June of 2018 to provide reproductive health services to female detainees. This supports the Family Planning Program mission to promote and assure that all Washoe County citizens have access to confidential, high quality, culturally competent reproductive health and family planning services that foster healthy communities.

**FISCAL IMPACT**

Should the Board approve this Interlocal Agreement there will be no additional fiscal impact to the adopted FY22 budget as Title X grant funds will support these activities.

Subject: Interlocal Agreement with Washoe County Sheriff's Office

Date: June 24, 2021

Page 2 of 2

### **RECOMMENDATION**

It is recommended that the Washoe County District Board of Health approve the Interlocal Agreement between the Washoe County Health District and Washoe County through its Sheriff's Office to continue to provide family planning services to female detainees, effective July 1, 2021, with no expiration date. If approved, authorize the Chair to execute the Agreement.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve an Interlocal Agreement between the Washoe County Health District and the Sheriff's Office to provide family planning services to female inmates housed at the Washoe County Detention Facility [No fiscal impact] with the effective date of July 1, 2021. If approved, authorize the Chair to execute the Agreement."

## INTERLOCAL AGREEMENT

This Interlocal Agreement contains the terms of agreement between the Washoe County Health District and Washoe County Sheriff's Office, hereinafter referred to as the District and Sheriff's Office respectively, entered into pursuant to Chapter 277 of the Nevada Revised Statutes.

Whereas, the District has clinical infrastructure for family planning services; and

Whereas, the Sheriff's Office goal is to maintain optimal inmate health, including women's reproductive health services, and

Whereas, the District agrees to provide family planning services to the Sheriff's Office as described herein,

Now, therefore, in consideration of the mutual promises contained herein, the parties agree as follows:

The District agrees to:

1. Provide, at no charge to the Sheriff's Office, sexual and reproductive health services for female detainees, specifically all contraceptive options for pregnancy prevention offered by the District on the sliding fee schedule as utilized by the District under Title X guidelines.
2. Provide at no charge to the Sheriff's office, immunization services to adults, to the extent that such vaccines are available during the reproductive health visit on the sliding fee schedule as utilized by the District under Title X guidelines.
3. Provide necessary diagnostic services per medical protocol as indicated to appropriately provide the services described in one, above.
4. District staff will provide personnel, biologicals and necessary supplies for the administration of reproductive health services described in paragraph 1, above.
5. Pay for chlamydia, gonorrhea, HIV and syphilis screening as itemized on the State Lab invoice.

The Sheriff's Office agrees to:

1. Promote Women's Reproductive Health Services to the female detainees, in a non-coercive manner without regard to religion, race, color, national origin, disability, age, sex, number of pregnancies or marital status. Promote reproductive health services are voluntary and not a prerequisite to any other services provided by the Sheriff's Office.
2. Provide opportunities for Family Planning Program staff to offer applicable education sessions for the female inmates.
3. Provide a computer or Wi-Fi to access the District's EHR, Patagonia Health, in order to chart all clinical activities.
4. Assure the safety of District staff, through presence of Sheriff's Office staff.
5. Provide District staff a confidential, clinic room for services.

The Parties agree to comply with the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health Act, to protect the security, confidentiality, and integrity of protected health information.

This Interlocal Agreement may be modified at any time by written agreement signed by both parties.

This Interlocal Agreement will take effect upon ratification by the governing parties and shall remain in effect indefinitely.

Either party may terminate this Interlocal Agreement by giving the other party written notice of the intent to terminate. The notice must specify a date upon which the termination will be effective, which date may not be less than 30 calendar days from the date of mailing or hand delivery of the notice.

All notices required under this Agreement shall be in writing and mailed, postage prepaid, addressed to the designated representative of the respective parties:

Sheriff's Office: Jeffery Clark, Authorizing Official  
Washoe County Sheriff's Office  
911 Parr Blvd  
Reno, Nevada 89512

District: Kevin Dick, District Health Officer  
Washoe County Health District  
1001 E 9<sup>th</sup> Street  
Reno, Nevada 89512

Washoe Co. Managers Office: County Manager  
Washoe County Manager's Office  
1001 E 9<sup>th</sup> Street  
Reno, Nevada 89512

This Interlocal Agreement shall be entered into in Washoe County, State of Nevada, and shall be construed and interpreted according to the law of the State of Nevada.

Neither party may assign or subcontract any rights or obligations under this Interlocal Agreement without prior written consent of the other party.

This Interlocal Agreement constitutes the entire agreement between the parties with regards to the subject matter herein and supersedes all prior agreements, both written and oral.

DISTRICT BOARD OF HEALTH

By: \_\_\_\_\_  
Chair

Date: \_\_\_\_\_

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chair

Date: \_\_\_\_\_

AHSO\_AH\_\_

DHO\_\_\_\_\_ KD

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 1, 2021  
**TO:** District Board of Health  
**FROM:** Kim Graham, Fiscal Compliance Officer  
775-328-2418, [kgraham@washoecounty.us](mailto:kgraham@washoecounty.us)  
Rayona LaVoie, Health Educator II  
775-328-2404, [rlavoie@washoecounty.us](mailto:rlavoie@washoecounty.us)  
**SUBJECT:** Retroactively approve the donation of bike racks and installation supplies for The Village on Sage Street in the amount of \$2,342.39.

---

**SUMMARY**

The Washoe County District Board of Health must approve the donation of equipment to ensure there is a benefit to the citizens of Washoe County.

**District Health Strategic Priorities supported by this item:**

- 1. Healthy Lives:** Improve the health of our community by empowering individuals to live healthier lives.
- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.
- 3. Local Culture of Health:** Lead a transformation in our community's awareness, understanding, and appreciation of health resulting in direct action.
- 4. Impactful Partnerships:** Extend our impact by leveraging partnerships to make meaningful progress on health issues.

**PREVIOUS ACTION**

There has been no previous action taken this fiscal year.

**BACKGROUND**

The Washoe County Health District partnered with Community Foundation of Northern Nevada to purchase and install new bike racks at The Village on Sage Street. The donation to build the infrastructure for bike racks benefits residents by encouraging them to be physically active and benefits the community by supporting an alternative mode of transportation to improve the air quality. As a result, these benefits improve the quality of life for those living in Washoe County.

**ADMINISTRATIVE HEALTH SERVICES**

1001 East Ninth Street, Building B, Reno, Nevada 89512

AHS Office: 775-328-2410 | Fax: 775-328-3752 | [washoecounty.us/health](http://washoecounty.us/health)

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**Public Health**  
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Subject: Donation of bike racks to The Village

Date: June 24, 2021

Page 2 of 2

### **FISCAL IMPACT**

Should the Board approve this donation, there will be no additional fiscal impact to the adopted FY21 budget as Community Health Improvement (170203) has sufficient expenditure authority to support this purchase and donation.

### **RECOMMENDATION**

Retroactively approve the donation of bike racks and installation supplies for The Village on Sage Street in the amount of \$2,342.39.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be "Move to retroactively approve the donation of bike racks and installation supplies for The Village on Sage Street in the amount of \$2,342.39."

DD_FV_____	
DHO_____	

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021  
**TO:** District Board of Health  
**FROM:** Francisco Vega, AQM Division Director  
 775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)  
**SUBJECT:** Acceptance of the “Washoe County, Nevada Air Quality Trends (2011-2020)” Report.

**SUMMARY**

The Air Quality Management Division (AQMD) operates and maintains an ambient air monitoring program to determine compliance with health-based National Ambient Air Quality Standards (NAAQS). This annual report summarizes the previous year’s ambient air monitoring data and provides a long-term trend for each pollutant.

**District Health Strategic Priority supported by this item:**

**3. Local Culture of Health:** Lead a transformation in our community’s awareness, understanding, and appreciation of health resulting in direct action.

**PREVIOUS ACTION**

The Air Quality Trends Report is updated and presented annually to the District Board of Health (DBOH) for acceptance. The most recent action occurred on June 25, 2020 with the acceptance of the “Washoe County, Nevada Air Quality Trends (2010-2019)” report.

**BACKGROUND**

The U.S. Environmental Protection Agency (EPA) establishes health-based NAAQS for six criteria air pollutants including Ozone and Particulate Matter. Each year, the AQMD prepares this report, which summarizes the previous year’s monitoring data. Because of its usefulness of summarizing ambient air monitoring data, it’s now included as part of the recently EPA-approved ambient air monitoring Quality Assurance Project Plan.

This Air Quality Trends Report summarizes 2020 and the ten-year trend for each pollutant. The full report is available at the AQMD website ([OurCleanAir.com](http://OurCleanAir.com)). Following is a summary of last year’s Air Quality Index (AQI) levels and the AQI trend for the previous ten years.

**AIR QUALITY MANAGEMENT**

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



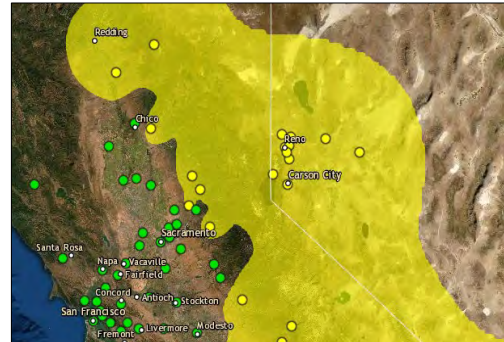
## A Review of 2020

January and February continued the green burn code streak. The 2019-20 burn code season ended with 121 green burn codes. This is the second season in the 33-year history of the wood stove program in which we only issued green burn codes. January and February had a four-week dry spell. The highest 24-hour average for PM<sub>2.5</sub> during the burn code season was 15.4 µg/m<sup>3</sup> on January 23 at Sparks.

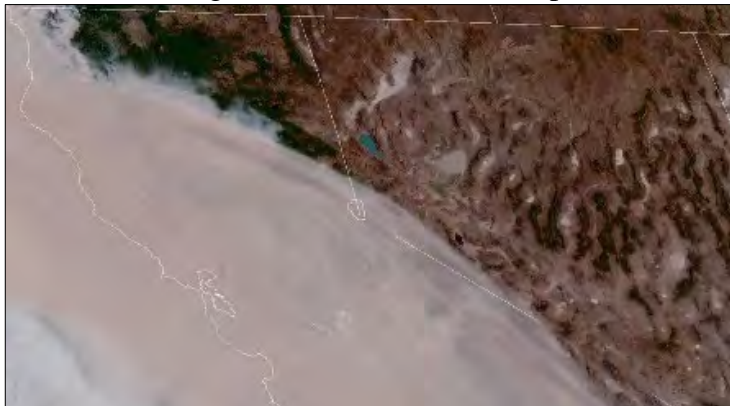
March and April saw increased precipitation in the region. However, it was not enough to bring the cumulative daily precipitation back to the average for the Northern Sierras. Record heat and thunderstorms started in May. A springtime, interstate transport ozone event was observed on May 10 with unusually high ozone concentrations across Northern Nevada including the highest springtime 8-hour average for ozone of 0.070 ppm on May 10 at Incline.

Thunderstorms arrived by the end of June and lasted until the beginning of September. The first wildfire to impact Washoe County was the Hog Fire on July 20. A series of thunderstorms in August and September started a record wildfire season that lasted into October. Nearly 4.4 million acres burned in California. The top four days all-time in Washoe County for PM<sub>2.5</sub> occurred September 11-15 at Spanish Springs mainly due to the North

Air Quality Index Monitor  
and Contour Map on May 10



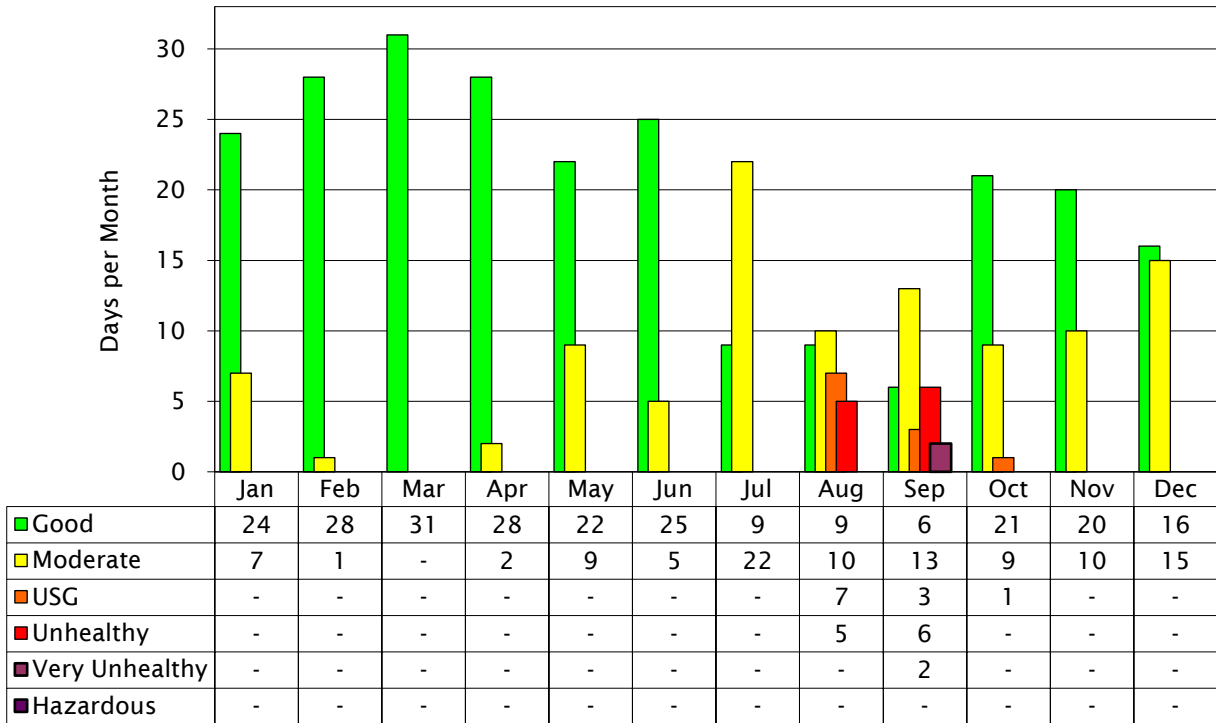
Satellite Image of Wildfire Smoke on September 10



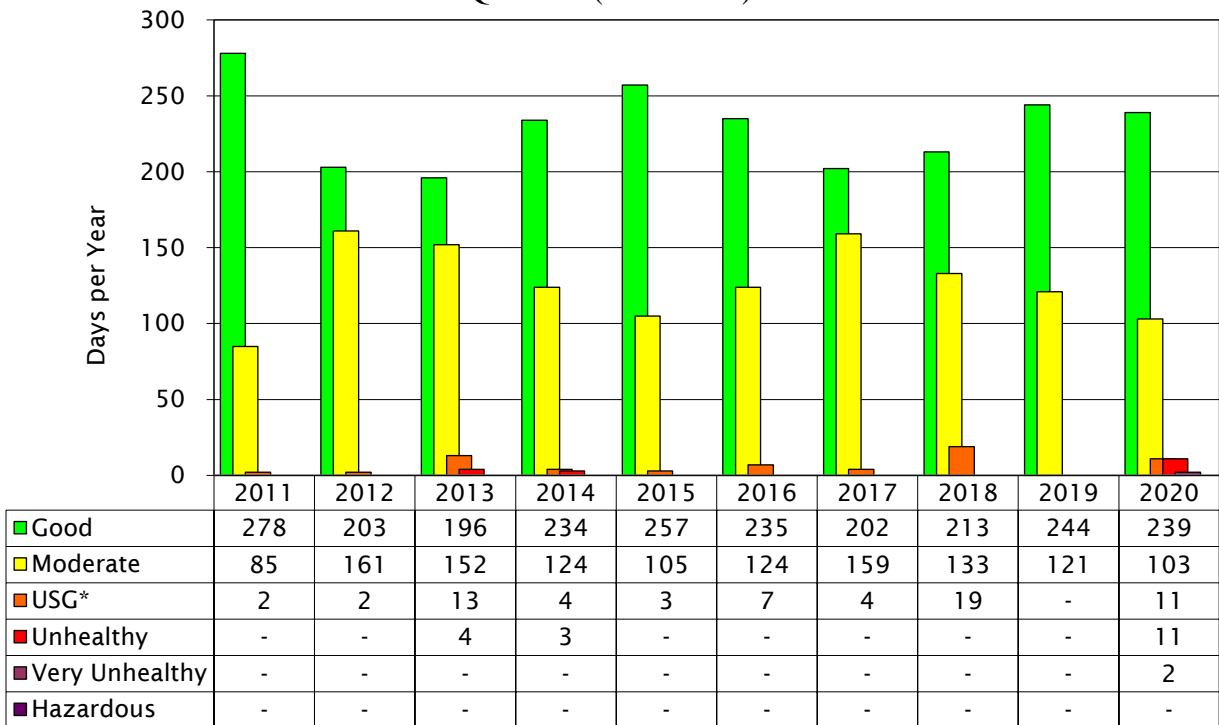
Complex Fire. The highest 24-hour averages for PM<sub>2.5</sub> and PM<sub>10</sub> during the summer was 189.7 and 238 µg/m<sup>3</sup>, respectively on September 13 at Spanish Springs. This was the highest PM<sub>10</sub> 24-hour average ever monitored dating back to 1988. Elevated ozone caused by wildfire smoke occurred throughout this period. The highest 8-hour average of 0.085 ppm happened on September 15 at Incline. This was the highest 8-hour average since the 2008 wildfire season.

From October to December, conditions were favorable for prescribed fires. Two periods of cold air inversions caused elevated PM<sub>2.5</sub>. The highest 24-hour average for PM<sub>2.5</sub> for the fall and winter was 26.0 µg/m<sup>3</sup> on December 20 at Sparks. The green burn code streak from the previous season continued through the end of the year. 2020 was the 2<sup>nd</sup> driest and 7<sup>th</sup> warmest year for Reno on record.

Monthly AQI Summary for All Pollutants (2020)



AQI Trend (2011-2020)



\* Unhealthy for Sensitive Groups

Subject: Air Quality Trends Report

Date: June 24, 2021

Page 4 of 4

**FISCAL IMPACT**

There is no additional fiscal impact to the FY 2020-21 budget should the DBOH accept the “Washoe County, Nevada Air Quality Trends (2011-2020)” report.

**RECOMMENDATION**

Staff recommends that the DBOH accept the “Washoe County, Nevada Air Quality Trends (2011-2020)” report.

**POSSIBLE MOTION**

Should the DBOH accept the trends report, a possible motion could be “Move to accept the “Washoe County, Nevada Air Quality Trends (2011-2020)” report”.

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

## 2011-20 Washoe County, Nevada Air Quality Trends Report

July 1, 2021



**Public Health**  
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## **VISION**

*A healthy community*

## **MISSION**

**To protect and enhance the well-being and quality of life  
for all in Washoe County.**

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## Acronyms and Abbreviations

AQI	Air Quality Index
AQMD	Washoe County Health District - Air Quality Management Division
AQS	Air Quality System
BAM	Beta Attenuation Monitor
CFR	Code of Federal Regulations
CBSA	Core-Based Statistical Area
CO	Carbon Monoxide
EPA	U.S. Environmental Protection Agency
GAL	Galletti
HA 87	Hydrographic Area 87
HC	Hydrocarbons
HNO <sub>2</sub>	Nitrous Acid
HNO <sub>3</sub>	Nitric Acid
INC	Incline
LEM	Lemmon Valley
µg/m <sup>3</sup>	Micrograms per cubic meter
NAAQS	National Ambient Air Quality Standards
NCore	National Core Multi-Pollutant Monitoring Station
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Oxides of Nitrogen
NO <sub>y</sub>	Reactive Oxides of Nitrogen
O <sub>3</sub>	Ozone
PLM	Plumb-Kit
PM	Particulate Matter
PM <sub>2.5</sub>	Particulate Matter less than or equal to 2.5 microns in aerodynamic diameter
PM <sub>10</sub>	Particulate Matter less than or equal to 10 microns in aerodynamic diameter
PM <sub>coarse</sub>	PM <sub>10</sub> minus PM <sub>2.5</sub>
ppb	Parts per billion
ppm	Parts per million
REN	Reno4
RNO	Reno3
SIP	State Implementation Plan
SLAMS	State and Local Air Monitoring Station
SO <sub>2</sub>	Sulfur Dioxide
SO <sub>3</sub>	Sulfur Trioxide
SO <sub>x</sub>	Oxides of Sulfur
SPK	Sparks
SPM	Special Purpose Monitoring
SPS	Spanish Springs
SRN	South Reno
STN	Speciation Trends Network
TOL	Toll
USG	Unhealthy for Sensitive Groups
VOC	Volatile Organic Compounds

## Introduction

Washoe County is in the northwest portion of Nevada and bounded by California, Oregon, and the Nevada counties of Humboldt, Pershing, Storey, Churchill, Lyon, and Carson City (Figure 1). The Truckee Meadows is approximately 200 square miles in size and situated in the southern portion of Washoe County. It is geographically identified as Hydrographic Area 87 (HA 87) as defined by the State of Nevada Division of Water Resources. Most of Washoe County's urban population lives in the Truckee Meadows. Anthropogenic activities, such as automobile use and residential wood combustion, are also concentrated here.

The U.S. Environmental Protection Agency (EPA) has set health and welfare based National Ambient Air Quality Standards (NAAQS) for the following pollutants: ozone ( $O_3$ ), particulate matter less than or equal to 2.5 microns in aerodynamic diameter ( $PM_{2.5}$ ), particulate matter less than or equal to 10 microns in aerodynamic diameter ( $PM_{10}$ ), carbon monoxide (CO), nitrogen dioxide ( $NO_2$ ), sulfur dioxide ( $SO_2$ ), and lead (Pb).

The mission of the Washoe County Health District, Air Quality Management Division (AQMD) Monitoring Program is "To monitor and assure the scientific accuracy of the ambient air quality data collected for the determination of compliance with the National Ambient Air Quality Standards (NAAQS) as defined by the EPA". The AQMD has established a monitoring network throughout the Health District to collect ambient air data. The network is reviewed annually to ensure it reflects the actual air quality of the county and that it is measuring for the pollutants of highest concern.

This document summarizes the ambient air data collected between 2011 and 2020 from the AQMD's monitoring network. These data were submitted to the EPA's Air Quality System (AQS) and are available for public review on EPA's AirData website. Long-term monitoring data can reveal trends in ambient air pollution and the subsequent need for control strategies.

Figure 1  
Washoe County, Nevada



## Pollutants

The following describes the six NAAQS criteria pollutants, their primary sources, and associated health effects.

### Ozone (O<sub>3</sub>)

---

Ozone is a gas composed of three oxygen atoms. It is not usually emitted directly into the air, but, at ground-level, it is created by a chemical reaction between oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) in the presence of sunlight. Ozone has the same chemical structure whether it occurs miles above the earth or at ground-level and can be “good” or “bad”, depending on its location in the atmosphere. “Good” O<sub>3</sub> occurs naturally in the stratosphere approximately 10 to 30 miles above the earth and forms a layer that protects life on earth from the sun’s harmful rays.

In the lower atmosphere, ground-level O<sub>3</sub> is considered “bad”. Breathing ground-level O<sub>3</sub> can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level O<sub>3</sub> can also reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. People with lung disease, children, older adults, and physically active people may be affected when O<sub>3</sub> levels are unhealthy. Numerous scientific studies have linked ground-level O<sub>3</sub> exposure to a variety of problems including airway irritation, coughing, and pain when taking a deep breath; wheezing and breathing difficulties during exercise or outdoor activities; inflammation, which is much like a sunburn on the skin; aggravation of asthma and increased susceptibility to respiratory illnesses like pneumonia and bronchitis; and permanent lung damage with repeated exposures.

Motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents as well as natural sources emit NO<sub>x</sub> and VOC that help form O<sub>3</sub>. Ground-level O<sub>3</sub> is the primary constituent of smog. Sunlight and hot weather cause ground-level O<sub>3</sub> to form in harmful concentrations. As a result, it is known as a summertime air pollutant. Many urban areas tend to have high levels of “bad” O<sub>3</sub>, but even rural areas are also subject to increased O<sub>3</sub> levels because wind carries O<sub>3</sub> and pollutants that form it hundreds of miles away from their original sources.

### Particulate Matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and PM<sub>coarse</sub>)

---

Particulate matter, also known as particle pollution or PM, is a complex mixture of extremely small particles and liquid droplets. Particle pollution is made up of several components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles.

The size of particles is directly linked to their potential for causing health problems. Of concern are particles that are 10 micrometers in diameter or smaller because those are the particles that generally pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. EPA groups particle pollution into two categories:

- “Inhalable coarse particles” (PM<sub>10</sub> and PM<sub>coarse</sub>), such as those found near roadways and dusty industries, are between 2.5 and 10 micrometers in diameter.
- “Fine particles” (PM<sub>2.5</sub>), such as those found in smoke and haze, are 2.5 micrometers in diameter and smaller. These particles can be directly emitted from sources such as forest fires, or they can form when gases emitted from power plants, industries, and automobiles react in the air.

Particle pollution, especially fine particles, contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including irritation of the airways, coughing, difficulty breathing, decreased lung function, aggravated asthma, development of chronic bronchitis, irregular heartbeat, nonfatal heart attacks, and premature death in people with heart or lung disease.

People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure. However, even healthy people may experience temporary symptoms from exposure to elevated levels of particle pollution.

### **Carbon Monoxide (CO)**

---

Carbon monoxide is a colorless, odorless gas that is formed when carbon in fuel is not burned completely. It is a byproduct of incomplete combustion found in exhaust of on-road vehicles, non-road engines and vehicles (such as construction equipment and boats) and in industrial processes, residential wood burning, and natural sources such as wildfires. Higher concentrations generally occur in areas with heavy traffic congestion. Typically, the highest ambient levels of CO typically occur during the colder months of the year when temperature inversions are more frequent. The air pollution becomes trapped near the ground beneath a layer of warm air.

Carbon monoxide can cause harmful health effects by reducing oxygen delivery to the body’s organs (i.e., heart and brain) and tissues. The health threat from lower levels of CO is most serious for those who suffer from heart disease, like angina, clogged arteries, or congestive heart failure. For a person with heart disease, a single exposure to low levels of CO may cause chest pain and a reduced ability to exercise. Repeated exposures may contribute to other cardiovascular effects. Even healthy people can be affected by high levels of CO. Exposure to high levels can result in vision problems, reduced ability to work or learn, reduced manual dexterity, and difficulty performing complex tasks. At extremely high levels, CO is poisonous and can cause death.

## Nitrogen Dioxide (NO<sub>2</sub>)

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Nitrogen dioxide is one of a group of highly reactive gasses known as “oxides of nitrogen”, or “nitrogen oxides (NO<sub>x</sub>)”. Other nitrogen oxides include nitrous acid (HNO<sub>2</sub>) and nitric acid (HNO<sub>3</sub>). While EPA’s NAAQS covers this entire group of NO<sub>x</sub>, NO<sub>2</sub> is the component of greatest interest and the indicator for the larger group of NO<sub>x</sub>. Nitrogen dioxide forms quickly from emissions from cars, trucks and buses, power plants, and off-road equipment. In addition to contributing to the formation of ground-level O<sub>3</sub> and fine particle pollution, NO<sub>2</sub> is linked with several adverse effects on the respiratory system.

Current scientific evidence links short-term NO<sub>2</sub> exposures, ranging from 30 minutes to 24 hours, with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. Also, studies show a connection between breathing elevated short-term NO<sub>2</sub> concentrations, and increased visits to emergency rooms and hospital admissions for respiratory issues, especially asthma.

NO<sub>2</sub> concentrations in vehicles and near roadways are appreciably higher than those measured at monitors in the current network. In fact, in-vehicle concentrations can be 2 to 3 times higher than measured at nearby area-wide monitors. Near-roadway (within about 50 meters) concentrations of NO<sub>2</sub> have been measured to be approximately 30 to 100% higher than concentrations away from roadways.

Individuals who spend time on or near major roadways can experience short-term NO<sub>2</sub> exposures considerably higher than measured by the current network. Approximately 16% of US housing units (approximately 48 million people) are located within 300 feet of a major highway, railroad, or airport. NO<sub>2</sub> exposure concentrations near roadways are of particular concern for susceptible individuals, including people with asthma, children, and the elderly.

NO<sub>x</sub> reacts with ammonia, moisture, and other compounds to form small particles. These small particles penetrate deeply into sensitive parts of the lungs and can cause or worsen respiratory disease, such as emphysema and bronchitis, and can aggravate existing heart disease, leading to increased hospital admissions and premature death. Ozone is formed when NO<sub>x</sub> and VOC react in the presence of heat and sunlight. Children, the elderly, people with lung diseases such as asthma, and people who work or exercise outdoors are at risk for adverse effects from O<sub>3</sub>. These include reduction in lung function and increased respiratory symptoms as well as respiratory-related emergency room visits, hospital admissions, and possibly premature deaths.

Emissions that lead to the formation of NO<sub>2</sub> generally also lead to the formation of other NO<sub>x</sub>. Emissions control measures leading to reductions in NO<sub>2</sub> can generally be expected to reduce population exposures to all gaseous NO<sub>x</sub>. This may have the important co-benefit of reducing the formation of O<sub>3</sub> and fine particles, both of which pose significant public health threats.

## **Sulfur Dioxide (SO<sub>2</sub>)**

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Sulfur dioxide is one of a group of highly reactive gasses known as “oxides of sulfur”. The largest sources of SO<sub>2</sub> emissions are from fossil fuel combustion at power plants (66%) and other industrial facilities (29%). Smaller sources of SO<sub>2</sub> emissions include industrial processes such as extracting metal from ore, and the burning of high sulfur-containing fuels by locomotives, large ships, and non-road equipment. SO<sub>2</sub> is linked with a number of adverse effects on the respiratory system.

Current scientific evidence links short-term exposures to SO<sub>2</sub>, ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms. These effects are particularly important for asthmatics at elevated ventilation rates (i.e., while exercising or playing.). Studies also show a connection between short-term exposure and increased visits to emergency rooms and hospital admissions for respiratory illnesses, particularly in at-risk populations including children, the elderly, and asthmatics.

EPA’s SO<sub>2</sub> NAAQS is designed to protect against exposure to the entire group of sulfur oxides (SO<sub>x</sub>). SO<sub>2</sub> is the component of greatest concern and is used as the indicator for the larger group of SO<sub>x</sub>. Other gaseous sulfur oxides (i.e., sulfur trioxide (SO<sub>3</sub>)) are found in the atmosphere at concentrations much lower than SO<sub>2</sub>.

Emissions leading to high concentrations of SO<sub>2</sub> generally also lead to the formation of other SO<sub>x</sub>. Control measures that reduce SO<sub>2</sub> can generally be expected to reduce people’s exposures to all gaseous SO<sub>x</sub>. This may have the important co-benefit of reducing the formation of fine sulfate particles, which pose significant public health threats.

SO<sub>x</sub> can react with other compounds in the atmosphere to form small particles. These particles penetrate deeply into sensitive parts of the lungs and can cause or worsen respiratory disease, such as emphysema and bronchitis, and can aggravate existing heart disease, leading to increased hospital admissions and premature death. EPA’s PM NAAQS are designed to provide protection against these health effects.

## **Lead (Pb)**

---

Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of Pb emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. As a result of EPA’s efforts to remove Pb from gasoline, ambient Pb levels decreased 99% between 1980 and 2017. Today, elevated levels of Pb in air are usually found near lead smelters, waste incinerators, utilities, lead-acid battery manufacturers, and can be found in emissions of non-road mobile sources such as piston-propelled aircraft.

In addition to exposure to Pb in air, other major exposure pathways include ingestion of Pb in drinking water and lead-contaminated food as well as incidental ingestion of lead-contaminated soil and dust. Lead-based paint remains a major exposure pathway in older homes.

Once taken into the body, Pb distributes throughout the body in the blood and is accumulated in the bones. Depending on the level of exposure, Pb can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems, and the cardiovascular system. Lead exposure also affects the oxygen carrying capacity of the blood. The effects most encountered in current populations are neurological effects in children and cardiovascular effects (i.e., high blood pressure and heart disease) in adults. Infants and young children are especially sensitive to even low levels of Pb, which may contribute to behavioral problems, learning deficits, and lowered IQ.



## National Ambient Air Quality Standards

The Clean Air Act requires the EPA to establish NAAQS for pollutants considered harmful to public health and the environment. Two types of NAAQS have been established: primary and secondary standards. Primary standards set limits to protect public health, especially that of sensitive populations such as asthmatics, children, and seniors. Secondary standards set limits to protect public welfare, including protections against decreased visibility, damage to animals, crops, and buildings.

The EPA has set NAAQS for seven principal pollutants, which are called “criteria” pollutants. They are listed in Title 40 of the Code of Federal Regulations (CFR) Part 50 and summarized in Table 1 below. The units of measure for the standards are parts per million (ppm), part per billion (ppb), or micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ).

Table 1  
National Ambient Air Quality Standards (as of December 31, 2020)

Pollutant	Primary Standard		Secondary Standard		Form
	Averaging Time	Level	Averaging Time	Level	
O <sub>3</sub>	8-hour	0.070 ppm	Same as primary		Fourth highest daily maximum concentration, averaged over 3 years
PM <sub>2.5</sub>	24-hour	35 $\mu\text{g}/\text{m}^3$	Same as primary		98 <sup>th</sup> percentile of daily max, averaged over 3 years
	Annual	12.0 $\mu\text{g}/\text{m}^3$	Annual	15.0 $\mu\text{g}/\text{m}^3$	Annual mean, averaged over 3 years
PM <sub>10</sub>	24-hour	150 $\mu\text{g}/\text{m}^3$	Same as primary		Not to be exceeded more than once per year on average over 3 years
CO	1-hour	35 ppm	None		Not to be exceeded more than once per year
	8-hour	9 ppm	None		
NO <sub>2</sub>	1-hour	100 ppb	None		98 <sup>th</sup> percentile, averaged over 3 years
	Annual	53 ppb	Same as primary		Annual Mean
SO <sub>2</sub>	1-hour	75 ppb	3-hour	0.5 ppm	1 <sup>st</sup> : 99 <sup>th</sup> percentile of daily maximum concentration, averaged over 3 years
					2 <sup>nd</sup> : not to be exceeded more than once per year
Pb	Rolling 3-month average	0.15 $\mu\text{g}/\text{m}^3$	Same as primary		Not to be exceeded

## Current Design Values and Attainment Status

Table 2 summarizes Washoe County's current design values. Design values are the statistic used to compare ambient air monitoring data against the NAAQS to determine designations for each NAAQS. Designations are also codified in 40 CFR 81.329.

Table 2  
Design Values and Attainment Status (as of December 31, 2020)

NAAQS		Design Value	Designations	
Pollutant (Averaging Time)	Level		Unclassifiable/ Attainment, or Maintenance	Non-Attainment (classification)
O <sub>3</sub> (8-hour)	0.070 ppm	0.072 ppm	All HA's	---
PM <sub>2.5</sub> (24-hour)	35 µg/m <sup>3</sup>	39 µg/m <sup>3</sup>	All HA's	---
PM <sub>2.5</sub> (Annual)	12.0 µg/m <sup>3</sup>	8.3 µg/m <sup>3</sup>	All HA's	---
PM <sub>10</sub> (24-hour)	150 µg/m <sup>3</sup>	1.7 Expected Exceedances	All HA's <sup>1</sup>	---
CO (1-hour)	35 ppm	2.4 ppm	All HA's	---
CO (8-hour)	9 ppm	1.8 ppm	All HA's <sup>2</sup>	---
NO <sub>2</sub> (1-hour)	100 ppb	n/a*	All HA's	---
NO <sub>2</sub> (Annual Mean)	53 ppb	12 ppb	All HA's	---
SO <sub>2</sub> (1-hour)	75 ppb	n/a*	All HA's	---
Pb (Rolling 3-month average)	0.15 µg/m <sup>3</sup>	n/a	All HA's	---

<sup>1</sup> Maintenance Area for PM<sub>10</sub> (1<sup>st</sup> 10-year maintenance plan expires January 6, 2026) [80 FR 76232](#)

<sup>2</sup> Maintenance Area for CO (2<sup>nd</sup> 10 year maintenance plan expires October 31, 2026) [81 FR 59490](#)

\*Less than three years of data.

## Ambient Air Monitoring Network

The AQMD began monitoring ambient air quality in Washoe County in the 1960's, and the monitoring network has grown and evolved since that time. This trends report provides a summary of data collected from ambient air monitoring sites in Washoe County that the AQMD operated and maintained between 2011 and 2020 to measure O<sub>3</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, CO, NO<sub>2</sub>, and SO<sub>2</sub>. Due to the Reno, NV Core-Based Statistical Area (CBSA) population being under 500,000 as required by 40 CFR 58, Appendix D, Section 3(b) and not exceeding airport and non-airport emissions limits in 40 CFR 58, Appendix D, Section 4.5(a), there is no Pb monitoring in Washoe County.

Each monitoring site is classified into one of two major categories - SLAMS (State and Local Air Monitoring Station) and SPM (Special Purpose Monitoring). SLAMS consist of a network of monitoring stations, the size and distribution of which is largely determined by the monitoring requirements for NAAQS comparison. SLAMS in the AQMD's network can be further classified as NCore (National Core monitoring network) or STN (Speciation Trends Network).

The AQMD's monitoring stations are sited in accordance with 40 CFR 58 and utilize equipment designated as reference or equivalent methods.<sup>1</sup> In addition, the network is reviewed annually<sup>2</sup> to ensure it meets the monitoring objectives defined in 40 CFR 58, Appendix D. Ambient air monitoring data are collected, quality assured,<sup>3</sup> and recorded in AQS. Appendix A of this document provides a detailed summary of the ambient air monitoring data for 2020. All data summarized in Appendix A has been provided by reports retrieved from AQS. The data provided by AQS reports were certified on April 27, 2021 as "complete to the best of our knowledge and ability". Figure 2 displays the ambient air monitoring sites operated between 2011 and 2020. For specific details regarding the ambient air monitoring network, refer to the AQMD's "2020 Ambient Air Monitoring Network Plan" and "2020 Ambient Air Monitoring Network Assessment".

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<sup>1</sup> 40 CFR 53.

<sup>2</sup> 40 CFR 58.10.

<sup>3</sup> 40 CFR 58.

Figure 2  
 Washoe County Ambient Air Monitoring Sites (2011-2020)

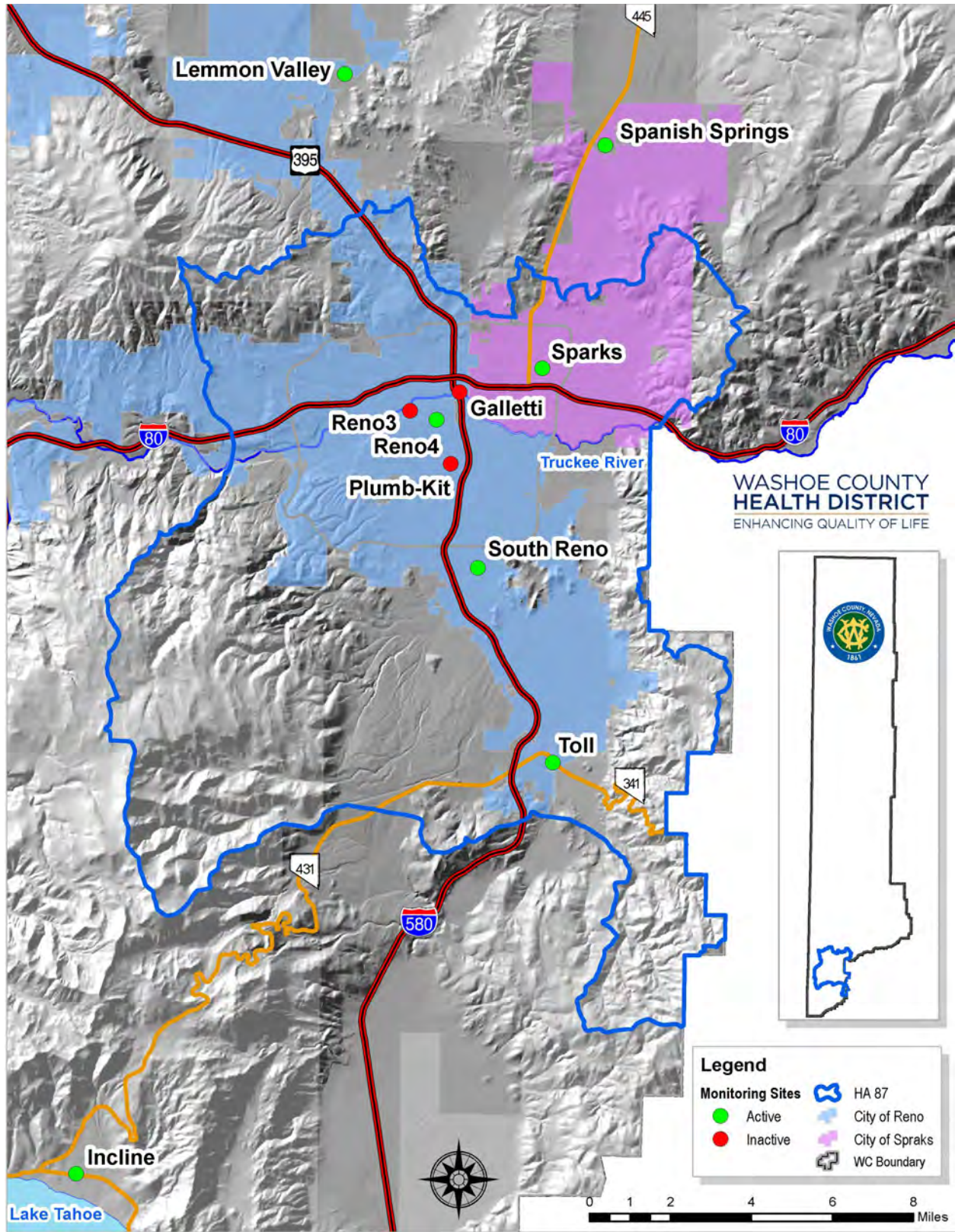


Table 3 Monitoring Stations in Operation and Pollutants Monitored in 2020

Network Type Site	O <sub>3</sub>	CO	Trace CO	Trace NO	NO <sub>2</sub>	NO <sub>x</sub>	Trace NOy	Trace SO <sub>2</sub>	PM <sub>10</sub> (manual)	PM <sub>10</sub> (continuous)	PM <sub>2.5</sub> (manual)	PM <sub>2.5</sub> (continuous)	PM <sub>coarse</sub> (manual)	PM <sub>coarse</sub> (continuous)	PM <sub>2.5</sub> Speciation	Meteorology
SLAMS																
Incline	✓															
Lemmon Valley	✓															
South Reno	✓															✓
Spanish Springs	✓									✓		✓		✓		✓
Sparks	✓	✓								✓		✓		✓		
Toll	✓									✓		✓		✓		✓
NCore																
Reno4	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Speciation Trends																
Reno4															✓	

**Monitoring Stations in Operation and Pollutants Monitored Prior to 2020**

Ambient air monitoring data have been collected in Washoe County since the 1963. A complete historical list of monitoring stations and pollutants monitored is included in Appendix B.

## A Review of 2020

January and February continued the green burn code streak. The 2019-20 burn code season ended with 121 green burn codes. This is the second season in the 33-year history of the wood stove program in which we only issued green burn codes. January and February had a four-week dry spell. The highest 24-hour average for  $PM_{2.5}$  during the burn code season was  $15.4 \mu\text{g}/\text{m}^3$  on January 23 at Sparks.

March and April saw increased precipitation in the region. However, it was not enough to bring the

cumulative daily precipitation back to the average for the Northern Sierras. Record heat and thunderstorms started in May. A springtime, interstate transport ozone event was observed on May 10 with unusually high ozone concentrations across Northern Nevada including the highest springtime 8-hour average for ozone of 0.070 ppm on May 10 at Incline.

Thunderstorms arrived by the end of June and lasted until the beginning of September. The first wildfire to impact Washoe County was the Hog Fire on July 20. A series of thunderstorms in August and September started a record wildfire season that lasted into October. Nearly 4.4 million acres burned in California. The top four days all-time in Washoe County for  $PM_{2.5}$  occurred September 11-15 at Spanish Springs mainly due to the North Complex Fire. The highest 24-hour averages for  $PM_{2.5}$  and  $PM_{10}$  during the summer was 189.7 and 238  $\mu\text{g}/\text{m}^3$ , respectively on September 13 at Spanish Springs.

Figure 4  
Satellite Image of Wildfire Smoke on September 10



This was the highest  $PM_{10}$  24-hour average ever monitored dating back to 1988. Elevated ozone caused by wildfire smoke occurred throughout this period. The highest 8-hour average of 0.085 ppm happened on September 15 at Incline. This was the highest 8-hour average since the 2008 wildfire season.

From October to December, conditions were favorable for prescribed fires. Two periods of cold air inversions caused elevated  $PM_{2.5}$ . The highest 24-hour average for  $PM_{2.5}$  for the fall and winter was  $26.0 \mu\text{g}/\text{m}^3$  on December 20 at Sparks. The green burn code streak from the previous season continued through the end of the year. 2020 was the 2<sup>nd</sup> driest and 7<sup>th</sup> warmest year for Reno on record.

Figure 3  
Air Quality Index Monitor and Contour Map on May 10

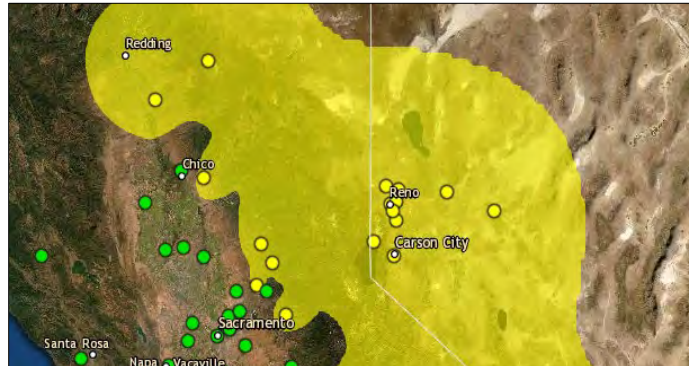


Table 4 summarizes NAAQS exceedances in 2020 by pollutant, averaging period, and dates.

Table 4  
2020 NAAQS Exceedances Summary

Pollutant	Averaging Period	Exceedance Dates
O <sub>3</sub>	8-hour	Aug 20-25, 30; Sep 14-17
PM <sub>2.5</sub>	24-hour	Aug 16, 19-23, 25, 27-30; Sep 3, 7, 11-17, 30; Oct 1
PM <sub>10</sub>	24-hour	Sep 8, 11-13, 15-16
CO	1-hour	None
	8-hour	None
NO <sub>2</sub>	1-hour	None
SO <sub>2</sub>	1-hour	None
	3-hour	None
Pb	Rolling 3-month	Not required to monitor based on population size and lack of significant Pb sources.

## 2020 Air Quality Index Summaries

The Air Quality Index (AQI) is an index for reporting daily air quality that has been established by the EPA. It informs the public how clean or polluted the air is, and what associated health effects might be a concern. The AQI is reported to the public via EnviroFlash, social media (Facebook and Twitter), AirNow.gov, and the AQMD’s air quality hotline ((775) 785-4110). The email, social media, and hotline are updated daily, and more often during air pollution episodes. The next six figures are pollutant-specific and summarize Washoe County’s air quality for the previous year by pollutant, month, and AQI categories. The highest NAAQS average pollutant throughout our network is the AQI for that day. Months with less AQIs than days for NO<sub>2</sub> and SO<sub>2</sub> are due to not meeting data completeness requirements for the AQI averaging time due to invalid data.

Figure 5  
Monthly AQI Summary for All Pollutants (2020)

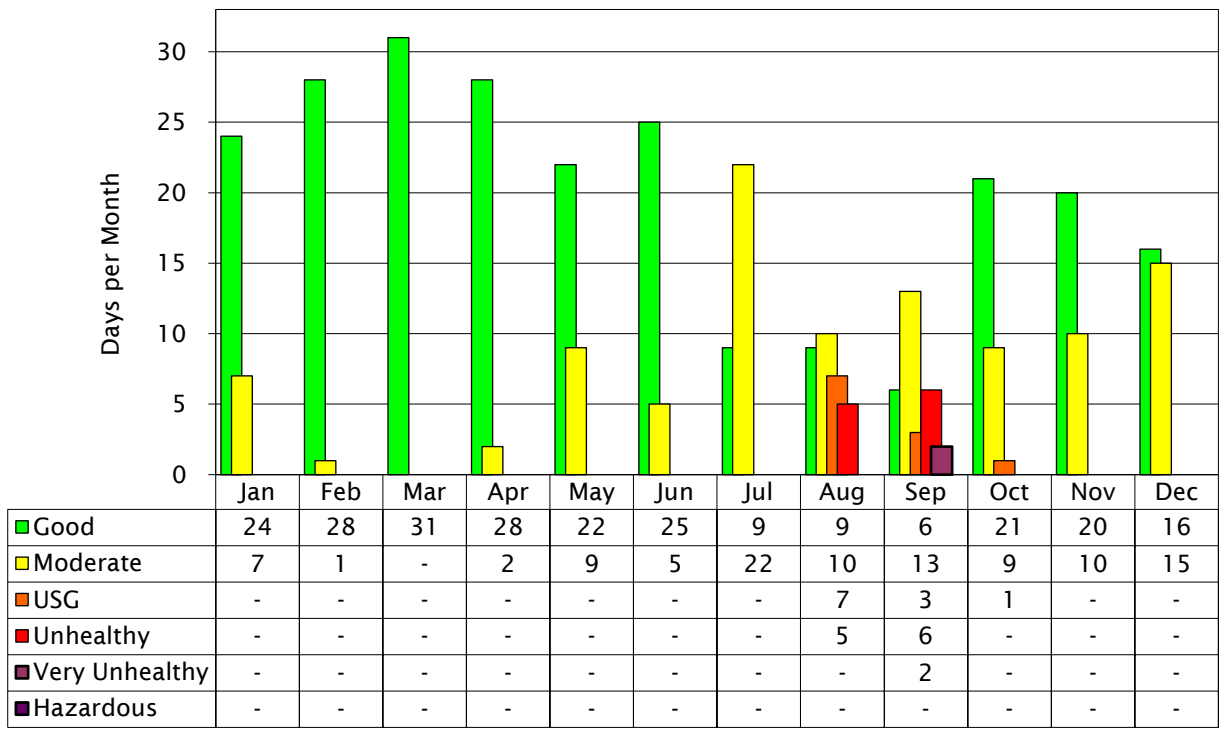




Figure 6  
Monthly AQI Summary of O<sub>3</sub> (2020)

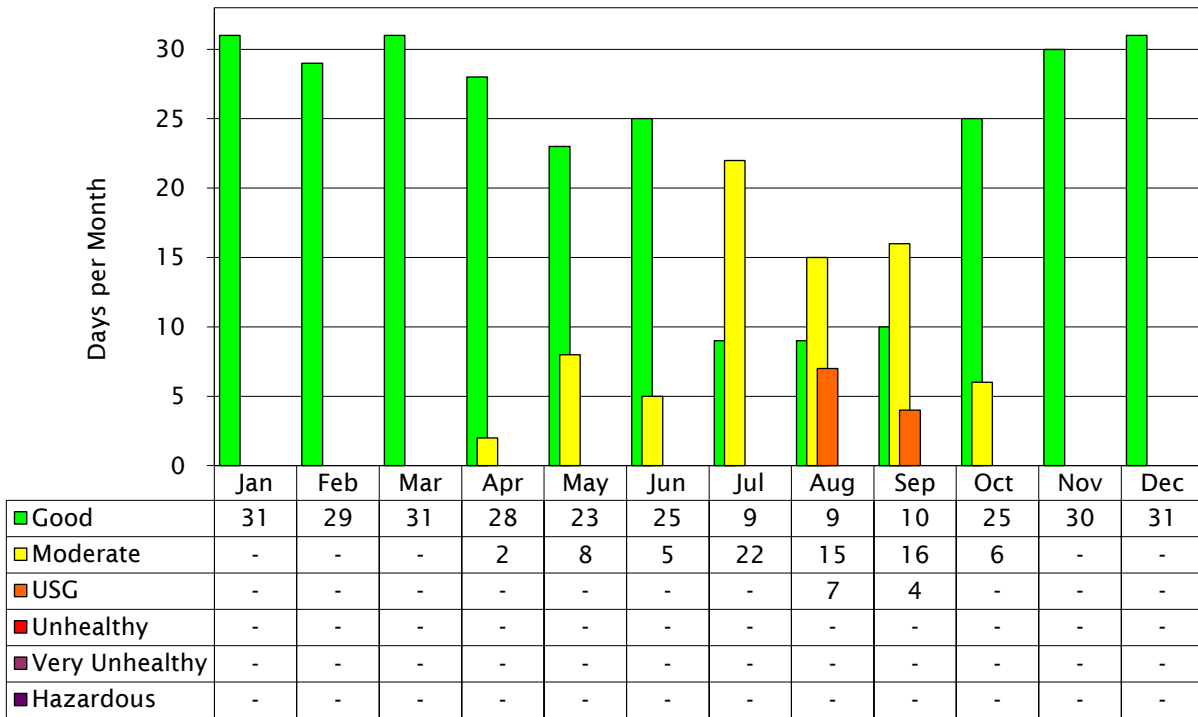


Figure 7  
Monthly AQI Summary of PM<sub>2.5</sub> (2020)

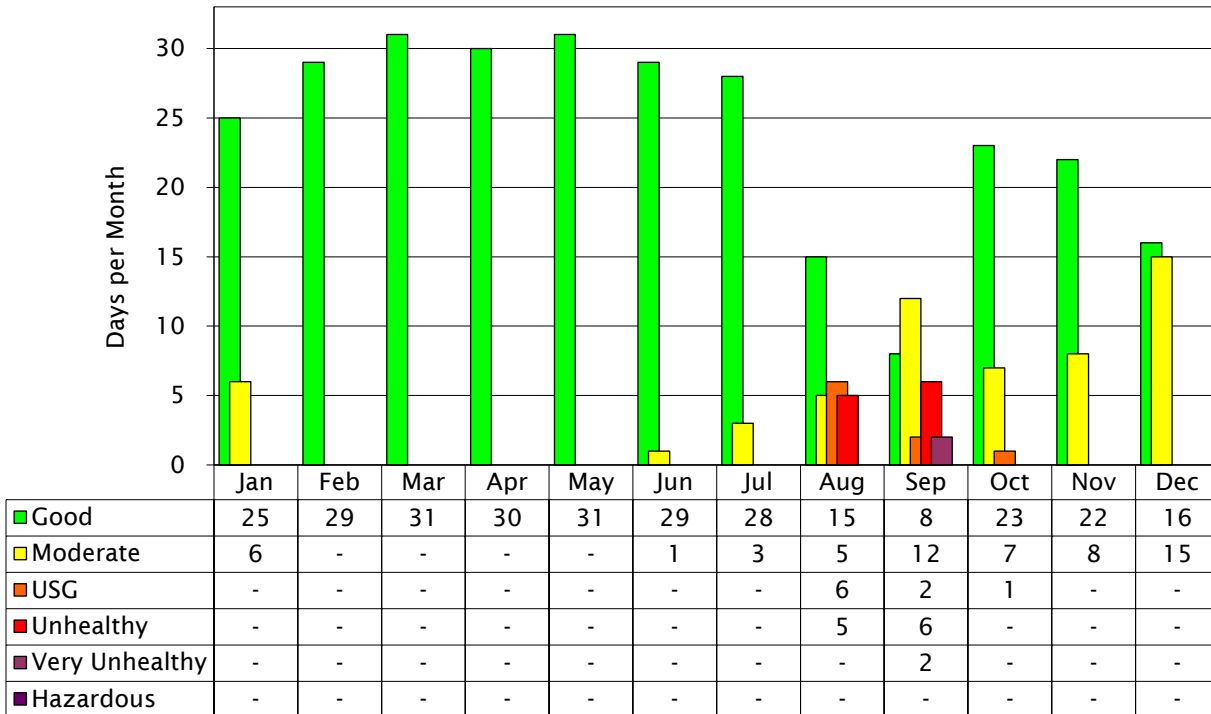


Figure 8  
Monthly AQI Summary of PM<sub>10</sub> (2020)

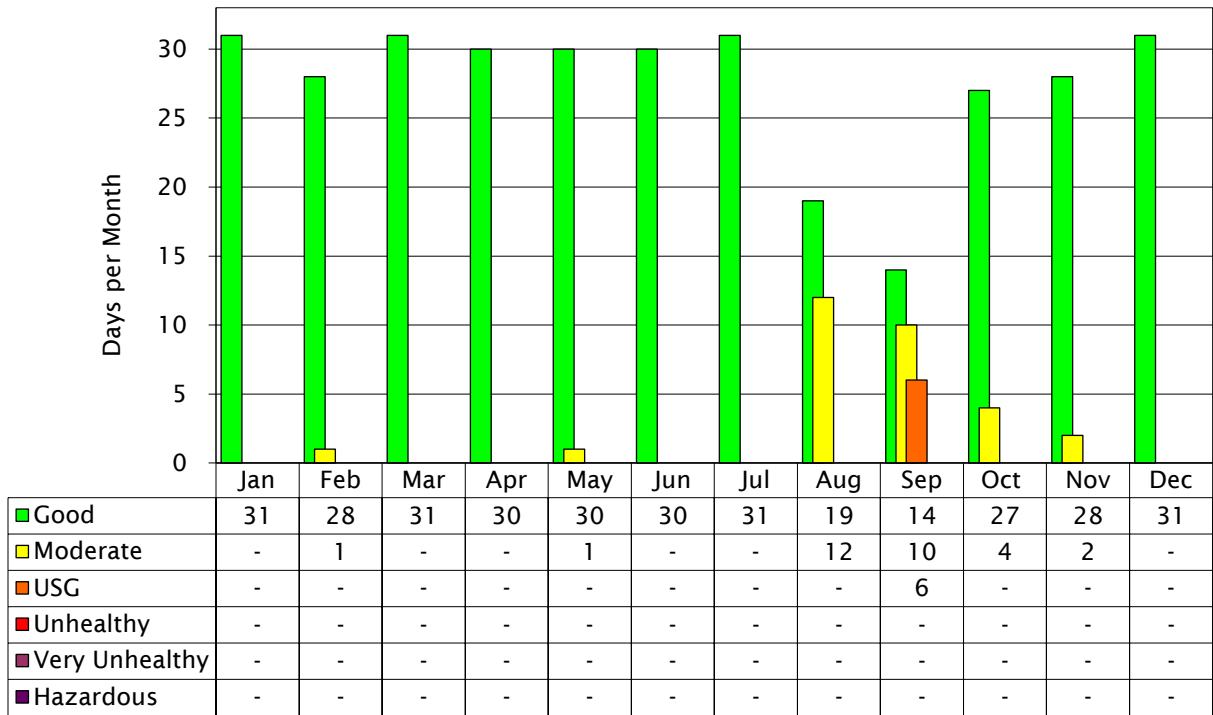


Figure 9  
Monthly AQI Summary of CO (2020)

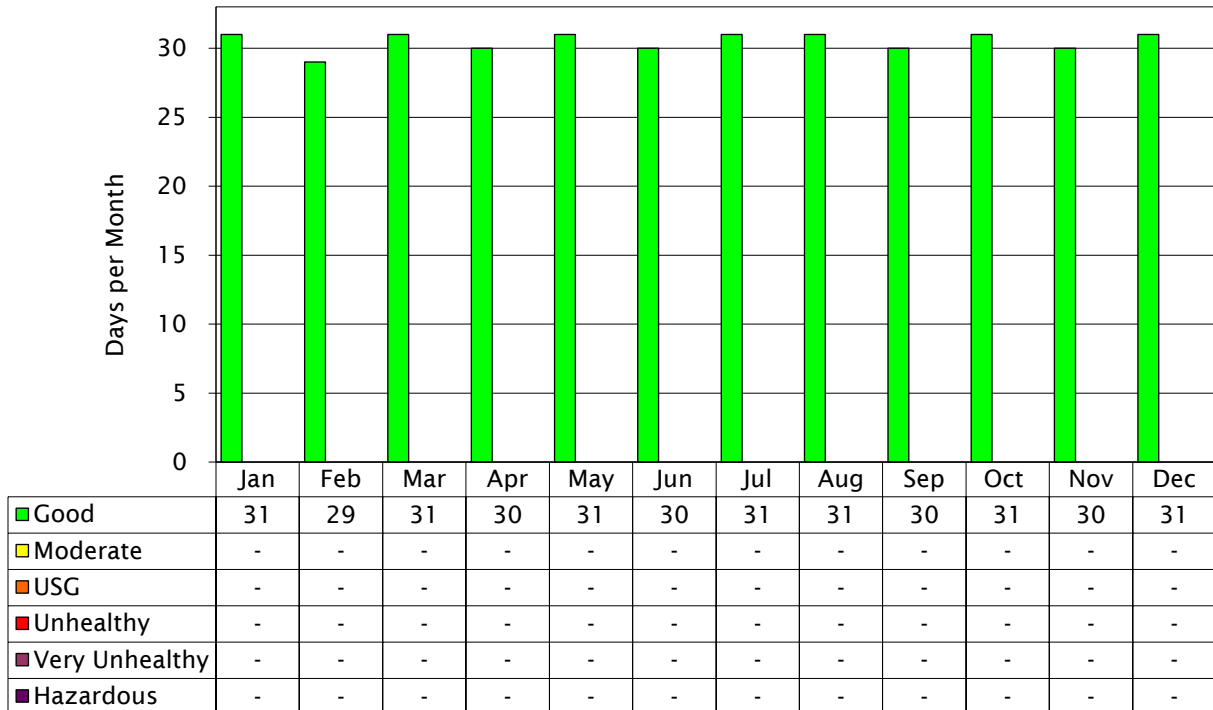


Figure 10  
Monthly AQI Summary of NO<sub>2</sub> (2020)

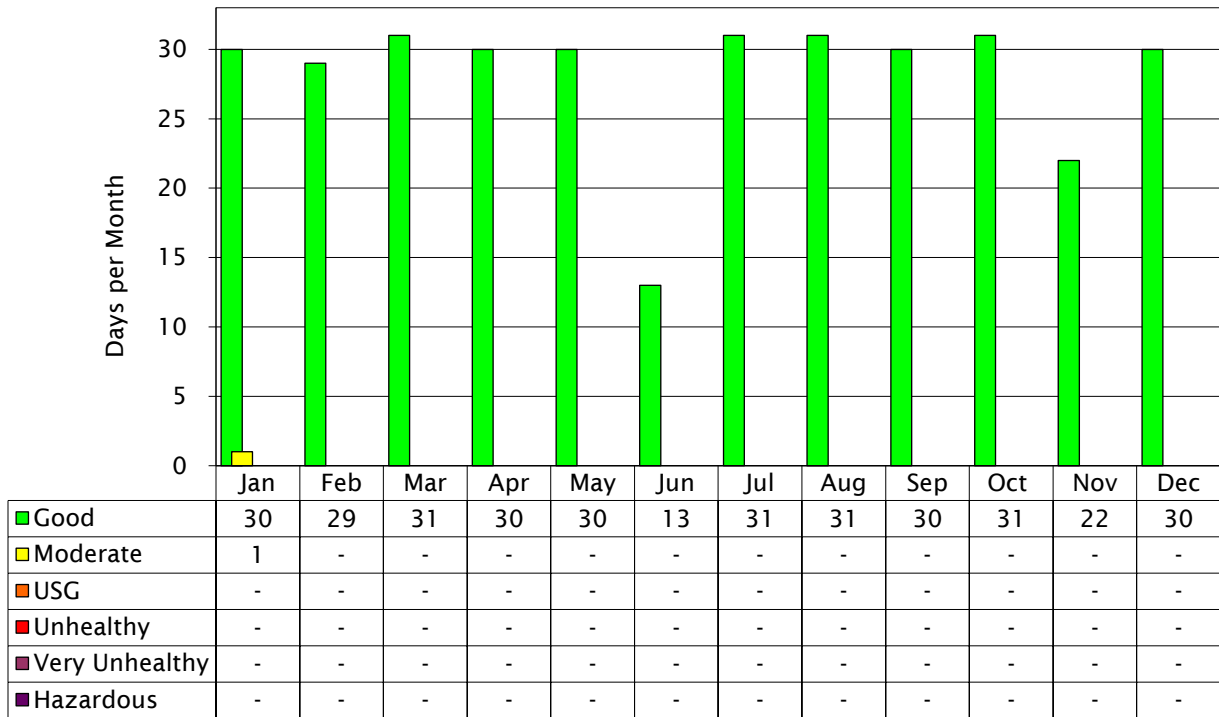
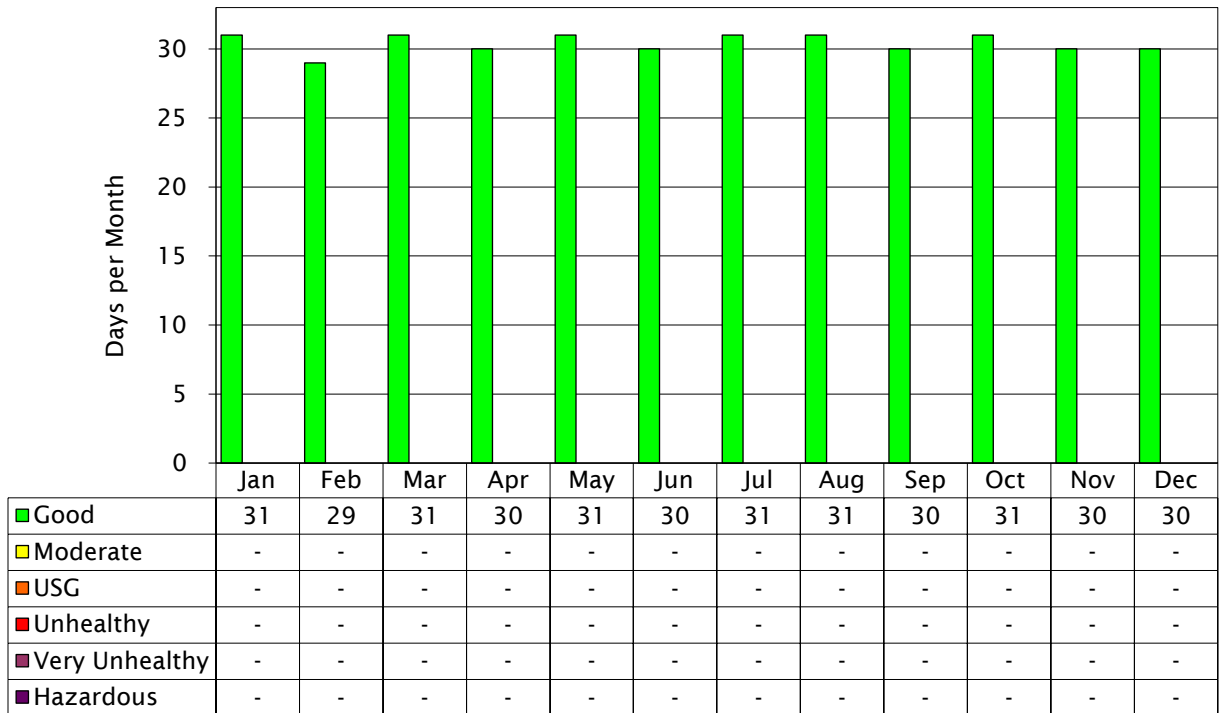


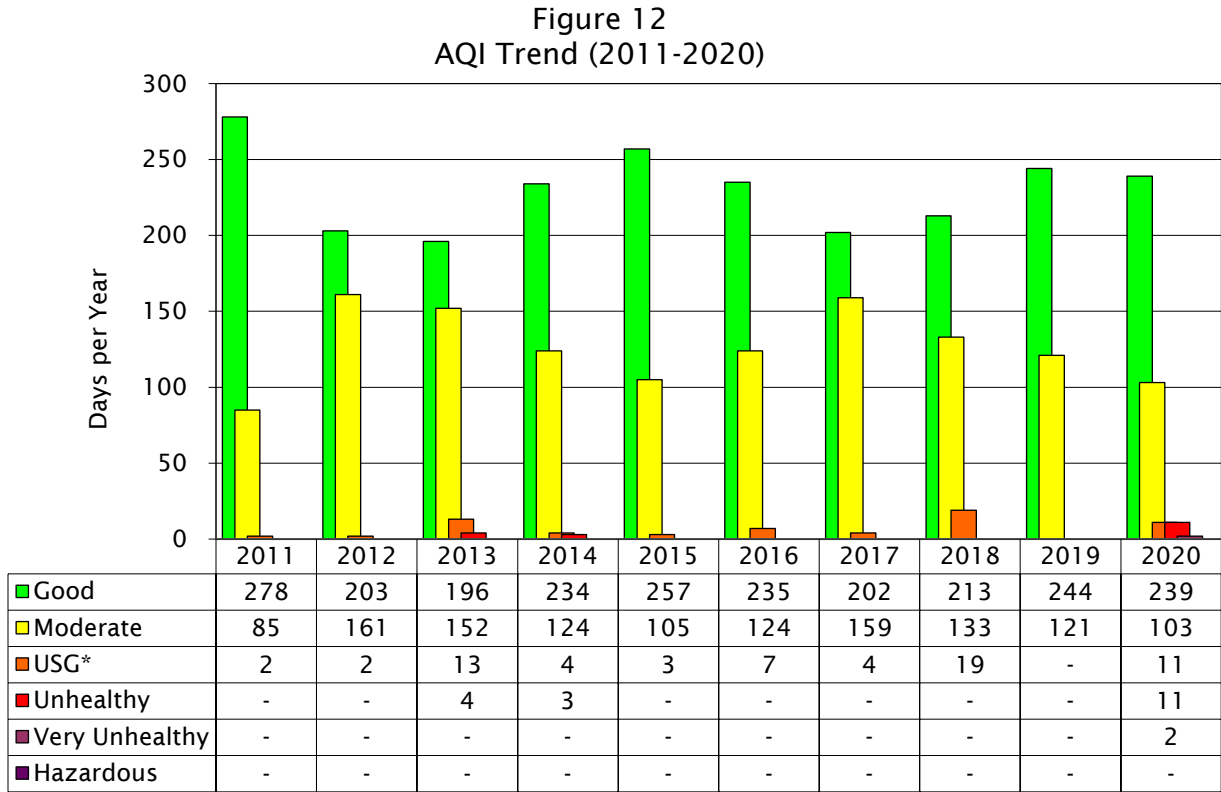
Figure 11  
Monthly AQI Summary of SO<sub>2</sub> (2020)



## Ten-Year Air Quality Trend

### Air Quality Index

Figure 12 summarizes the ten-year trend in AQI between 2011 and 2020. NAAQS revisions in 2012 and 2015 resulted in changes to AQI category ranges and the number of days per year within those ranges.



\* Unhealthy for Sensitive Groups

#### Notes

2012: Annual PM<sub>2.5</sub> NAAQS strengthened from 15.0 to 12.0 µg/m<sup>3</sup>.

2015: 8-hour O<sub>3</sub> NAAQS strengthened from 0.075 to 0.070 ppm.

## Burn Code Season

The Burn Code program has been in place since 1987. It begins November 1 and ends on the last day of February. During this wintertime period, the burn code curtails PM<sub>10</sub>, PM<sub>2.5</sub>, and CO emissions from residential and commercial solid fuel burning devices such as wood stoves, pellet stoves, fireplaces, and residential open burning.

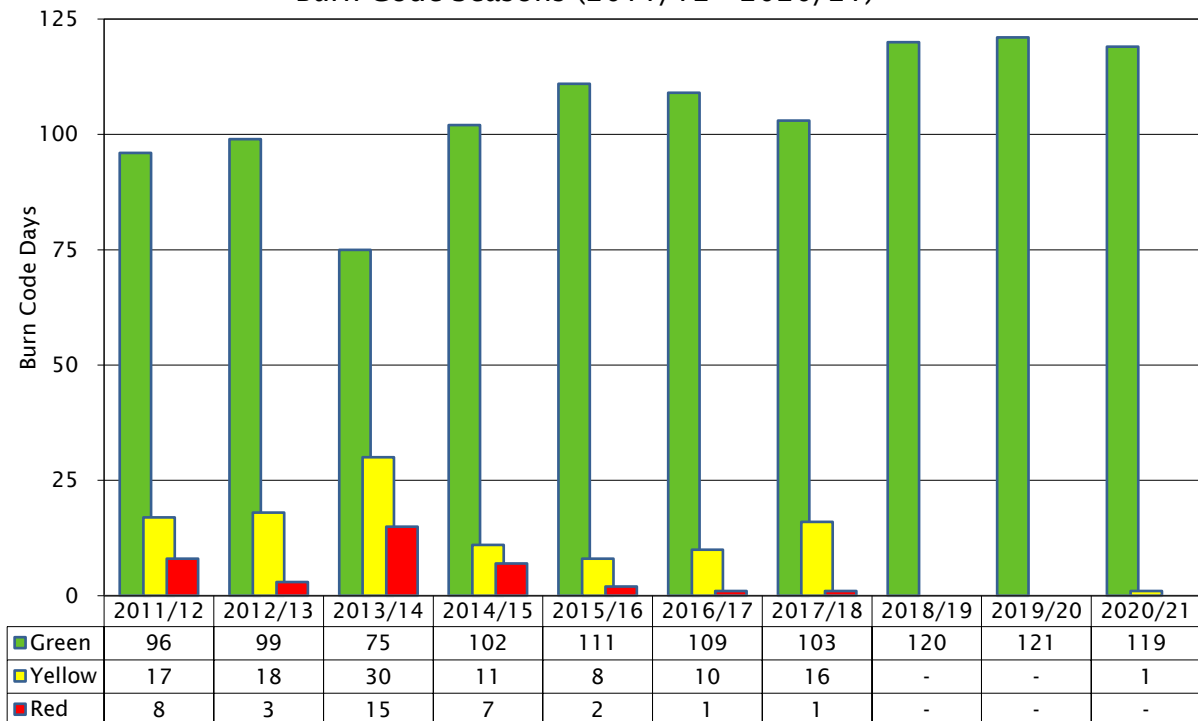
**Green:** Issued when PM<sub>2.5</sub> levels are low and are not expected to be approaching the 24-hour PM<sub>2.5</sub> NAAQS. It is legal for residents and businesses to use their solid fuel burning device.

**Yellow:** Issued when PM<sub>2.5</sub> levels are approaching the 24-hour PM<sub>2.5</sub> NAAQS. It is legal for residents and businesses to use their solid fuel burning device, but it is encouraged to reduce or stop burning.

**Red:** Issued when PM<sub>2.5</sub> levels are above or expected to be above the PM<sub>2.5</sub> NAAQS. It is illegal for residents to use their solid fuel burning device except residents that have a sole source exemption. It is also illegal for businesses to burn solid fuel at a 24-hour average of 55 µg/m<sup>3</sup> for PM<sub>2.5</sub>.



Figure 13  
Burn Code Seasons (2011/12 - 2020/21)



## Design Values

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Data in the following section contains data that the AQMD has flagged as “exceptional” due to events such as wildfires and high winds. The design values will include these “exceptional” data until EPA determines concurrence with AQMD’s exceptional events demonstrations submitted to EPA for Reno3 O<sub>3</sub> in 2008 and for Reno3 PM<sub>2.5</sub> in 2008, 2013, and 2014. Ozone exceptional events for the Reno3 monitoring station in 2015 and 2016 were concurred by EPA Region 9 on May 30, 2017.<sup>4</sup>

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<sup>4</sup> “Exceptional Events Document Ozone - Washoe, NV.” ([www.epa.gov/air-quality-analysis/exceptional-events-documents-ozone-washoe-nv](http://www.epa.gov/air-quality-analysis/exceptional-events-documents-ozone-washoe-nv)), EPA.gov. United States Environmental Protection Agency, 9 June 2017. Web. 20 May 2020

## O<sub>3</sub> (8-hour) Design Values

NAAQS Level: 0.070 ppm

Design Value (2018-20): 0.072 ppm (LEM)

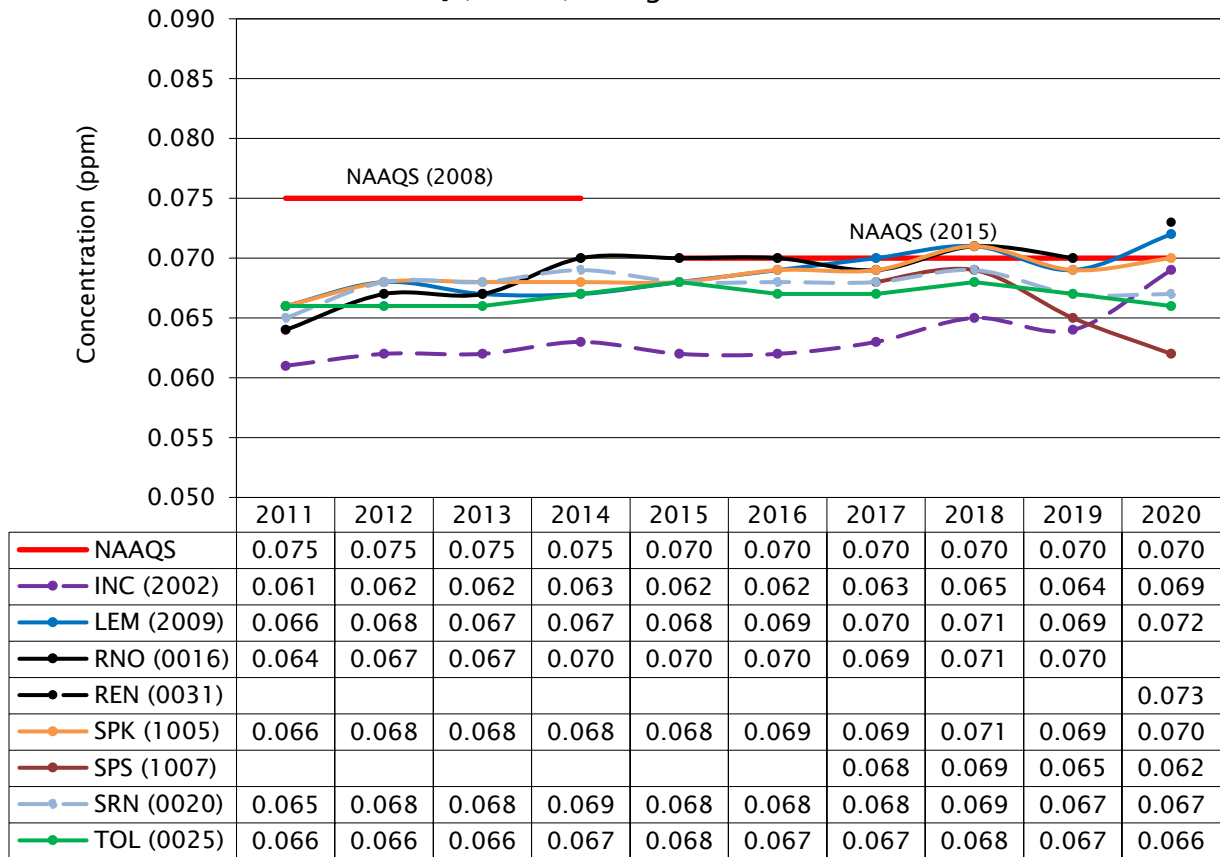
Current Designation: Attainment/Unclassifiable (Entire County)

2020 Exceedances: 11

2020 First High: 0.085 ppm (Sep 15 - INC)

2020 Fourth High: 0.079 ppm (Sep 15 - LEM)

Figure 14  
O<sub>3</sub> (8-hour) Design Values



## PM<sub>2.5</sub> (24-hour) Design Values

NAAQS Level: 35 µg/m<sup>3</sup>

Design Value (2018-20): 39 µg/m<sup>3</sup> (SPK)

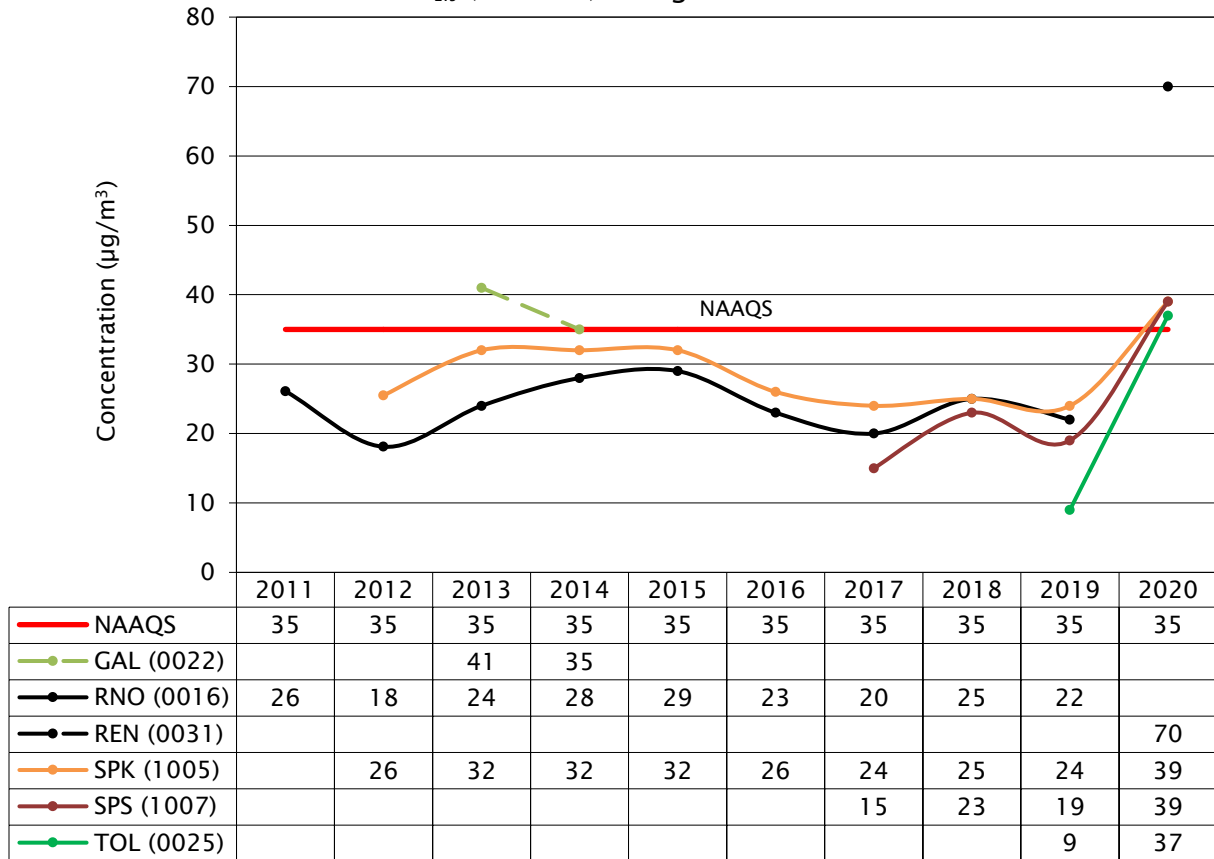
Current Designation: Attainment/Unclassifiable (Entire County)

2020 Exceedances: 22

2020 First High: 189.7 µg/m<sup>3</sup> (Sep 13 - SPS)

2020 98<sup>th</sup> Percentile: 74.7 µg/m<sup>3</sup> (Aug 22 - SPS)

Figure 15  
PM<sub>2.5</sub> (24-hour) Design Values





## PM<sub>2.5</sub> (Annual) Design Values

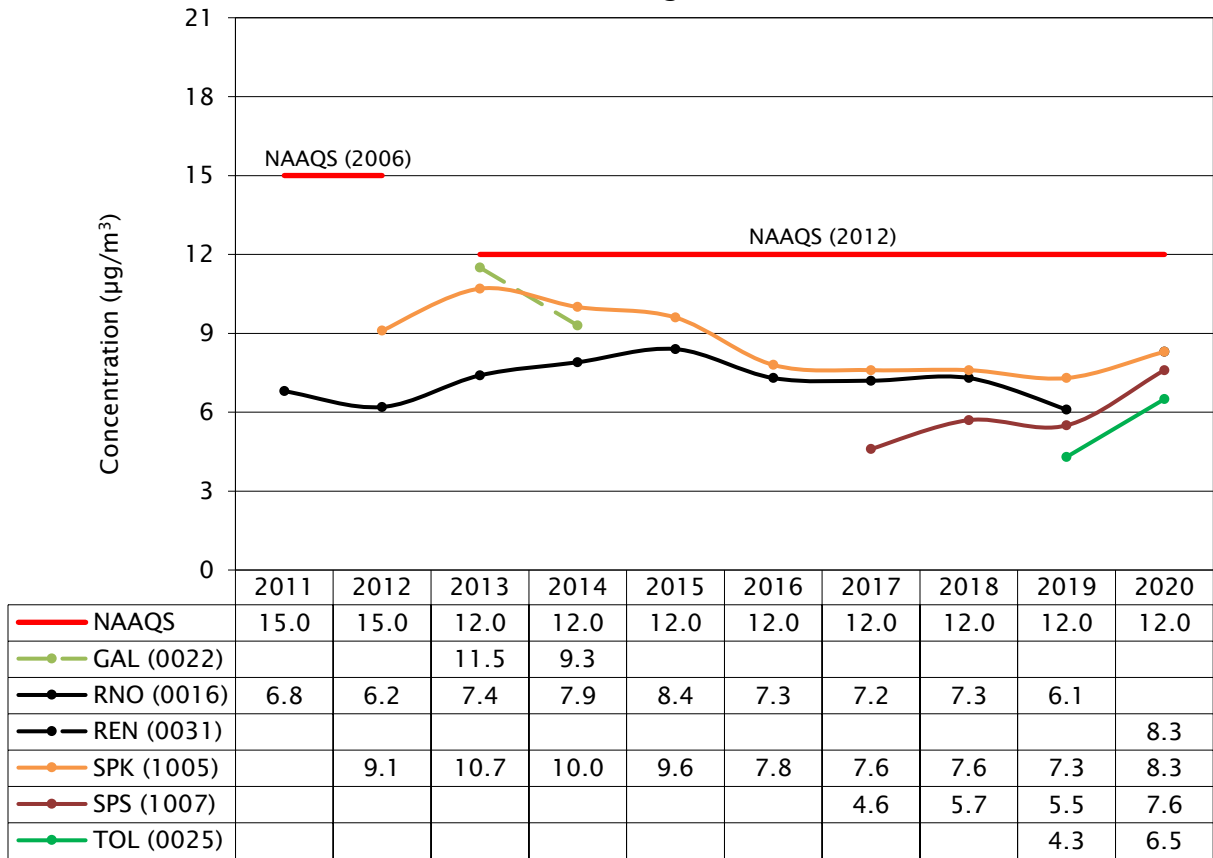
NAAQS Level: 12.0 µg/m<sup>3</sup>

Design Value (2018-20): 8.3 µg/m<sup>3</sup> (SPK)

Current Designation: Attainment/Unclassifiable (Entire County)

2020 Annual Weighted Mean: 11.1 µg/m<sup>3</sup> (SPK)

Figure 16  
PM<sub>2.5</sub> (Annual) Design Values



## PM<sub>10</sub> (24-hour) First Highs

NAAQS Level: 150 µg/m<sup>3</sup>

Design Value (2018-20): 1.7 expected exceedances (SPS)

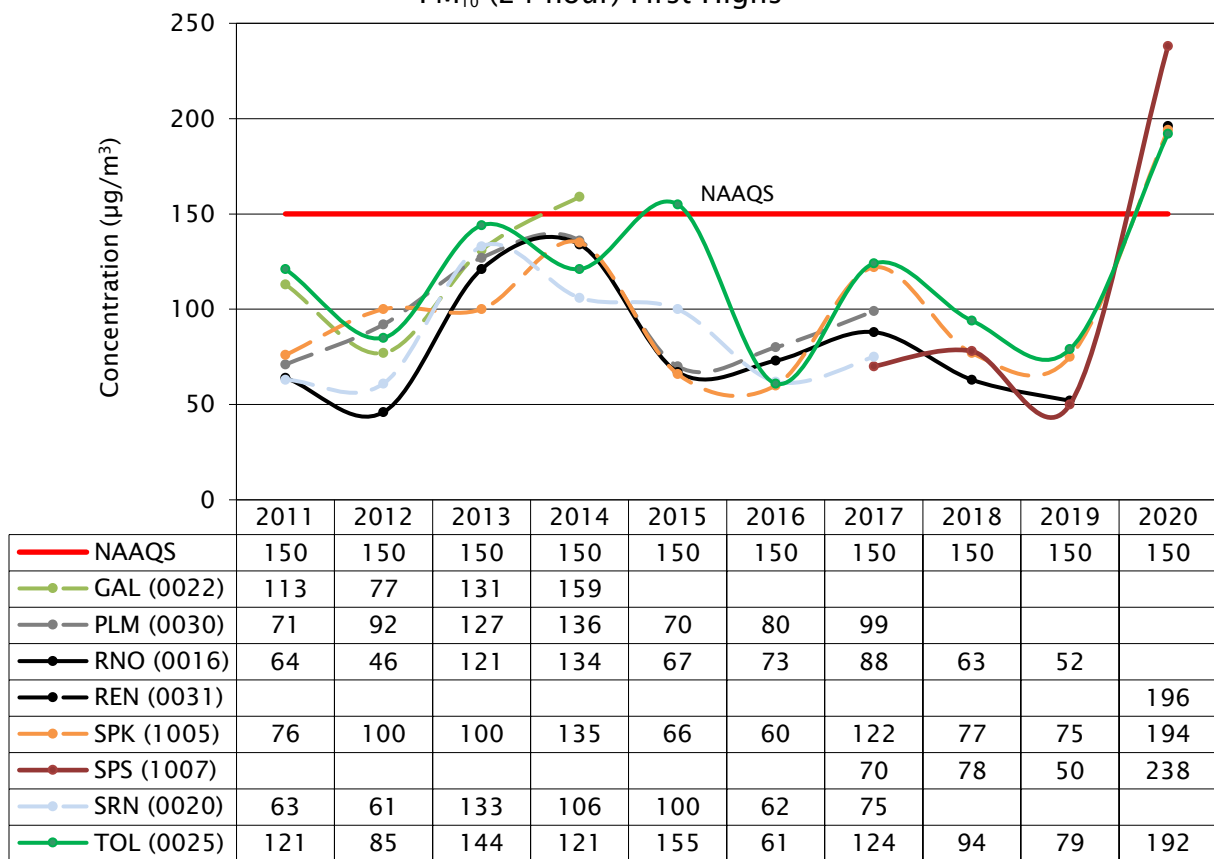
Current Designation: Attainment (HA 87); Attainment/Unclassifiable (Remainder of County)

2020 Exceedances: 6

2020 Expected Exceedances: 1.7

2020 First High: 238 µg/m<sup>3</sup> (Sep 13 - SPS)

Figure 17  
PM<sub>10</sub> (24-hour) First Highs



## CO (8-hour) Design Values

NAAQS Level: 9 ppm

Design Value (2019-20): 1.8 ppm (SPK)

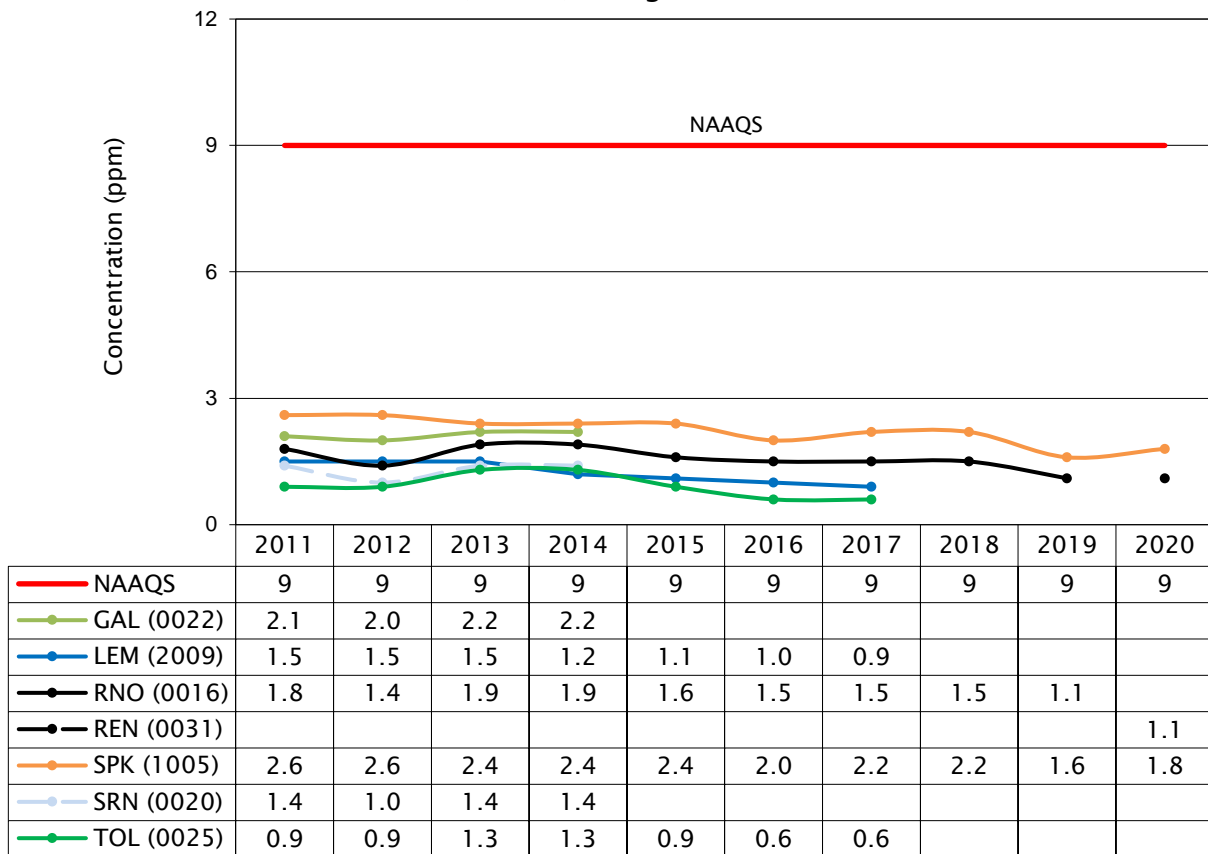
Current Designation: Attainment (HA 87); Attainment/Unclassifiable (Remainder of County)

2020 Exceedances: 0

2020 First High: 2.1 ppm (Sep 13 - SPK)

2020 Second High: 1.8 ppm (Sep 12 - SPK)

Figure 18  
CO (8-hour) Design Values



## CO (1-hour) Design Values

NAAQS Level: 35 ppm

Design Value (2019-20): 2.4 ppm (SPK)

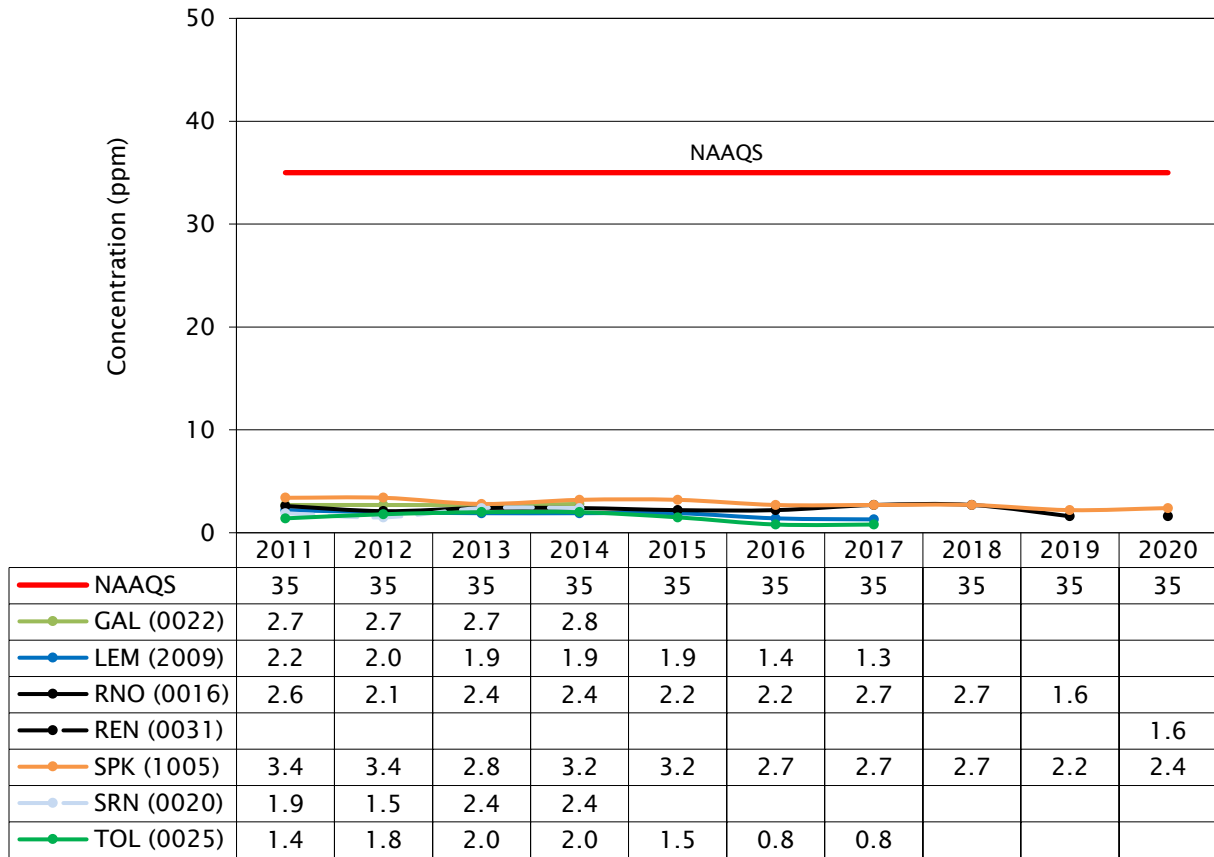
Current Designation: Attainment/Unclassifiable (Entire County)

2020 Exceedances: 0

2020 First High: 2.5 ppm (Sep 13 - SPK)

2020 Second High: 2.4 ppm (Dec 21 - SPK)

Figure 19  
CO (1-hour) Design Values



## NO<sub>2</sub> (1-hour) Design Values

NAAQS Level: 100 ppb

Design Value (2018-20): n/a

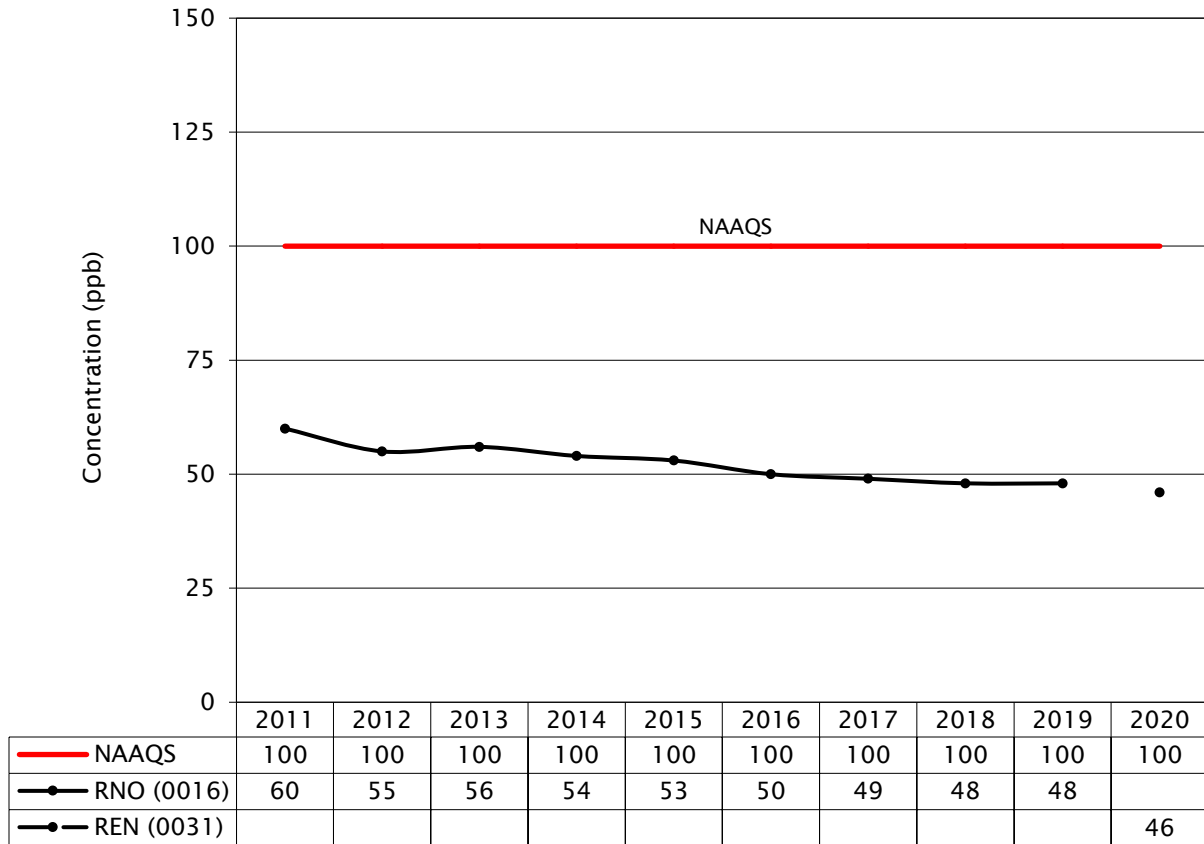
Current Designation: Attainment/Unclassifiable (Entire County)

2020 Exceedances: 0

2020 First High: 55.1 (Jan 07 - REN)

2020 98<sup>th</sup> Percentile: 46.4 ppb (Feb 07 - REN)

Figure 20  
NO<sub>2</sub> (1-hour) Design Values



## NO<sub>2</sub> (Annual) Design Values

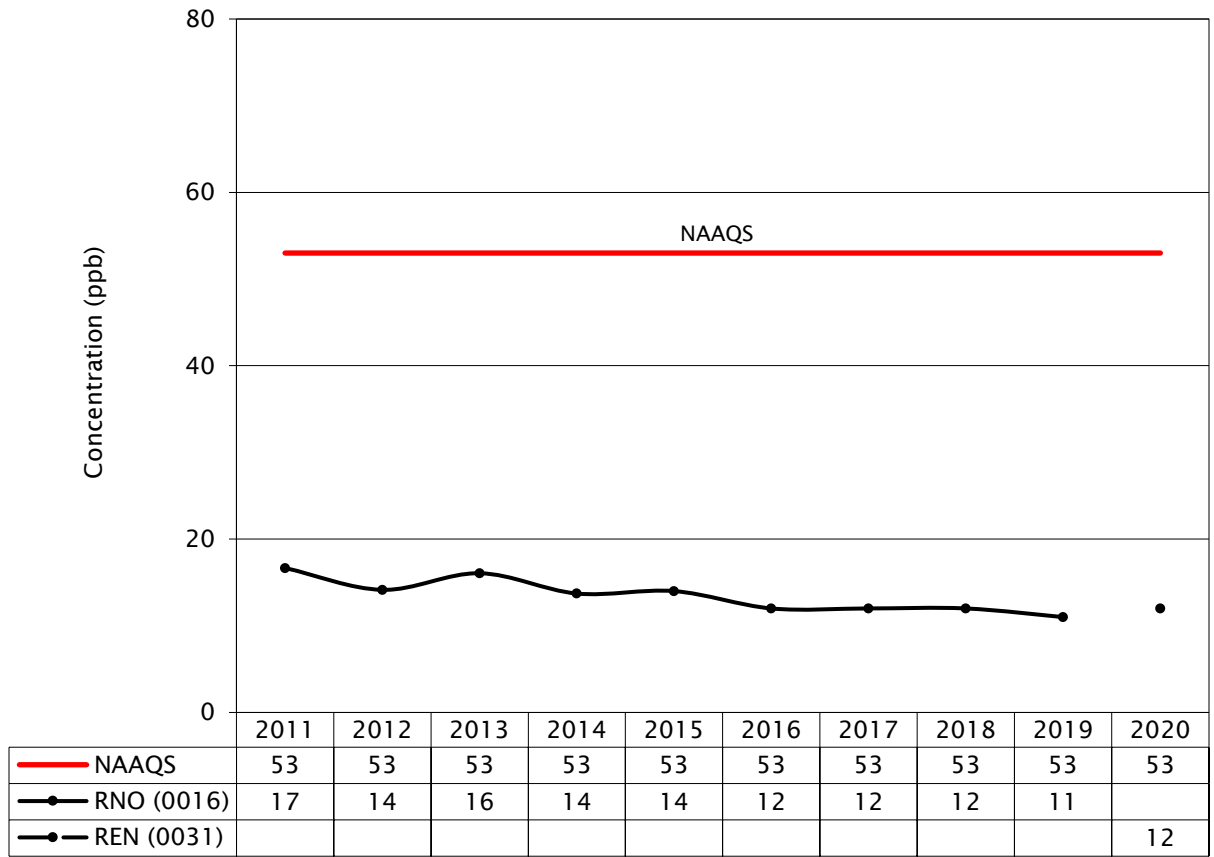
NAAQS Level: 53 ppb

Design Value (2020): 12 ppb (REN)

Current Designation: Attainment/Unclassifiable (Entire County)

2020 Annual Mean: 11.6 ppb (REN)

Figure 21  
NO<sub>2</sub> (Annual) Design Values



## SO<sub>2</sub> (1-hour) Design Values

NAAQS Level: 75 ppb

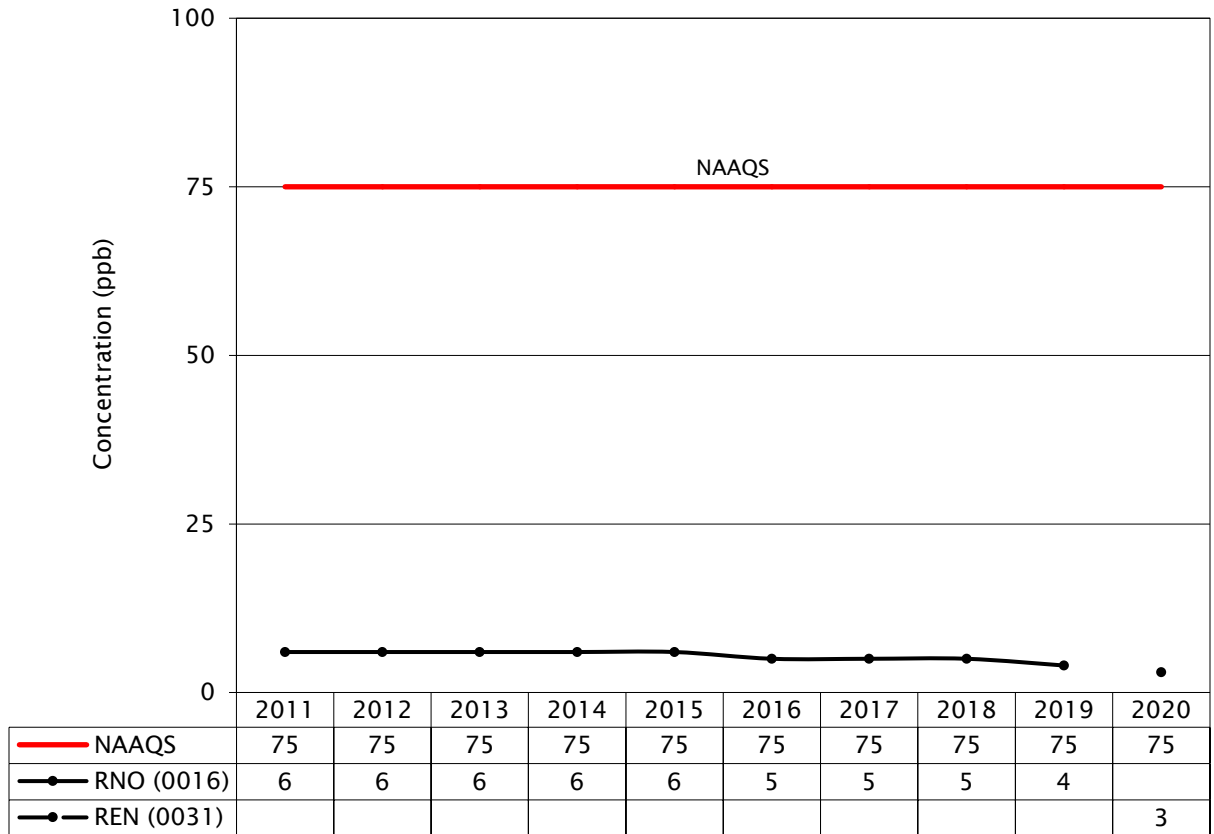
Design Value (2018-20): n/a

Current Designations: Attainment/Unclassifiable (Entire County)

2020 First High: 5.4 ppb (Oct 31 - REN)

2020 99<sup>th</sup> Percentile: 3.3 ppb (Feb 14 - REN)

Figure 22  
SO<sub>2</sub> (1-hour) Design Values



## Appendix A

### Detailed Summary of Ambient Air Monitoring Data

**Exceedances** highlighted in Yellow

**Violations** highlighted in Red



## NAAQS Exceedances (2018 - 2020)

Pollutant	Averaging Period	Exceedance Dates		
		2018	2019	2020
O <sub>3</sub>	8-hour	Jun 11; Jul 17, 20, 27-31; Aug 1, 3, 6-11, 24, 25	None	Aug 20-25, 30; Sep 14-17
PM <sub>2.5</sub>	24-hour	Jul 29-31; Aug 4, 6, 8-9	None	Aug 16, 19-23, 25, 27-30; Sep 3, 7, 11-17, 30; Oct 1
PM <sub>10</sub>	24-hour	None	None	Sep 8, 11-13, 15-16
CO	1-hour	None	None	None
CO	8-hour	None	None	None
NO <sub>2</sub>	1-hour	None	None	None
SO <sub>2</sub>	1-hour	None	None	None
Pb	Rolling 3-month	n/a - Pb was not monitored		

## Ozone (O<sub>3</sub>)

### 8-Hour Ozone Averages (ppm) (2020)

Rank	INC (2002)		LEM (2009)		REN (0031)		SRN (0020)		SPK (1005)		SPS (1007)		TOL (0025)	
	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date
1	0.085	09/15	0.084	08/22	0.075	08/22	0.069	08/20	0.074	08/21	0.070	08/21	0.068	08/19
2	0.083	09/16	0.082	08/21	0.074	08/21	0.067	08/22	0.073	08/23	0.063	08/20	0.067	08/20
3	0.081	08/21	0.080	09/17	0.073	08/20	0.066	08/18	0.072	08/20	0.062	09/17	0.067	09/17
4	0.078	09/17	0.079	09/15	0.073	08/23	0.066	08/21	0.072	08/22	0.061	08/18	0.066	08/02
5	0.077	08/22	0.076	08/23	0.073	08/24	0.066	08/23	0.072	08/24	0.061	08/23	0.066	08/22
6	0.075	08/23	0.071	09/14	0.073	09/17	0.065	08/25	0.070	09/17	0.060	08/22	0.066	08/23
7	0.074	08/20	0.070	09/16	0.071	08/25	0.064	08/19	0.069	08/02	0.060	08/24	0.066	09/15
8	0.072	08/24	0.069	08/24	0.070	08/18	0.064	08/24	0.069	08/18	0.060	08/25	0.065	05/10
9	0.072	08/30	0.069	08/25	0.069	09/03	0.063	09/17	0.069	08/25	0.059	08/02	0.065	08/21
10	0.070	05/10	0.069	08/29	0.068	08/02	0.062	08/30	0.067	05/10	0.059	08/19	0.064	09/11

### 4<sup>th</sup> High 8-Hour Ozone Averages (2018-2020) and Design Values (ppm)

Year	INC (2002)		LEM (2009)		RNO (0016)		REN (0031)		SRN (0020)		SPK (1005)		SPS (1007)		TOL (0025)	
	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date
2018	0.070	08/26	0.077	07/27	0.078	07/31	n/a	n/a	0.075	07/31	0.076	07/28	0.070	08/09	0.072	07/31
2019	0.060	06/24	0.061	06/18	0.066	06/18	n/a	n/a	0.060	06/18	0.063	08/04	0.057	05/03	0.061	09/15
2020	0.078	09/17	0.079	09/15	n/a	n/a	0.073	08/23	0.066	08/21	0.072	08/22	0.061	08/18	0.066	08/02
DV*	0.069		0.072		n/a		n/a		0.067		0.070		0.062		0.066	

\* Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years.

24-Hour PM<sub>2.5</sub> Averages (µg/m<sup>3</sup>)  
(2020)

Rank	REN (0031)		SPK (1005)		SPS (1007)		TOL (0025)	
	Value (%ile)	Date	Value (%ile)	Date	Value (%ile)	Date	Value (%ile)	Date
1	94.1	09/15	124.6	09/13	189.7	09/13	104.3	09/15
2	92.0	09/13	118.6	08/12	161.6	09/12	101.8	09/16
3	87.4	09/16	100.2	09/15	107.5	09/15	98.1	09/17
4	78.0	08/21	83.9	09/16	101.7	09/11	80.9	09/13
5	77.2	09/17	83.1	09/17	89.7	09/16	80.7	08/20
6	76.2	09/12	71.5	09/11	87.5	09/17	67.9	09/14
7	69.7	09/30	75.2	08/22	76.9	08/21	66.7	09/30
8	69.6(98)	08/22	71.4(98)	09/30	74.7(98)	08/22	64.7(98)	08/19
9	66.0	08/19	66.8	08/21	70.3	09/30	62.4	08/22
10	65.3	08/20	64.8	08/23	69.6	09/14	60.8	09/11

98<sup>th</sup> Percentiles of 24-Hour PM<sub>2.5</sub> Averages (2018-2020)  
and Design Values (µg/m<sup>3</sup>)

Year	RNO (0016)	REN (0031)	SPK (1005)	SPS (1007)	TOL (0025)
2018	34.7	n/a	30.6	32.0	n/a
2019	11.0	n/a	15.8	10.6	9.3
2020	n/a	69.6	71.4	74.7	64.7
Design Value*	n/a	n/a	39	39	n/a

\* 98<sup>th</sup> percentile, averaged over 3 years.

Annual PM<sub>2.5</sub> Means (2018-2020)  
and Design Values (µg/m<sup>3</sup>)

Year	RNO (0016)	REN (0031)	SPK (1005)	SPS (1007)	TOL (0025)
2018	8.0	n/a	7.9	6.8	n/a
2019	3.0	n/a	6.0	5.1	4.3
2020	n/a	8.3	11.1	10.9	8.7
Design Value*	n/a	n/a	8.3	7.6	n/a

\* Annual mean, averaged over 3 years.

24-Hour PM<sub>10</sub> Averages (µg/m<sup>3</sup>)  
(2020)

Rank	REN (0031)		SPK (1005)		SPS (1007)		TOL (0025)	
	Value	Date	Value	Date	Value	Date	Value	Date
1	196	09/08	194	09/08	238	09/13	192	09/08
2	147	09/15	177	09/12	220	09/12	158	09/15
3	137	09/13	175	09/13	166	09/08	156	09/16
4	134	09/16	154	09/11	166	09/11	143	09/17
5	128	09/12	151	09/15	158	09/15	127	09/11
6	125	09/11	139	09/16	135	09/16	119	09/13
7	119	08/21	126	09/17	125	09/17	113	08/20
8	116	09/17	111	09/30	124	11/17	111	09/30
9	112	09/30	104	08/22	113	09/30	110	09/14
10	108	08/19	101	09/14	108	09/14	104	09/12

24-Hour PM<sub>10</sub> Highs (µg/m<sup>3</sup>)  
(2018-2020)

Year	RNO (0016)		REN (0031)		SPK (1005)		SPS (1007)		TOL (0025)	
	Value	Date	Value	Date	Value	Date	Value	Date	Value	Date
2018	63	07/30	n/a	n/a	77	07/30	78	07/30	94	08/09
2019	52	11/14	n/a	n/a	75	11/13	50	06/02	79	08/26
2020	n/a	n/a	196	09/08	194	09/08	238	09/13	192	09/08

PM<sub>10</sub> Expected Exceedances (2018-2020)  
and Design Values (expected exceedances)

Year	RNO (0016)	REN (0031)	SPK (1005)	SPS (1007)	TOL (0025)
2018	0	n/a	0	0	0
2019	0	n/a	0	0	0
2020	n/a	1	3	5	3
Design Value*	0	n/a	1.0	1.7	1.0

\* Expected exceedances averaged over three years.

## Carbon Monoxide (CO)

### 8-Hour CO Averages (ppm) (2020)

Rank	REN (0031)		SPK (1005)	
	Value	Date	Value	Date
1	1.1	01/07	2.1	09/13
2	1.1	12/16	1.8	09/12
3	1.1	12/19	1.8	12/21
4	1.1	12/20	1.7	12/20

### 2<sup>nd</sup> High 8-Hour Averages (2019-2020) and Design Values (ppm)

Year	RNO (0016)	REN (0031)	SPK (1005)
2019	1.0	n/a	1.5
2020	n/a	1.1	1.8
Design Value*	n/a	n/a	1.8

\* Highest 2<sup>nd</sup> high 8-hour average in the last 2 years.

### 1-Hour CO Averages (ppm) (2020)

Rank	REN (0031)		SPK (1005)	
	Value	Date	Value	Date
1	2.0	08/19	2.5	09/13
2	1.6	02/06	2.4	12/21
3	1.6	12/16	2.2	01/07
4	1.5	01/03	2.1	12/09

### 2<sup>nd</sup> High 1-Hour Averages (2018-2019) and Design Values (ppm)

Year	RNO (0016)	REN (0031)	SPK (1005)
2018	1.6	n/a	2.0
2019	n/a	1.6	2.4
Design Value*	n/a	n/a	2.4

\* Highest 2<sup>nd</sup> high 1-hour average in the last 2 years.

## Nitrogen Dioxide (NO<sub>2</sub>)

### 1-Hour NO<sub>2</sub> Averages (ppb) (2020)

Rank	REN (0031)	
	Value (%ile)	Date
1	55.1	01/07
2	53.8	12/21
3	52.0	08/21
4	49.3	02/14
5	47.5	12/20
6	46.7	12/19
7	46.4 (98)	02/07
8	46.3	12/16
9	45.9	02/06
10	45.4	09/22

### 98<sup>th</sup> Percentiles of 1-Hour NO<sub>2</sub> Averages (2018-2020) and Design Value (ppb)

Year	RNO (0016)	REN (0031)
2018	45.5	n/a
2019	45.6	n/a
2020	n/a	46.4
Design Value*	n/a	n/a

\* 98<sup>th</sup> percentile, averaged over 3 years

### NO<sub>2</sub> Annual Mean (2020) and Design Value (ppb)

	REN (0031)
Annual Mean	11.6
Design Value*	12

\* Annual Mean of all 1-hr averages.

## Sulfur Dioxide (SO<sub>2</sub>)

### 1-Hour SO<sub>2</sub> Averages (ppb) (2020)

Rank	REN (0031)	
	Value (%ile)	Date
1	5.4	10/31
2	3.6	02/06
3	3.4	01/07
4	3.3(99)	02/14
5	3.0	02/07
6	3.0	12/30
7	2.9	08/19
8	2.9	12/19
9	2.8	01/10
10	2.7	12/09

### 99<sup>th</sup> Percentiles of 1-Hour SO<sub>2</sub> Averages (2018-2020) and Design Value (ppb)

Year	RNO (0016)	REN (0031)
	Value	Value
2018	4	n/a
2019	3	n/a
2020	n/a	3
Design Value*	n/a	n/a

\* 99<sup>th</sup> percentile of 1-hour daily maximum concentrations, averaged over 3 years.

## **Appendix B**

### **Monitoring Stations in Operation from 1963 to 2020**



## Monitoring Stations in Operation (2011 - 2020)

AQS Site Name (AQS Site ID)	Ozone	PM <sub>2.5</sub>	PM <sub>10</sub>	TSP	HC	CO	NO <sub>2</sub>	SO <sub>2</sub>	Lead
Incline (32-031-2002)	93-20	99-02	99-02			99-02	99-02		
Lemmon Valley (32-031-2009)	87-20		87			87-16			
Reno3 (32-031-0016)	82-19	99-19	88-19	85-87		83-19	84-19	11-19	
Reno4 (32-031-0031)	20-20	20-20	20-20			20-20	20-20	20-20	
Plumb-Kit (32-031-0030)			06-17						
South Reno (32-031-0020)	88-20		11-17			88-14			
Sparks (32-031-1005)	79-20	12-20	88-20	85-87		80-20			
Galletti (32-031-0022)		13-14	88-14			88-14			
Toll (32-031-0025)	02-20	19-20	02-20			02-16			
Spanish Springs (32-031-1007)	17-20	17-20	17-20						

## Monitoring Stations in Operation (1963 - 2010)

AQS Site Name (AQS Site ID)	Ozone	PM <sub>2.5</sub>	PM <sub>10</sub>	TSP	HC	CO	NO <sub>2</sub>	SO <sub>2</sub>	Lead
Health - Kirman (32-031-0001)				63-89					
Sparks - Greenbrae ES (32-031-0002)			85-90	68-90					
Reno - Cal-Neva (32-031-0003)				68-89					
Reno - Veterans ES (32-031-0004)				68-69					
Reno - Harrah's (32-031-0005)	76-82					72-81	72-85		
Reno - Jesse Beck ES (32-031-0006)				72-89					
Reno - Airport (32-031-0007)				72-89					
Reno - Fairgrounds (32-031-0008)				72-74					
Reno - Fish & Game (32-031-0009)				74-89					
Reno - Kings Row ES (32-031-0010)				77-89					
Reno - Stead (32-031-0011)				77					
Reno - Huffaker ES (32-031-0014)				80-89					
Reno - Center Street (32-031-0015)						82-85	82-90		
Sparks - Fire (32-031-1001)				68-69					
Verdi - ES (32-031-1002)				68-89					
Sparks - Nugget (32-031-1003)				72-80					
Sparks - TMWRF (32-031-1004)				74-89					
Sparks - Victorian (32-031-1006)			88	80-89					
Incline - Pump (32-031-2001)				72-89					
Wadsworth - Fire (32-031-2003)				73-75					
Empire - School (32-031-2005)				76-77					
Reno - Sun Valley (32-031-2006)			88-05	80-89					

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021  
**TO:** District Board of Health  
**FROM:** Francisco Vega, Director, Air Quality Management Division  
 775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)  
**SUBJECT:** Recommendation for the Board to uphold an uncontested penalty issued to Keystone SF Partners, LLC, Case No. 1233, Notice of Violation No. AQMV21-0024 with a \$850.00 penalty.

**SUMMARY**

The Washoe County Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0024 be **upheld** and a fine in the amount of **\$850.00** be levied against Keystone SF Partners, LLC for failure to obtain a Dust Control Permit prior to the commencement of a dust generating activity. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 C.3. Dust Control Permit Requirements.

**District Health Strategic Priority 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**

No previous actions.

**BACKGROUND**

On April 23, 2020 an Air Quality Specialist Trainee conducted a routine Dust Control Permit (DCP) inspection at the Villas II at Keystone Canyon. After completing the inspection, the specialist drove further down Leadership Parkway and discovered additional acreage (~7 acres) not included in the existing Dust Control Permits. The specialist called Kraig Knudsen of Tanamera Construction and left a voicemail, then contacted Brett Seabert of Tanamera Construction and discussed the requirement to obtain a DCP prior to disturbing an acre or more of soil. The specialist then received a call from Kraig Knudsen and discussed the issue with him, again reiterating the DCP requirements. Mr. Knudsen was also informed that the incident of noncompliance would be reported to the enforcement group for review. An email was sent to both Mr. Knudsen and Mr. Seabert reiterating all pertinent information.

On April 23, 2020, a new Dust Control Permit (APCP20-0072) was obtained for the Overlook at Keystone Canyon site.

NOV No. AQMV21-0024 and associated documentation supporting the NOV was sent certified mail to the offices of Keystone SF Partners LLC and was received on May 13, 2021. The certified mail contained the instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the “Appeal Petition to the Air Pollution Control Hearing Board” form.

An appeal of NOV No. AQMV21-0024 was not exercised by Keystone SF Partners LLC within the 10-day appeal timeframe. As such, NOV No. AQMV21-0024 was determined to be final by the AQMD with a penalty amount of \$850.00.

### **FISCAL IMPACT**

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation 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 Board uphold an uncontested penalty issued to Keystone SF Partners LLC, Case No. 1233, Notice of Violation No. AQMV21-0024, with a \$850.00 fine.

### **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. AQMV21-0024; or
2. The Board may determine to uphold Notice of Violation No. AQMV21-0024 and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

### **POSSIBLE MOTION(s)**

Should the Board agree with Staff’s recommendation, the motion would be:

1. “Move to uphold an uncontested citation issued to Keystone SF Partners LLC, Case No. 1233, Notice of Violation No. AQMV21-0024 with a \$850.00 fine.”

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. 1233, Notice of Violation No. AQMV21-0024, issued to Keystone SF Partners LLC.”, or
2. “Move to uphold Case No. 1233, Notice of Violation No. AQMV21-0024, and levy a fine in the amount of (*range of \$0.00 to \$1,000.00*) per day for each violation, with the matter being continued to the next meeting to allow for Keystone SF Partners LLC to be properly noticed.”

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION No. AQMV21-0024**

### **ISSUED TO**

**Keystone SF Partners, LLC  
Overlook at Keystone Canyon  
Reno, NV**

**Date of Issuance: May 11, 2021**

**Case No.: 1233**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Keystone SF Partners, LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C.3. Dust Control Permit Requirements.

#### **1. VIOLATION**

- A. Failure to obtain a Dust Control Permit prior to commencement of a dust generating activity 1 acre or greater.

#### **2. BASIS OF VIOLATION**

- A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

**DUST CONTROL PERMIT REQUIREMENTS:** The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the “District Board of Health Regulations Governing Air Quality Management.” Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

- B. Facts to Constitute the Violation

On April 23, 2020 an Air Quality Specialist Trainee (AQST) conducted a routine Dust Control Permit (DCP) inspection at the Villas II at Keystone Canyon. After completing the inspection, the AQST drove further down Leadership Parkway and discovered additional acreage (~7 acres) not included in the existing DCP's. The AQST called Kraig Knudsen of Tanamera Construction and left a voicemail, then contacted Brett Seabert of Tanamera Construction and discussed the requirement to obtain a DCP prior to disturbing an acre or more of soil. The AQST then received a call from Kraig Knudsen and discussed the issue with him, again reiterating the DCP requirements. Mr. Knudsen was also informed that the incident of noncompliance would be reported to the enforcement group for review. An email was sent to both Mr. Knudsen and Mr. Seabert reiterating all pertinent information.

On April 23, 2020 a new Dust Control Permit (APCP20-0072) was obtained for the Overlook at Keystone Canyon site.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Keystone SF Partners, LLC. is advised that within (10) working days of the receipt of this Notice of Violation, Keystone SF Partners, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$850.00.

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Keystone SF Partners, LLC  
Contact Name Kraig Knudsen  
Case Number 1233

I. Violation of Section 040.030 Section C.3. Dust Control Permit Requirements

I. **Recommended Penalty** = \$ 850.00

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** = \$ 850.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/11/2021  
\_\_\_\_\_  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Keystone SF Partners, LLC  
 Contact Name Kraig Knudsen  
 Case Number 1233  
 Violation Number AQMV21-0024  
 Violation of Section 040.030 Section C.3. Dust Control Permit Requirements  
 Permit Condition n/a

I. **Base Penalty as specified in the Penalty Table** = \$ **850.00**

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: Administrative Violation

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

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

Comment: Administrative Violation

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

B. **Adjusted Base Penalty**

Base Penalty \$ 850.00 x Adjustment Factor 1 = \$ **850.00**

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

Adjusted Penalty \$ 850.00 x Number of Days/Weeks/Mo **1** = \$ **850.00**

Comment: Administrative Violation (Failure to obtain a Dust Control Permit)

D. **Economic Benefit**

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

Comment: No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 850.00 + Economic Benefit \$ 0.00 = \$ **850.00**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

**III. Penalty Adjustment Consideration**

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

0%

Comment Penalty by Rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

Comment: Penalty by Rule

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

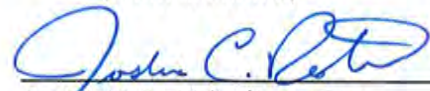
\$ 850.00	x	0%		=	\$ <span style="border: 1px solid black; padding: 2px;">0.00</span>
Penalty Subtotal		Total Adjustment Factors			Total Adjustment Value
(From Section II)		(From Section III)			Value

Additional Credit for Environmental Investment/Training - \$   

Comment: \_\_\_\_\_

Adjusted Penalty: \_\_\_\_\_

\$ 850.00	+/-	\$ 0.00	=		\$ <span style="border: 1px solid black; padding: 2px;">850.00</span>
Penalty Subtotal		Total Adjustment Value			Recommended Penalty
(From Section II)		(From Section III + Credit)			

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/11/2021  
\_\_\_\_\_  
Date

## Administrative Penalty Table

Air Quality Management Division  
Washoe County Health District

### I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
020.005	Visible Emissions	1000	2500
020.030	Dust Control (fugitive)	1000	2000
020.035	Open Fires	500	1000
020.040	Fire Training	500	1000
020.050	Incinerator	1000	2000
020.051	Woodstoves	500	1000
020.055	Odors	1000	2000
020.080	Gasoline Transfer (maintenance)	1000	2000
020.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
020.030	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
030.02	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

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 14, 2021

**TO:** District Board of Health

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation for the Board to uphold an uncontested penalty issued to Peavine Investors, LLC, Case No. 1234, Notice of Violation No. AQMV21-0025 with a \$1,900.00 penalty.

**SUMMARY**

The Washoe County Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0025 be **upheld** and a fine in the amount of **\$1,900.00** be levied against Peavine Investors, LLC for failure to obtain a Dust Control Permit prior to the commencement of a dust generating activity. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 C.3. Dust Control Permit Requirements.

**District Health Strategic Priority 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**

No previous actions.

**BACKGROUND**

On February 4, 2020 an Air Quality Specialist Trainee of the AQMD conducted a construction site inspection at the Echeverria Phase 2 Borrow Site located at North Virginia Street and Red Rock Road in Reno, Nevada. The specialist spoke to A&K Construction Project Manager Coltan Hiatt on site. Mr. Hiatt was informed that Dust Control Permit No. APCP18-0159 was going to expire on March 6, 2020. This information was communicated verbally and via email where he was instructed to obtain a new Dust Control Permit prior to the expiration date of March 6, 2020.

On March 10, 2020 the specialist left a message for Teresa Maloney of Peavine Investors LLC informing her that the DCP for Echeverria Property Phase 2 Borrow Pit had expired on March 6, 2020.

On March 11, 2020 Peavine Investors LLC was issued Dust Control Permit No. APCP20-0042 for the site.

NOV No. AQMV21-0025 and associated documentation supporting the NOV was sent certified mail to the offices of Peavine Investors, LLC and was received on May 13, 2021. The certified mail contained the instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the “Appeal Petition to the Air Pollution Control Hearing Board” form.

An appeal of NOV No. AQMV21-0025 was not exercised by Peavine Investors LLC within the 10-day appeal timeframe. As such, NOV No. AQMV21-0025 was determined to be final by the AQMD with a penalty amount of \$1,900.00.

### **FISCAL IMPACT**

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation 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 Board uphold an uncontested penalty issued to Peavine Investors, LLC, Case No. 1234, Notice of Violation No. AQMV21-0025, with a \$1,900.00 fine.

### **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. AQMV21-0025; or
2. The Board may determine to uphold Notice of Violation No. AQMV21-0025 and levy any fine in the range of \$0.00 to \$1,900.00 per day per violation.

### **POSSIBLE MOTION(s)**

Should the Board agree with Staff’s recommendation, the motion would be:

1. “Move to uphold an uncontested citation issued to Peavine Investors, LLC, Case No. 1234, Notice of Violation No. AQMV21-0025 with a \$1,900.00 fine.”

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. 1234, Notice of Violation No. AQMV21-0025, issued to Peavine Investors, LLC.”, or
2. “Move to uphold Case No. 1234, Notice of Violation No. AQMV21-0025, and levy a fine in the amount of (*range of \$0.00 to \$1,900.00*) per day for each violation, with the matter being continued to the next meeting to allow for Peavine Investors, LLC to be properly noticed.”

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

**NOTICE OF VIOLATION No. AQMV21-0025  
ISSUED TO  
Peavine Investors, LLC  
Echeverria Property Phase II Borrow Pit  
Date of Issuance: 05/11/2021  
Case No.: 1234**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Peavine Investors, LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C.3. Dust Control Permit Requirements.

1. VIOLATION

- A. Failure to obtain a Dust Control Permit prior to commencement of a dust generating activity (1) acre or greater.

2. BASIS OF VIOLATION

A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

**DUST CONTROL PERMIT REQUIREMENTS:** The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the "District Board of Health Regulations Governing Air Quality Management." Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

B. Facts to Constitute the Violation

On February 4, 2020 an Air Quality Specialist Trainee of the AQMD conducted a construction site inspection at the Echeverria Phase 2 Borrow Site. The specialist spoke to A&K Project Manager Coltan Hiatt on site. Mr. Hiatt was informed that Dust Control

Permit No. APCP18-0159 was going to expire on March 6, 2020. This information was communicated verbally and via email where he was instructed to obtain a new Dust Control Permit prior to the expiration date of March 6, 2020.

On March 10, 2020 the specialist left a message for Teresa Maloney of Peavine Investors LLC informing her that the DCP for Echeverria Property Phase 2 Borrow Pit had expired on March 6, 2020.

On March 11, 2020 Peavine Investors LLC Dust Control Permit No. APCP20-0042 for the site.

### 3. APPEAL PROCEDURE AND TIME LIMITATIONS

#### A. Appeal Procedure

Peavine Investors, LLC is advised that within (10) working days of the receipt of this Notice of Violation, Peavine Investors, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1900.00.

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Peavine Investors, LLC  
Contact Name Teresa Maloney  
Case Number 1234

I. Violation of Section 040.030 Section C.3. Dust Control Permit Requirements

I. **Recommended Penalty** = \$ 1900.00

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** = \$ 1,900.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/11/2021  
\_\_\_\_\_  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Peavine Investors, LLC  
 Contact Name Teresa Maloney  
 Case Number 1234  
 Violation Number AQMV21-0025  
 Violation of Section 040.030 Section C.3. Dust Control Permit Requirements  
 Permit Condition n/a

**I. Base Penalty as specified in the Penalty Table** = \$ **1,900.00**

**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:** Administrative Violation

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

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

**Comment:** Administrative Violation

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

**B. Adjusted Base Penalty**

Base Penalty \$ 1,900.00 x Adjustment Factor 1 = \$ **1,900.00**

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

Adjusted Penalty \$ 1,900.00 x Number of Days/Weeks/Mo **1** = \$ **1,900.00**

**Comment:** Administrative Violation (Failure to obtain a Dust Control Permit)

**D. Economic Benefit**

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

**Comment:** No economic benefit was associated with this violation

**Penalty Subtotal**

Adjusted Base Penalty \$ 1,900.00 + Economic Benefit \$ 0.00 = \$ **1,900.00**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

**III. Penalty Adjustment Consideration**

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

0%

Comment Penalty by Rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

Comment: Penalty by Rule

**Total Penalty Adjustment Factors – Sum of A & B**

0%

**IV. Recommended Penalty**

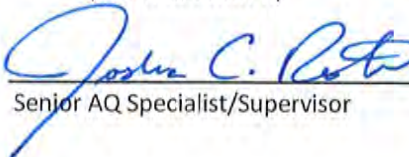
Penalty Adjustment:

\$ 1,900.00	x	0%			= \$ 0.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training	-	\$ 0.00
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Comment: \_\_\_\_\_  
Adjusted Penalty:

\$ 1,900.00	+/-	\$ 0.00	=	\$ 1,900.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

  
Senior AQ Specialist/Supervisor

5/11/2021  
Date

## Administrative Penalty Table

Air Quality Management Division  
Washoe County Health District

### I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
020.005	Visible Emissions	1000	2500
020.030	Dust Control (fugitive)	1000	2000
020.035	Open Fires	500	1000
020.040	Fire Training	500	1000
020.050	Incinerator	1000	2000
020.051	Woodstoves	500	1000
020.055	Odors	1000	2000
020.080	Gasoline Transfer (maintenance)	1000	2000
020.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
020.030	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
030.02	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

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021

**TO:** District Board of Health

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation for the Board to uphold an uncontested penalty issued to RPC Business Park, LLC, Case No. 1265, Notice of Violation No. AQMV21-0028 with a \$800.00 penalty.

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**SUMMARY**

The Washoe County Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0028 be **upheld** and a fine in the amount of **\$800.00** be levied against RPC Business Park, LLC for failure to obtain a Dust Control Permit prior to the commencement of a dust generating activity. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 C.3. Dust Control Permit Requirements.

**District Health Strategic Priority 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**

No previous actions.

**BACKGROUND**

On September 28, 2020 an Air Quality Specialist Trainee and the Senior Air Quality Specialist of the AQMD completed a construction site inspection after receiving a dust complaint. The inspection took place at RPC Medical Campus PH II – South, which is located at 544 Reno Corporate Drive, Reno, NV 89511 (APN 164-391-08). While onsite, AQMD staff met with Russ Vance of Tanamera Construction. Upon inspection, the construction site was noted to be larger than the acreage that was on the active Dust Control Permit (APCP20-0053) which permitted 2.61 acres of disturbance. Upon noting this, Mr. Vance agreed that the area of disturbance is larger than what is listed on the permit.

A follow up email was sent by AQMD on the same day at 12:45 pm, instructing Tanamera Construction to have a permit application submitted to AQMD Permitting department by end of business, September 29, 2020.

On September 28, 2020, a new Dust Control Permit application was received to permit the additional 5.897 acres of disturbed land for the project. On October 7, 2020, Dust Control Permit

**AIR QUALITY MANAGEMENT**

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

No. APCP20-0183 was issued to AQMD by Tanamera Construction for this additional disturbed acreage.

NOV No. AQMV21-0028 and associated documentation supporting the NOV was sent certified mail to the offices of RPC Business Park, LLC and was received on May 15, 2021. The certified mail contained the instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the "Appeal Petition to the Air Pollution Control Hearing Board" form.

An appeal of NOV No. AQMV21-0028 was not exercised by RPC Business Park, LLC within the 10-day appeal timeframe. As such, NOV No. AQMV21-0028 was determined to be final by the AQMD with a penalty amount of \$800.00.

### **FISCAL IMPACT**

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation 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 Board uphold an uncontested penalty issued to RPC Business Park, LLC, Case No. 1265, Notice of Violation No. AQMV21-0028, with a \$800.00 fine.

### **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. AQMV21-0028; or
2. The Board may determine to uphold Notice of Violation No. AQMV21-0028 and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

### **POSSIBLE MOTION(S)**

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold an uncontested citation issued to RPC Business Park, LLC, Case No. 1265, Notice of Violation No. AQMV21-0028 with a \$800.00 fine."

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. 1265, Notice of Violation No. AQMV21-0028, issued to RPC Business Park, LLC", or
2. "Move to uphold Case No. 1265, Notice of Violation No. AQMV21-0028, and levy a fine in the amount of (*range of \$0.00 to \$1,000.00*) per day for each violation, with the matter being continued to the next meeting to allow for RPC Business Park, LLC to be properly noticed."

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION No. AQMV21-0028**

### **ISSUED TO**

**RPC Business Park, LLC  
Location: RPC Medical Campus Ph II – South  
Reno Corporate Way & Donald Cline Way  
Reno, Nevada  
Date of Issuance: May 7, 2021  
Case No.: 1265**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that RPC Business Park, LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C.3. Dust Control Permit Requirements.

#### **1. BASIS OF VIOLATION**

##### **A. Violation**

Failure to obtain a Dust Control Permit prior to commencement of a dust generating activity one 1 acre or greater.

##### **B. Regulatory Authority**

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3. Dust Control Permit Requirements:

**DUST CONTROL PERMIT REQUIREMENTS:** The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the “District Board of Health Regulations Governing Air Quality Management.” Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

##### **C. Facts to Constitute the Violation**

On September 28, 2020 an Air Quality Specialist Trainee and the Senior Air Quality Specialist of the AQMD completed a construction site inspection after receiving a dust complaint. The inspection took place at RPC Medical Campus PH II – South, which is located at 544 Reno Corporate Drive, Reno, NV 89511 (APN 164-391-08). AQMD staff met with Russ Vance of Tanamera Construction. Upon inspection, the

construction site was noted to be larger than the acreage that is on the active Dust Control Permit (APCP20-0053) which permitted 2.61 acres of disturbance. Upon noting this, Mr. Vance agreed that the area of disturbance is larger than what is listed on the permit.

A follow up email was sent by AQMD on the same day at 12:45 pm, instructing Tanamera Construction to have a permit application submitted to AQMD Permitting department by end of business, September 29, 2020.

On September 28, 2020, a new Dust Control Permit application was received to permit the additional 5.897 acres of disturbed land for the project. On October 7, 2020, Dust Control Permit No. APCP20-0183 was issued to AQMD by Tanamera Construction for this additional disturbed acreage.

## 2. APPEAL PROCEDURE AND TIME LIMITATIONS

### A. Appeal Procedure

RPC Business Park, LLC. is advised that within (10) working days of the receipt of this Notice of Violation, RPC Business Park, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$800.00.

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name RPC Business Park, LLC.  
Contact Name Saraj Lorenz  
Case Number 1265

I. Violation of Section 040.030 Section C.3

I. **Recommended Penalty** = \$ 800.00

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** = \$ 800.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/7/2021  
\_\_\_\_\_  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name RPC Business Park, LLC.  
 Contact Name Saraj Lorenz  
 Case Number 1265  
 Violation Number AQMV21-0028  
 Violation of Section 040.030 Section C.3  
 Permit Condition N/A

**I. Base Penalty as specified in the Penalty Table** = \$ **800.00**

**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:** Administrative violation

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

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

**Comment:** Administrative violation

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

**B. Adjusted Base Penalty**

Base Penalty \$ 800.00 x Adjustment Factor 1 = \$ **800.00**

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

Adjusted Penalty \$ 800.00 x Number of Days/Weeks/Mo **1** = \$ **800.00**

**Comment:** Administrative violation

**D. Economic Benefit**

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

**Comment:** No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 800.00 + Economic Benefit \$ 0.00 = \$ **800.00**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

**III. Penalty Adjustment Consideration**

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

0%

**Comment:** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x   , # of previous violations

+ 0%

**Comment:** Penalty by rule

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

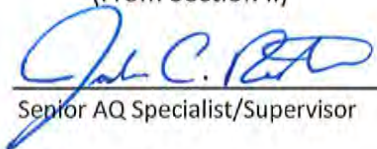
\$ 800.00	x	0%		=	\$ 0.00	
Penalty Subtotal		Total Adjustment Factors			Total Adjustment	
(From Section II)		(From Section III)			Value	

Additional Credit for Environmental Investment/Training	-	\$ 0.00	
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**Comment:** \_\_\_\_\_

Adjusted Penalty:

\$ 800.00	+/-	\$ 0.00		=	\$ 800.00	
Penalty Subtotal		Total Adjustment Value			Recommended Penalty	
(From Section II)		(From Section III + Credit)				

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/7/2021  
\_\_\_\_\_  
Date

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation	Violation	1st Violation	2nd Violation
020.005	Visible Emissions	1000	2500
020.030	Dust Control (fugitive)	1000	2000
020.035	Open Fires	500	1000
020.040	Fire Training	500	1000
020.050	Incinerator	1000	2000
020.051	Woodstoves	500	1000
020.055	Odors	1000	2000
020.080	Gasoline Transfer (maintenance)	1000	2000
020.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
020.030	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
030.02	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

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021

**TO:** District Board of Health

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Recommendation for the Board to uphold an uncontested citation issued to Aspen Earthworks, Case No. 1267, Notice of Violation No. AQMV21-0030 with a \$1000.00 penalty.

**SUMMARY**

The Washoe County Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV21-0030 be **upheld** and a fine in the amount of **\$1000.00** be levied against Aspen Earthworks for failure to comply with the provisions of Dust Control Permit No. APCP20-0165, specifically Condition No. 12: Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1). This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.030 C.3. Dust Control Permit Requirements.

**District Health Strategic Priority 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**

No previous actions.

**BACKGROUND**

On October 12, 2020, an Air Quality Specialist responded to a complaint of dust at the 4th Street Mountain View Mixed Residential site, located on West 4th Street in Reno, Nevada. Upon arrival, the specialist observed dust emissions from excavator operations and loading at the project entrance. An EPA Method 22 for visual determination of fugitive dust was conducted and just over 18 minutes of video was recorded documenting greater than 5 minutes of visible dust.

NOV No. AQMV21-0030 and associated documentation supporting the NOV was sent certified mail to the offices of Aspen Earthworks and was received on May 14, 2021. The certified mail contained the instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the "Appeal Petition to the Air Pollution Control Hearing Board" form.

An appeal of NOV No. AQMV21-0030 was not exercised by Aspen Earthworks within the 10-day appeal timeframe. As such, NOV No. AQMV21-0030 was determined to be final by the AQMD with a penalty amount of \$1,000.00.

### **FISCAL IMPACT**

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation 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 Board uphold an uncontested penalty issued to Aspen Earthworks, Case No. 1267, Notice of Violation No. AQMV21-0030, with a \$1000.00 fine.

### **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. AQMV21-0030; or
2. The Board may determine to uphold Notice of Violation No. AQMV21-0030 and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

### **POSSIBLE MOTION(S)**

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold an uncontested citation issued to Aspen Earthworks, Case No. 1267, Notice of Violation No. AQMV21-0030 with a \$1000.00 fine."

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. 1267, Notice of Violation No. AQMV21-0030, issued to Aspen Earthworks", or
2. "Move to uphold Case No. 1267, Notice of Violation No. AQMV21-0030, and levy a fine in the amount of (*range of \$0.00 to \$1,000.00*) per day for each violation, with the matter being continued to the next meeting to allow for Aspen Earthworks to be properly noticed."

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION No: AQMV21-0030**

### **ISSUED TO**

**Aspen Earthworks**

**Location: 4<sup>th</sup> Street and Summit Ridge  
Reno, Nevada**

**Permit No: APCP20-0165**

**Date of Issuance: May 7, 2021**

**Case No.: 1267**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Aspen Earthworks is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.030 Section C.3.

#### **1. BASIS OF VIOLATION**

##### **A. Violation**

Failure to comply with the provisions of Dust Control Permit No. APCP20-0165, specifically Condition No. 12: Visible dust may not be emitted into the air from any operations or disturbed areas of this project for more than 5 minutes in any hour period (Regulation 040.030, Section C. 1).

##### **B. Regulatory Authority**

The Washoe County District Board of Health Regulations Governing Air Quality Management 040.030 Section C. 3.:

**DUST CONTROL PERMIT REQUIREMENTS:** The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the “District Board of Health Regulations Governing Air Quality Management.” Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

##### **C. Facts to Constitute the Violation**

On October 12, 2020 an Air Quality Specialist (AQS) responded to a complaint of dust at the 4<sup>th</sup> Street Mountain View Mixed Residential site, located on West 4th Street in Reno, Nevada. Upon arrival, the AQS observed dust emissions from excavator operations and loading at the project entrance. A Method 22 was conducted and just over 18 minutes of video was recorded documenting greater than 5 minutes of visible dust. The specialist discussed wetting of the soil the excavator was working on and loading into haul trucks in order to control dust emissions.

## 2. APPEAL PROCEDURE AND TIME LIMITATIONS

### A. Appeal Procedure

Aspen Earthworks is advised that within (10) working days of the receipt of this Notice of Violation, Aspen Earthworks may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1000.00.

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Aspen Earthworks  
Contact Name Ryan Dustin  
Case Number 1267

I. Violation of Section 040.030 Section C. 3.

**I. Recommended Penalty** = \$ 1000.00

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** = \$ 1,000.00

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/7/2021  
\_\_\_\_\_  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Aspen Earthworks  
 Contact Name Ryan Dustin  
 Case Number 1267  
 Violation Number AQMV21-0030

Violation of Section 040.030 Section C. 3.  
 Permit Condition Condition No. 12 of Permit No. APCP20-0165

I. **Base Penalty as specified in the Penalty Table** = \$ **1,000.00**

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:** Particulate matter is a criteria pollutant.

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

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

**Comment:** Environmental/public health risk is negligible.

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

B. **Adjusted Base Penalty**

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

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

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

**Comment:** 1 day of violation observed.

D. **Economic Benefit**

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

**Comment:** No economic benefit was associated with this violation.

**Penalty Subtotal**

Adjusted Base Penalty \$ 1,000.00 + Economic Benefit \$ 0.00 = \$ **1,000.00**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

**III. Penalty Adjustment Consideration**

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

**0%**

**Comment:** Penalty by rule

**B. Compliance History**

Similar Violation < 12 months (300%)

+ **0%**

Similar Violation < 3 years (200%)

+ **0%**

Similar Violation > 3 years (150%)

+ **0%**

Previous Unrelated Violations < 5years

**5%** x **0**, # of previous violations

+ 0%

**Comment:** Penalty by rule

**Total Penalty Adjustment Factors – Sum of A & B**

**0%**

**IV. Recommended Penalty**

Penalty Adjustment:


\$ <u>1,000.00</u>	x	<u>0%</u>		=	\$ <b>0.00</b>
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)			Total Adjustment Value

Additional Credit for Environmental Investment/Training	-	\$ <b>0.00</b>
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**Comment:** \_\_\_\_\_

Adjusted Penalty:

\$ <u>1,000.00</u>	+/-	<u>\$ 0.00</u>	=	\$	<b>1,000.00</b>
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)			Recommended Penalty

  
\_\_\_\_\_  
Senior AQ Specialist/Supervisor

5/7/2021  
\_\_\_\_\_  
Date

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)


Regulation	1st Violation	2nd Violation
040.005	Visible Emissions	1000
040.030	Dust Control (fugitive)	2500
040.035	Open Fires	2000
040.040	Fire Training	1000
040.050	Incinerator	500
040.051	Woodstoves	1000
040.055	Odors	1000
040.080	Gasoline Transfer (maintenance)	2000
040.200	Diesel Idling	1000
050.001	Emergency Episode	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

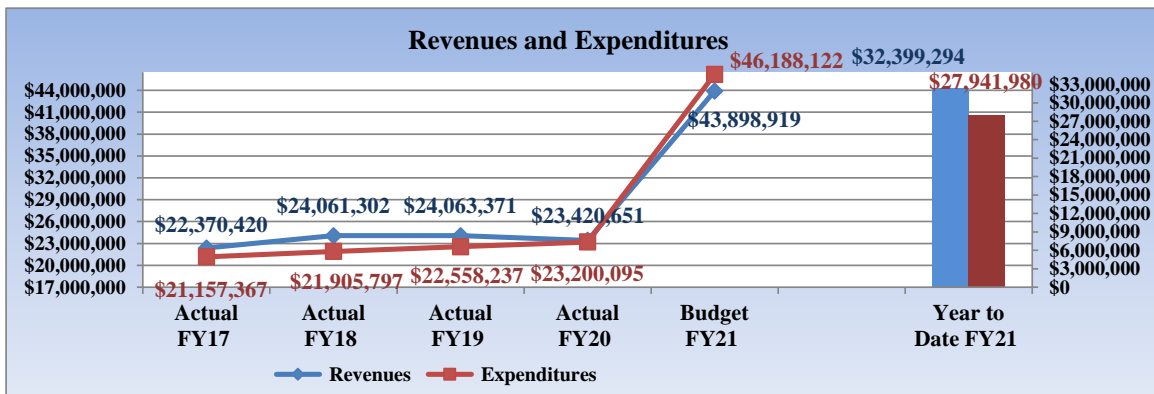
DD NA  
DHO \_\_\_\_\_ 

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**TO:** District Board of Health  
**FROM:** Anna Heenan, Administrative Health Services Officer  
 328-2417, [ahenan@washoecounty.us](mailto:ahenan@washoecounty.us)  
**SUBJECT:** Acknowledge receipt of the Health Fund Financial Review for May, Fiscal Year 2021

**SUMMARY**

At the end of May FY21 the cash balance was \$10,510,053. The total revenues of \$32,399,294 or 73.8% of budget are up 59.6% or \$12,104,042 over FY20, mainly due to the increased grant revenue for COVID-19 response. The expenditures totaled \$27,941,980 or 60.5% of budget and are up \$7,073,364 or 33.9% compared to FY20.



**District Health Strategic Priority supported by this item:**

**6. Financial Stability:** Enable the Health District to make long-term commitments in areas that will positively impact the community’s health by growing reliable sources of income.

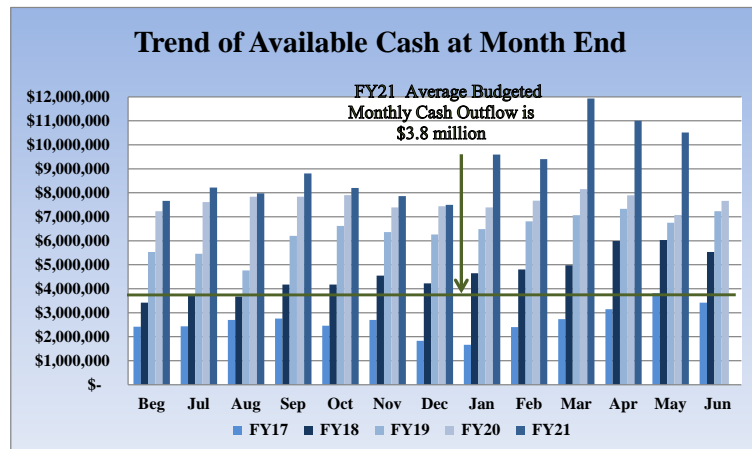
**PREVIOUS ACTION**

Fiscal Year 2021 Budget was adopted May 19, 2020.

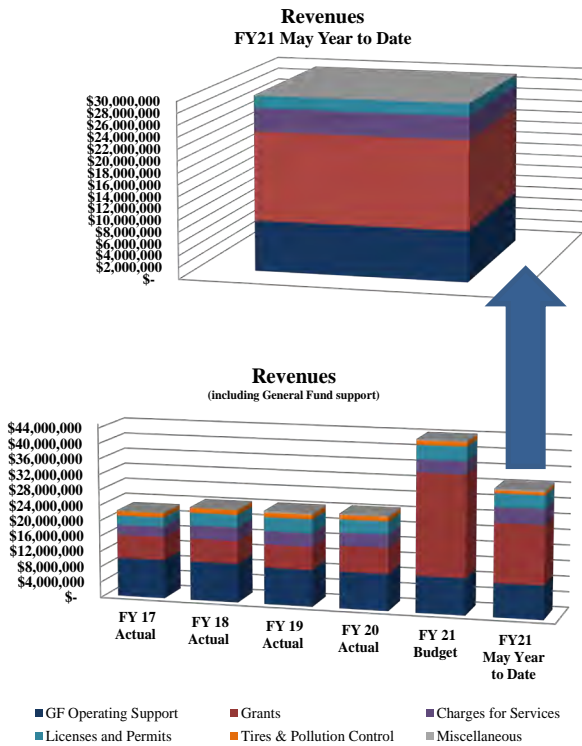
**BACKGROUND**

**Review of Cash**

The available cash at the end of May, FY21, was \$10,510,053 which is enough to cover approximately 2.7 months of expenditures. The cash balance is \$3,432,845 greater than FY20. The encumbrances and other liability portion of the cash totals \$4.9 million; the cash restricted as to use is approximately \$1.9 million (e.g., DMV pollution control revenue, Solid Waste Management Tire revenue, Accela Regional Permitting Technology Fees, and the Hazardous Materials 1995 litigation revenue); leaving a balance of \$3.7 million.

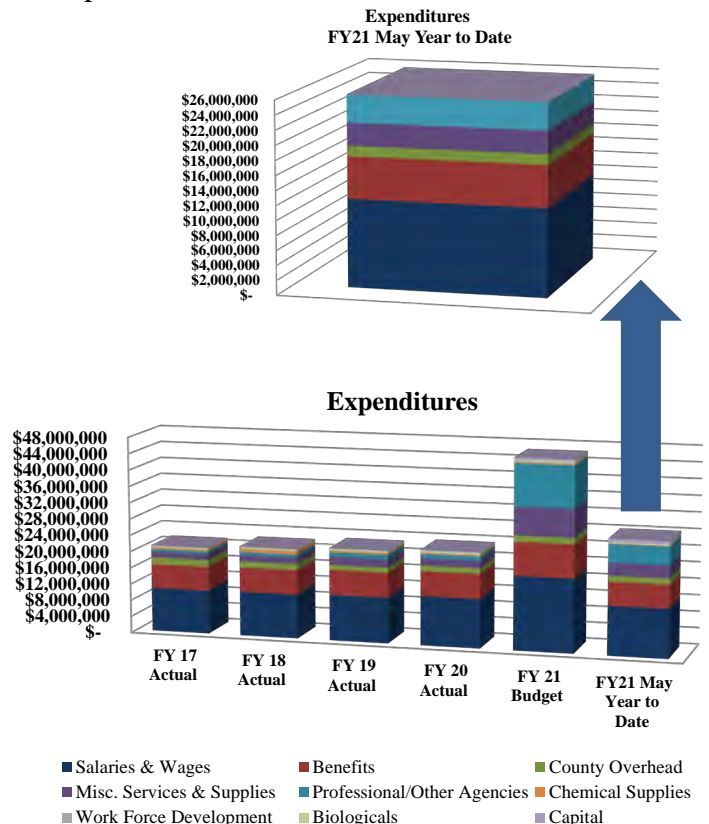


**Review of Revenues (including transfers from General Fund) and Expenditures by category**



The total **revenues** year to date were \$32,399,294 up \$12,104,042 or 59.6% compared to May FY20. The revenue categories up over FY20 were Federal and State grants of \$15,171,275 up \$10,857,924 or 251.7% due to the COVID-19 grants; licenses and permits of \$3,382,037 up \$369,736 or 12.3%; charges for services of \$3,987,876 up \$931,858 or 30.5% with the largest increase of \$469,309 in total dust plan revenue of \$1,018,317 and a \$140,684 increase in birth and death certificates revenue of \$657,010; fines and forfeitures of \$119,500 from SB4 fines; and, miscellaneous revenues of \$193,414 up \$51,157 or 36.0% with \$45,000 coming from a contribution from the City of Reno for the relocation of the Reno4 Air Monitoring Station. The revenue category down compared to FY20 was tire and pollution control revenue of \$821,409 down \$226,132 or 21.6% mainly in the Air Pollution funding which was down \$208,678. The County General Fund support of \$8,723,785 is level compared to FY20.

The total year to date **expenditures** of \$27,941,980 were up \$7,073,364 or 33.9% compared to FY20. Salaries and benefits expenditures for the eleven months of FY21 were \$17,763,549 up \$1,166,015 or 7.0% over the prior year and 67.8% of budget. The total services and supplies of \$9,392,117 were up \$5,198,615 or 124.0% compared to FY20 and 48.0% of budget. The major expenditures included in the services and supplies were; the professional services, which totaled \$4,355,067 up \$3,662,225, mainly due to the increase of \$1,787,660 in lab testing and \$2,036,337 for professional and temporary help for COVID-19; the biologicals of \$249,412 up \$16,138 or 7%; chemical supplies of \$157,983 down \$136,853 over FY20 due to sufficient inventory on hand for the Mosquito Abatement program; and, County overhead charges of \$1,412,465 up \$128,405 or 10% over FY20. There has been \$786,314 in capital expenditures up \$708,734 over FY20 due to the equipment needed for the COVID-19 response.



**Review of Revenues and Expenditures by Division**

**ODHO** has spent \$652,106 down \$454,350 or 41.1% over FY20 due to the reallocation of staff for COVID-19 response; savings from the vacant Director of Programs and Projects position; and a delay in spending the Community Support funding due to the COVID-19 response

**AHS** has spent \$986,554 down \$36,479 or 3.6% compared to FY20 mainly due to a \$13,527 in salary savings from vacant positions and a \$25,000 reduction in building safety expenditures

**AQM** revenues were \$3,609,053 up \$814,833 or 29.2% mainly due to an increase in dust plan revenue and a \$45,000 contribution from the City of Reno to help pay for the movement of the Reno4 Air Monitoring Station. The Division spent \$2,531,657 down \$118,691 or 4.5% mainly due to a \$65,854 reduction in salaries and benefits from vacant positions, decrease of \$16,327 in travel costs, and a reduction of \$29,321 in capital expenditures due to the Reno4 Air Monitoring Station built in FY20.

**CCHS** revenues were \$3,872,454 up \$560,678 or 16.9% over FY20 mainly due to an increase in grant funding and insurance reimbursements. The division spent \$6,913,215 up \$104,272 or 1.5% more than FY20 mainly due to temporary staff and software required for the COVID19 Immunization response.

**EHS** revenues were \$4,745,278 up \$931,710 or 24.4% over FY20 mainly due to the \$500,000 received from the COVID SB4 funding; \$119,500 in COVID non-compliance fines; and, \$203,993 additional in food services permits. Total expenditures were \$5,138,370 down \$180,626 or 3.4% mainly due to \$136,853 less than FY20 in chemical supplies for mosquito abatement; and, \$51,821 less in temporary help due to the completion of a scanning project for electronic record keeping.

**EPHP** revenues were \$11,448,726 up \$9,796,823 or 593.1% due to additional grant funding. The division spent \$11,720,080 up \$7,759,238 or 195.9% over FY20 due to the cost of the COVID-19 response: with the largest increase of \$3,149,515 in salaries and benefits due to additional staff, overtime, standby, and temporary staff; \$1,787,737 in lab testing; \$2,471,986 needed for additional furniture, software, equipment for temporary staff and operating supplies; and, \$350,000 for advertising campaign.

Washoe County Health District Summary of Revenues and Expenditures Fiscal Year 2016/2017 through May Year to Date Fiscal Year 2020/2021 (FY21)									
	Actual Fiscal Year			FY 2019/2020		Fiscal Year 2020/2021			
	2016/2017	2017/2018	2018/2019	Year End (audited)	May Year to Date	Adjusted Budget	May Year to Date	Percent of Budget	FY21 Increase over FY20
<b>Revenues (all sources of funds)</b>									
ODHO	51,228	3,365	-	-	-	-	-	-	-
AHS	-	-	-	-	-	-	-	-	-
AQM	2,979,720	3,543,340	3,443,270	3,493,840	<b>2,794,220</b>	3,496,067	<b>3,609,053</b>	103.2%	29.2%
CCHS	3,872,898	4,179,750	4,104,874	4,044,674	<b>3,311,776</b>	8,909,381	<b>3,872,454</b>	43.5%	16.9%
EHS	3,436,951	4,428,294	4,871,791	4,297,872	<b>3,813,568</b>	5,098,283	<b>4,745,278</b>	93.1%	24.4%
EPHP	2,027,242	1,854,862	2,126,580	2,067,409	<b>1,651,903</b>	16,878,332	<b>11,448,726</b>	67.8%	593.1%
GF support	10,002,381	10,051,691	9,516,856	9,516,856	<b>8,723,785</b>	9,516,856	<b>8,723,785</b>	91.7%	0.0%
<b>Total Revenues</b>	<b>\$ 22,370,420</b>	<b>\$ 24,061,302</b>	<b>\$ 24,063,371</b>	<b>\$ 23,420,651</b>	<b>\$ 20,295,252</b>	<b>\$ 43,898,919</b>	<b>\$ 32,399,294</b>	<b>73.8%</b>	<b>59.6%</b>
<b>Expenditures (all uses of funds)</b>									
ODHO	904,268	826,325	1,336,494	1,153,186	<b>1,106,455</b>	2,021,598	<b>652,106</b>	32.3%	-41.1%
AHS	1,119,366	1,016,660	1,059,669	1,083,771	<b>1,023,033</b>	1,315,204	<b>986,554</b>	75.0%	-3.6%
AQM	2,856,957	2,936,261	2,935,843	2,985,827	<b>2,650,348</b>	3,913,776	<b>2,531,657</b>	64.7%	-4.5%
CCHS	7,294,144	7,538,728	7,700,440	7,547,364	<b>6,808,943</b>	13,201,409	<b>6,913,215</b>	52.4%	1.5%
EHS	6,366,220	7,030,470	6,669,768	5,815,690	<b>5,318,995</b>	7,990,705	<b>5,138,370</b>	64.3%	-3.4%
EPHP	2,616,411	2,557,352	2,856,024	4,614,255	<b>3,960,842</b>	17,745,430	<b>11,720,080</b>	66.0%	195.9%
<b>Total Expenditures</b>	<b>\$ 21,157,367</b>	<b>\$ 21,905,797</b>	<b>\$ 22,558,237</b>	<b>\$ 23,200,095</b>	<b>\$ 20,868,616</b>	<b>\$ 46,188,122</b>	<b>\$ 27,941,980</b>	<b>60.5%</b>	<b>33.9%</b>
<b>Revenues (sources of funds) less Expenditures (uses of funds):</b>									
ODHO	(853,040)	(822,960)	(1,336,494)	(1,153,186)	<b>(1,106,455)</b>	(2,021,598)	<b>(652,106)</b>		
AHS	(1,119,366)	(1,016,660)	(1,059,669)	(1,083,771)	<b>(1,023,033)</b>	(1,315,204)	<b>(986,554)</b>		
AQM	122,763	607,078	507,427	508,014	<b>143,872</b>	(417,710)	<b>1,077,396</b>		
CCHS	(3,421,246)	(3,358,978)	(3,595,566)	(3,502,690)	<b>(3,497,167)</b>	(4,292,029)	<b>(3,040,761)</b>		
EHS	(2,929,269)	(2,602,177)	(1,797,977)	(1,517,818)	<b>(1,505,427)</b>	(2,892,422)	<b>(393,092)</b>		
EPHP	(589,169)	(702,490)	(729,444)	(2,546,846)	<b>(2,308,939)</b>	(867,097)	<b>(271,353)</b>		
GF Operating	10,002,381	10,051,691	9,516,856	9,516,856	<b>8,723,785</b>	9,516,856	<b>8,723,785</b>		
Surplus (deficit)	\$ 1,213,053	\$ 2,155,505	\$ 1,505,134	\$ 220,557	<b>\$ (573,364)</b>	<b>\$ (2,289,203)</b>	<b>\$ 4,457,314</b>		
Fund Balance (FB)	\$ 4,180,897	\$ 6,336,402	\$ 7,841,536	\$ 8,062,093			<b>\$ 5,772,890</b>		
FB as a % of Expenditures	19.8%	28.9%	34.8%	34.8%			<b>12.5%</b>		

Note: ODHO=Office of the District Health Officer, AHS=Administrative Health Services, AQM=Air Quality Management, CCHS=Community and Clinical Health Services, EHS=Environmental Health Services, EPHP=Epidemiology and Public Health Preparedness, GF=County General Fund

Date: DBOH meeting June 24, 2021  
Subject: Fiscal Year 2021, May Financial Review  
Page 4 of 4

**FISCAL IMPACT**

No fiscal impact associated with the acknowledgement of this staff report.

**RECOMMENDATION**

Staff recommends that the District Board of Health acknowledge receipt of the Health Fund financial review for May, Fiscal Year 2021.

**POSSIBLE MOTION**

Move to acknowledge receipt of the Health Fund financial review for May, Fiscal Year 2021.

Attachment:  
Health District Fund financial system summary report

Period: 1 thru 11 2021  
 Accounts: GO-P-L P&L Accounts  
 Business Area: \*  
 Fund: 202  
 Fund Center: 000  
 Functional Area: 000  
 Health Fund  
 Default Washoe County  
 Standard Functional Area Hiera

Accounts	2021 Plan	2021 Actuals	Balance	Act%	2020 Plan	2020 Actual	Balance	Act%
422503 Environmental Permits	127,376-	90,361-	37,015-	71	82,438-	89,826-	7,388	109
422504 Pool Permits	305,703-	296,529-	9,174-	97	272,588-	256,135-	16,453-	94
422505 RV Permits	29,386-	32,789-	3,404	112	32,198-	29,797-	2,401-	93
422507 Food Service Permits	1,636,378-	1,572,761-	63,617-	96	1,483,902-	1,368,768-	115,134-	92
422508 Wat Well Const Perm	91,018-	188,866-	97,848	208	179,055-	116,622-	62,432-	65
422509 Water Company Permits	3,298-	13,747-	10,450	417	66,145-	12,157-	53,987-	18
422510 Air Pollution Permits	709,437-	660,370-	49,067-	93	650,135-	645,194-	4,941-	99
422511 ISDS Permits	412,744-	390,274-	22,470-	95	263,853-	280,078-	16,225	106
422513 Special Event Permits	194,950-	21,864-	173,087-	11	175,849-	123,358-	52,491-	70
422514 Initial Applic Fee	116,022-	114,476-	1,546-	99	88,434-	90,366-	1,932	102
* Licenses and Permits	3,626,311-	3,382,037-	244,274-	93	3,294,595-	3,012,301-	282,294-	91
431100 Federal Grants	24,845,459-	13,879,704-	10,965,755-	56	6,502,886-	3,687,236-	2,815,650-	57
431105 Fed. Grants-Indirect	508,832-	920,812-	411,979	181	494,709-	419,965-	74,743-	85
432100 State Grants	673,512-	327,371-	346,141-	49	919,314-	184,866-	734,448-	20
432105 State Grants-Indirect	41,013-	43,388-	2,374	106	2,525-	21,284-	18,759	843
432310 Tire Fee NRS 444A.090	525,000-	400,117-	124,883-	76	486,000-	417,570-	68,430-	86
432311 Pol Ctrl 445B.830	628,105-	421,292-	206,813-	67	628,105-	629,970-	1,865	100
* Intergovernmental	27,221,921-	15,992,683-	11,229,238-	59	9,033,539-	5,360,891-	3,672,648-	59
460160 Other General Govt	120-	120-	120		10,000-	848-	9,152-	8
460162 Services O Agencies	10,000-		10,000-					
460173 Reimbursements - Reno								
460500 Other Immunizations	65,000-	57,526-	7,474-	89	64,040-	56,207-	7,833-	88
460501 Medicaid Clinic Svcs	156,000-	179,266-	23,266	115	181,467-	149,616-	31,851-	82
460508 Tuberculosis					6,204-	1,336-	4,868-	22
460509 Water Quality								
460510 IT Overlay								
460511 Birth Death Certific	589,467-	657,010-	67,543	111	515,000-	516,326-	1,326	100
460512 Duplication Service		2,694-	2,694					
460513 Other Health Service	68,154-	107,568-	39,413	158	100,888-	131,485-	30,597	130
460514 Food Service Certifi								
460516 Pgm Inc-3rd Prty Rec	223,000-	246,132-	23,132	110	196,807-	223,993-	27,186	114
460518 STD Fees	15,000-	27,952-	12,952	186	36,190-	29,500-	6,690-	82
460519 Outpatient Services								
460520 Eng Serv Health	295,255-	354,506-	59,251	120	209,943-	289,278-	79,335	138
460521 Plan Review - Pools	2,588-	35,039-	32,451	1,354	6,212-	13,707-	7,495	221
460523 Plan Review - Food S	99,442-	89,413-	10,028-	90	90,059-	86,892-	3,168-	96
460524 Family Planning	88,000-	105,213-	17,213	120	51,700-	81,871-	30,171	158
460525 Plan Review - Vector	82,843-	111,085-	28,242	134	76,465-	77,429-	964	101
460526 Plan Review-Air Quality	118,045-	101,432-	16,612-	86	115,940-	82,163-	33,778-	71
460527 NOE-AQM	272,665-	311,228-	38,563	114	263,732-	237,133-	26,599-	90
460528 NESHAP-AQM	249,213-	219,161-	30,052-	88	247,948-	194,950-	52,998-	79
460529 Assessments-AQM	120,422-	69,387-	51,036-	58	132,000-	75,875-	56,125-	57
460530 Inspector Registr-AQ	3,485-		3,485-		3,328-	963-	2,365-	29





Period: 1 thru 11 2021  
 Accounts: GO-P-L P&L Accounts  
 Business Area: \*

Fund: 202  
 Fund Center: 000  
 Functional Area: 000  
 Health Fund  
 Default Washoe County  
 Standard Functional Area Hiera

Accounts	2021 Plan	2021 Actuals	Balance	Act%	2020 Plan	2020 Actual	Balance	Act%
705240 Insur Budgeted Incr	46,656	68,904	46,656	89	36,465	66,058	36,465	86
705320 Workmens Comp	77,146	13,513	8,242	117	77,087	12,211	11,028	122
705330 Unemply Comp	11,501		2,012		9,982		2,229	
705360 Benefit Adjustment	1,574,725		1,574,725		253,842	39	253,802	0
* Employee Benefits	8,137,347	5,750,828	2,386,519	71	6,584,370	5,590,784	993,587	85
710100 Professional Services	861,981	740,451	121,530	86	713,822	174,916	538,906	25
710101 Lab Testing Services	1,855,689	1,787,937	67,752	96		277		
710103 Radiology						37		
710105 Medical Services	11,288	9,301	1,988	82	12,948	6,521	6,427	50
710108 MD Consultants	55,401	47,848	7,553	86	50,536	45,919	4,617	91
710110 Contracted/Temp Svcs	6,316,689	1,604,305	4,712,384	25	321,145	133,503	187,642	42
710155 Lobbying Services	600	300	300	50	600		600	
710200 Service Contract	364,847	387,562	22,715	106	80,047	58,196	21,852	73
710201 Laundry Services	2,322	2,122	200	91	1,850	1,246	604	67
710203 Landscape Maint.								
710205 Repairs and Maintenance	10,307	16,075	5,768	156	13,450	6,967	6,483	52
710210 Software Maintenance	4,200	10,954	6,754	261	11,151	8,696	2,455	78
710212 Software Subscription	233,510	128,683	104,827	55				
710215 Operating Contracts	1,624,558	67,891	1,556,667	4				
710300 Operating Supplies	1,478,464	779,641	698,823	53	391,389	171,771	219,618	44
710302 Small Tools & Allow	1,735	350	1,385	20	1,300	1,293	7	99
710308 Animal Supplies	1,600		1,600		1,535		1,535	
710310 Parts and Supplies		8,488	8,488					
710312 Special Dept Expense	100,000		100,000					
710319 Chemical Supplies	236,200	157,983	78,218	67	297,250	294,835	2,415	99
710325 Signs and Markers		3,627	3,627					
710334 Copy Machine Expense	42,596	23,016	19,579	54	30,028	17,132	12,896	57
710335 Copy Mach-Copies	11,348	8,456	2,892	75	9,965	9,421	544	95
710347 Medical Supplies						248	248	
710350 Office Supplies	142,019	97,102	44,917	68	83,521	34,486	49,035	41
710355 Books and Subscriptions	10,990	23,591	12,601	215	6,940	7,084	144	102
710360 Postage	17,034	23,562	6,528	138	18,269	16,860	1,409	92
710361 Express and Courier	100	38	62	38	100	96	4	96
710391 Fuel & Lube	8,558		8,558					
710400 Fmts to O Agencies	920,975	165,225	755,750	18	416,085	331,669	84,416	80
710412 Do Not Use								
710500 Other Expense	256,565	19,221	237,344	7	175,691	47,231	128,459	27
710502 Printing	67,729	85,503	17,774	126	42,450	25,461	16,989	60
710503 Licenses & Permits	9,345	7,468	1,877	80	8,480	3,841	4,639	45
710504 Registration	1,900	6,945	5,045	366		706	706	
710505 Rental Equipment		23,109	23,109		200	76	124	38
710506 Dept InsDeductible		1,596	1,596		150	800	650	533
710507 Network and Data Lines	60,196	14,666	45,530	24	12,730	15,250	2,520	120



Period: 1 thru 11 2021  
 Accounts: GO-P-L P&L Accounts  
 Business Area: \*  
 Fund: 202 Health Fund  
 Fund Center: 000 Default Washoe County  
 Functional Area: 000 Standard Functional Area Hiera

Accounts	2021 Plan	2021 Actuals	Balance	Act%	2020 Plan	2020 Actual	Balance	Act%
711503 Road Bridge non Capital		663	663-					
711504 Equipment nonCapital	320,200	403,314	83,115-	126	115,441	121,278	5,837-	105
711508 Computers nonCapital	213,143	51,264	161,879	24	56,517	23,475	33,042	42
711509 Comp Sftw nonCap	191,781	118,079	73,702	62	14,672	81,851	67,179-	558
* Services and Supplies	19,490,263	9,319,565	10,170,698	48	6,597,204	4,139,141	2,458,062	63
781001 Land Imprv Capital		182,627	182,627-		16,000	12,383	12,383-	
781002 Builid Imprv Capital	267,694	278,899	11,205-	104	154,413	65,197	16,000	42
781004 Equipment Capital	177,616	177,616		100			89,216	
781007 Vehicles Capital		147,172	147,172-		25,000		25,000	
781009 Comp Sftw Capital	445,311	786,314	341,004-	177	195,413	77,580	117,833	40
* Capital Outlay	46,118,633	27,869,428	18,249,204	60	26,496,529	20,814,255	5,682,274	79
** Expenses	9,516,856-	8,723,785-	793,071-	92	9,516,856-	8,723,785-	793,071-	92
* Transfers In	9,516,856-	8,723,785-	793,071-	92	9,516,856-	8,723,785-	793,071-	92
812230 TF to Regional Permt	69,489	72,552	3,063-	104	73,123	54,360	18,763	74
814430 To Reg Permits Capit	69,489	72,552	3,063-	104	73,123	54,360	18,763	74
* Transfers Out	9,447,367-	8,651,233-	796,134-	92	9,443,733-	8,669,424-	774,309-	92
** Other Financing Src/Use								
*** Total	2,289,203	4,457,314-	6,746,517	195-	1,060,494	573,364	487,129	54





*Regional Emergency Medical Services Authority*

*A non-profit community service using no taxdollars*

# **REMSA**

# **FRANCHISE COMPLIANCE REPORT**

## **MAY 2021**



**REMSA Accounts Receivable Summary  
Fiscal 2020**

Month	#Patients	Total Billed	Average Bill	YTD Average	Average Collected 33%
July	4,253	\$5,839,002.20	\$1,372.91	\$1,372.84	\$ 453.04
August	4,224	\$5,806,006.60	\$1,374.53	\$1,373.06	\$ 453.11
September	4,089	\$5,622,367.80	\$1,375.00	\$1,373.28	\$ 453.18
October	4,409	\$6,040,357.20	\$1,370.01	\$1,372.93	\$ 453.07
November	4,251	\$5,800,733.40	\$1,364.56	\$1,372.14	\$ 452.80
December	4,347	\$5,981,323.40	\$1,375.97	\$1,372.47	\$ 452.92
January	4,227	\$6,306,218.60	\$1,491.89	\$1,372.79	\$ 453.02
February	3,780	\$5,623,933.60	\$1,487.81	\$1,372.79	\$ 491.69
March	4,093	\$6,108,707.20	\$1,492.48	\$1,372.79	\$ 491.97
April	4,180	\$6,315,334.80	\$1,510.85	\$1,372.79	\$ 493.67
May					
June					
<b>Totals</b>	<b>37,673</b>	<b>\$59,443,984.80</b>	<b>\$1,411.68</b>		

Current Allowable Average Bill: \$1,517.66

**Year to Date: May 2021**

<b>COMPLIANCE</b>			
Month	Priority 1 System - Wide Avg. Response Time	Priority 1 Zone A	Priority 1 Zones B,C,D
Jul-20	6 Minutes 08 Seconds	88%	84%
Aug-20	6 Minutes 38 Seconds	87%	90%
Sep-20	6 Minutes 16 Seconds	89%	96%
Oct-20	6 Minutes 05 Seconds	89%	93%
Nov-20	6 Minutes 40 Seconds	88%	92%
Dec-20	6 Minutes 24 Seconds	89%	90%
Jan-21	6 Minutes 31 Seconds	88%	90%
Feb-21	6 Minutes 01 Seconds	90%	92%
Mar-21	6 Minutes 15 Seconds	88%	86%
Apr-21	6 Minutes 17 Seconds	88%	82%
May-21	6 Minutes 14 Seconds	88%	83%
Jun-21			



**Fiscal Year to Date**

Priority 1 System - Wide Avg. Response Time	Priority 1 Zone A	Priority 1 Zones B,C,D
6 Minutes 19 Seconds	88%	90%

**Year to Date: May 2021**

AVERAGE RESPONSE TIMES BY ENTITY				
Month/Year	Priority	Reno	Sparks	Washoe County
Jul-20	P-1	5:28	6:05	8:50
	P-2	6:04	6:53	9:10
Aug-20	P-1	5:57	6:44	9:16
	P-2	6:32	7:35	9:32
Sep-20	P-1	5:32	6:31	8:36
	P-2	6:19	7:08	9:01
Oct-20	P-1	5:21	6:08	8:56
	P-2	6:00	7:59	9:03
Nov-20	P-1	5:54	6:39	9:24
	P-2	6:34	7:26	10:28
Dec-20	P-1	5:39	6:29	9:47
	P-2	6:18	6:28	9:30
Jan-21	P-1	5:45	6:35	9:35
	P-2	6:23	7:06	10:14
Feb-21	P-1	5:25	6:00	9:15
	P-2	5:52	6:26	9:09
Mar-21	P-1	5:25	6:20	9:16
	P-2	6:09	6:46	9:58
Apr-21	P-1	5:40	6:22	10:07
	P-2	6:22	6:59	10:34
May-21	P-1	5:33	6:22	9:30
	P-2	6:06	6:59	9:58
Jun-21	P-1			
	P-2			

**Fiscal Year to Date: May 2021**

Priority	Reno	Sparks	Washoe County
P1	5:37	6:24	9:19
P2	6:15	7:01	9:38



**REMSA OCU INCIDENT DETAIL REPORT  
PERIOD: 05/01/2021 THRU 05/31/2021**

<b>CORRECTIONS REQUESTED</b>					
Zone	Clock Start	Clock Stop	Unit	Response Time Original	Response Time Correct
Zone A	5/9/21 19:18	5/9/21 19:25	1C45	0:16:41	0:07:13
Zone A	5/10/21 11:54	5/10/21 11:57	1C10	0:26:00	0:02:43
Zone A	5/11/21 13:01	5/11/21 13:02	1C36	23:58:38	0:00:38
Zone A	5/12/21 2:50	5/12/21 2:50	1C39	-0:01:08	0:00:26
Zone A	5/13/21 17:08	5/13/21 17:14	1V50	0:11:12	0:06:33
Zone A	5/13/21 23:09	5/13/21 23:13	1C10	0:10:21	0:03:23
Zone A	5/14/21 3:58	5/14/21 4:04	1C19	0:19:26	0:05:31
Zone A	5/14/21 16:38	5/14/21 16:52	1C43	0:17:30	0:13:51
Zone A	5/17/21 4:57	5/17/21 5:04	1C38	0:11:50	0:07:05
Zone A	5/19/21 2:04	5/19/21 2:10	1C18	0:27:59	0:05:57
Zone A	5/23/21 17:54	5/23/21 17:59	1C33	0:24:46	0:05:06
Zone A	5/24/21 18:07	5/24/21 18:08	1C08	-0:00:02	0:00:33
Zone A	5/24/21 23:35	5/24/21 23:36	1C30	23:59:49	0:00:22
Zone A	5/25/21 16:49	5/25/21 16:50	1C33	-0:00:03	0:01:07
Zone A	5/26/21 20:34	5/26/21 20:37	1C23	0:10:29	0:02:38
Zone A	5/26/21 20:26	5/26/21 20:37	1C39	0:10:49	0:10:49
Zone A	5/27/21 17:17	5/27/21 17:26	1C05	0:09:13	0:09:13
Zone A	5/28/21 18:26	5/28/21 18:38	1C44	0:12:14	0:12:14
Zone A	5/31/21 19:25	5/31/21 19:36	1C37	0:10:59	0:10:59

<b>UPGRADE REQUESTED</b>				
Zone	Priority Original	Priority Upgrade	Response Time Original	Response Time Correct
Zone A	3	1	0:08:59	0:05:31
Zone A	3	1	0:17:57	0:10:49
Zone A	3	1	0:17:11	0:12:14





EXEMPTIONS REQUESTED				
Incident Date	Approval	Exemption Reason	Zone	Response Time
05/01/2021	Exemption Approved	Overload	Zone A	:09:54
05/01/2021	Exemption Approved	Overload	Zone A	:11:49
05/01/2021	Exemption Approved	Overload	Zone A	:10:34
05/01/2021	Exemption Approved	Overload	Zone A	:12:30
05/01/2021	Exemption Approved	Overload	Zone A	:09:14
05/01/2021	Exemption Approved	Overload	Zone A	:11:19
05/01/2021	Exemption Approved	Overload	Zone A	:17:18
05/01/2021	Exemption Approved	Overload	Zone A	:11:09
05/01/2021	Exemption Approved	Overload	Zone A	:16:41
05/01/2021	Exemption Approved	Overload	Zone A	:14:07
05/01/2021	Exemption Approved	Overload	Zone A	:10:58
05/04/2021	Exemption Approved	Overload	Zone A	:12:08
05/04/2021	Exemption Approved	Overload	Zone A	:11:29
05/04/2021	Exemption Approved	Overload	Zone A	:09:14
05/10/2021	Exemption Approved	Overload	Zone A	:12:33
05/13/2021	Exemption Approved	Overload	Zone A	:14:25
05/13/2021	Exemption Approved	Overload	Zone A	:10:42
05/14/2021	Denied	Overload	Zone A	:11:22
05/16/2021	Exemption Approved	Overload	Zone A	:09:03
05/16/2021	Exemption Approved	Overload	Zone A	:09:03
05/16/2021	Exemption Approved	Overload	Zone A	:16:06
05/16/2021	Exemption Approved	Overload	Zone A	:10:55
05/16/2021	Exemption Approved	Overload	Zone A	:17:31
05/29/2021	Exemption Approved	Overload	Zone A	:09:46
05/29/2021	Exemption Approved	Overload	Zone A	:10:35
05/29/2021	Exemption Approved	Overload	Zone A	:19:39
05/29/2021	Exemption Approved	Overload	Zone A	:11:15
05/29/2021	Exemption Approved	Overload	Zone A	:11:06
05/29/2021	Exemption Approved	Overload	Zone A	:15:36
05/29/2021	Exemption Approved	Overload	Zone A	:09:22
05/29/2021	Exemption Approved	Overload	Zone A	:10:23
05/29/2021	Exemption Approved	Overload	Zone A	:09:27
05/29/2021	Exemption Approved	Overload	Zone A	:09:31
05/30/2021	Exemption Approved	Overload	Zone A	:14:35
05/30/2021	Exemption Approved	Overload	Zone A	:10:17



## **GROUND AMBULANCE OPERATIONS REPORT**

### **May 2021**

#### **1. Overall Statics**

- a) Total number of system responses: 6,988
- b) Total number of responses in which no transports resulted: 2,707
- c) Total number of system transports (including transports to out of county):  
4,281

#### **2. Call Classification**

- a) Cardiopulmonary Arrests: 1.43%
- b) Medical: 49%
- c) Obstetrics (OB): 0.4%
- d) Psychiatric/Behavioral: 6.5%
- e) Transfers: 13.8%
- f) Trauma – MVA: 6.5%
- g) Trauma – Non MVA: 17.7%
- h) Unknown: 4.9%

#### **3. Medical Director's Report**

- a) The Clinical Director or designee reviewed:
  - 100% of cardiopulmonary arrests
  - 100% of pediatric patients (transport and non-transport)
  - 100% of advanced airways (excluding cardio pulmonary arrests)
  - 100% of STEMI alerts or STEMI rhythms
  - 100% of deliveries and neonatal resuscitation
  - 100% Advanced Airway Success rates for nasal/oral intubation and King Airway placement for adult and pediatric patients.

Total number of ALS Calls: 894

Total number of above calls receiving QA Reviews: 152

Percentage of charts reviewed from the above transports: 17%



### MAY 2021 MONTHLY REMSA EDUCATION REPORT

DISCIPLINE	CLASSES	STUDENTS
ACLS	12	59
BLS (CPR)	64	237
Heartsaver (CPR)	48	194
ITLS/PHTLS	1	2
PALS	7	33

### COMMUNITY OUTREACH MAY 2021

Point of Impact		
5/15/2021	Checkpoint with Reno Housing Authority: 13 vehicles and 20 car seats checked; 6 seats donated	2 staff; 4 volunteers
Cribs for Kids/Community		
5/6/2021	Immunize Nevada Community Meeting	
5/10/2021	Cribs for Kids Train-the-Trainer	2 participants
5/11/2021	Nevada 211 Training for Cribs for Kids Program	25 participants
5/13/2021	Northern NV MCH Coalition Meeting	
5/18/2021	Safe Kids Washoe County Meeting	
5/20/2021	State of Nevada -Virtual Site Visit for Cribs for Kids Program	
5/25/2021	Aunt Bertha- Virtual introduction to Nevada	
5/26/2021	Cribs for Kids Train-the-Trainer	1 participant



REMSA

Reno, NV  
Client 7299



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Lansing, Mi 48096  
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support@EMSSurveyTeam.com  
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# EMS System Report

May 1, 2021 to May 31, 2021

Your Score

**96.69**

Number of Your Patients in this Report

**150**

Number of Patients in this Report

**7,500**

Number of Transport Services in All EMS DB

**173**





## Executive Summary

This report contains data from **150 REMSA** patients who returned a questionnaire between **05/01/2021** and **05/31/2021**.

The overall mean score for the standard questions was **96.69**; this is a difference of **3.11** points from the overall EMS database score of **93.58**.

The current score of **96.69** is a change of **-0.65** points from last period's score of **97.34**. This was the **14th** highest overall score for all companies in the database.

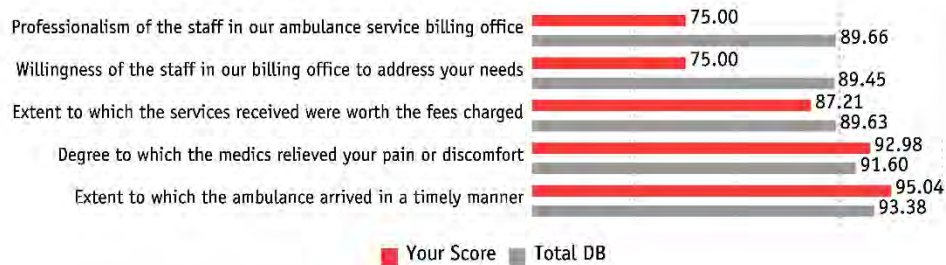
You are ranked **2nd** for comparably sized companies in the system.

**89.44%** of responses to standard questions had a rating of Very Good, the highest rating. **99.61%** of all responses were positive.

### 5 Highest Scores



### 5 Lowest Scores

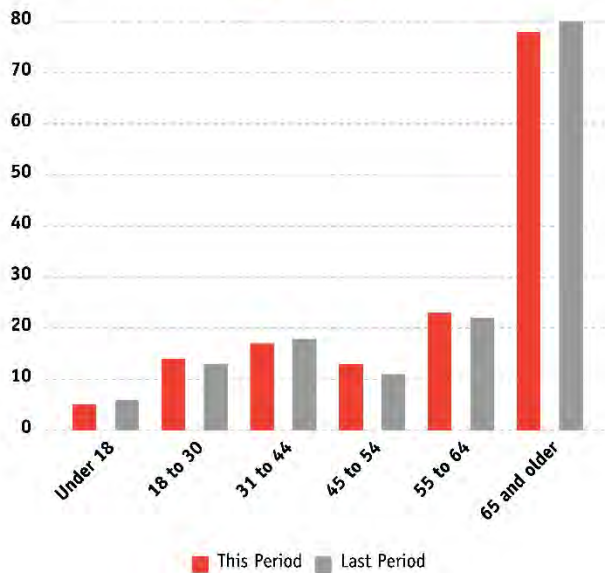




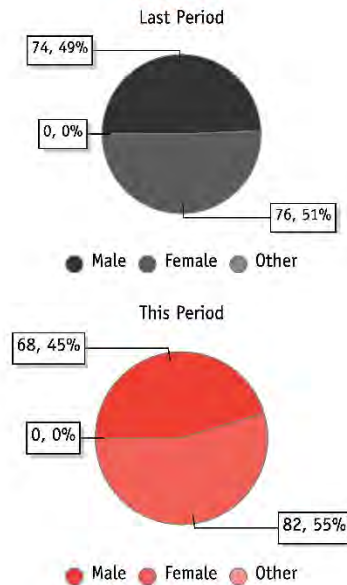
**Demographics** — This section provides demographic information about the patients who responded to the survey for the current and the previous periods. The information comes from the data you submitted. Compare this demographic data to your eligible population. Generally, the demographic

	Last Period				This Period			
	Total	Male	Female	Other	Total	Male	Female	Other
Under 18	6	2	4	0	5	3	2	0
18 to 30	13	6	7	0	14	6	8	0
31 to 44	18	11	7	0	17	9	8	0
45 to 54	11	6	5	0	13	8	5	0
55 to 64	22	14	8	0	23	9	14	0
65 and older	80	35	45	0	78	33	45	0
<b>Total</b>	<b>150</b>	<b>74</b>	<b>76</b>	<b>0</b>	<b>150</b>	<b>68</b>	<b>82</b>	<b>0</b>

**Age Ranges**




**Gender**





REMSA  
**May 1, 2021 to May 31, 2021**



**Monthly Breakdown**

Below are the monthly responses that have been received for your service. It details the individual score for each question as well as the overall company score for that month.

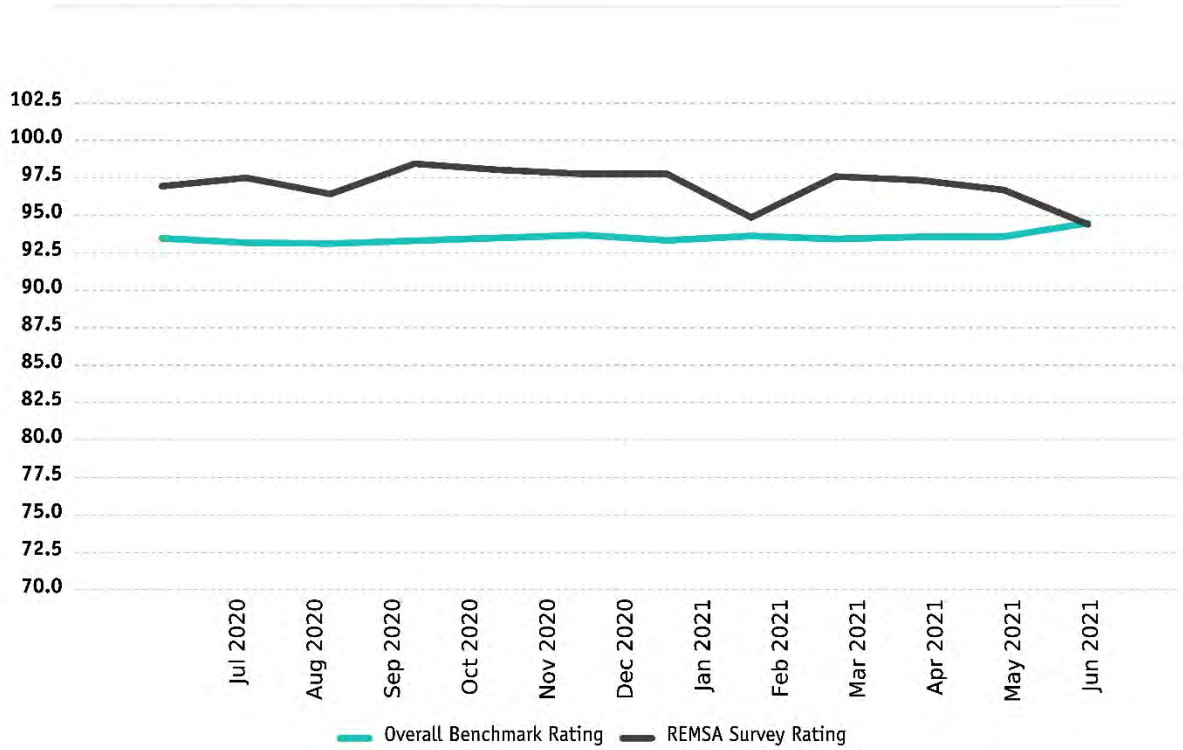
	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021	May 2021
Helpfulness of the person you called for ambulance service	99.15	98.37	98.30	96.83	97.01	97.85	98.46	98.13	96.53	97.69	94.40	95.63
Extent to which you were told what to do until the ambulance arrived	99.15	98.91	98.30	96.79	96.88	97.83	98.45	98.13	96.26	98.36	94.40	96.25
Extent to which the ambulance arrived in a timely manner	96.43	95.26	95.80	94.26	97.68	98.04	96.53	97.96	95.11	98.37	96.43	95.04
Cleanliness of the ambulance	97.78	98.59	98.41	96.98	99.17	99.06	98.33	98.47	97.20	98.99	99.35	97.71
Skill of the person driving the ambulance	96.31	97.56	97.22	96.23	97.63	97.79	98.35	97.93	95.68	97.88	97.83	95.77
Care shown by the medics who arrived with the ambulance	97.17	97.32	98.32	96.80	99.00	97.51	97.83	97.64	94.83	97.82	98.17	98.15
Degree to which the medics took your problem seriously	97.99	97.32	98.32	96.73	99.50	98.33	97.32	97.64	95.00	97.48	98.15	98.31
Degree to which the medics listened to you and/or your family	96.98	96.50	97.60	96.36	99.31	97.99	96.96	97.29	94.05	97.43	97.93	97.41
Extent to which the medics kept you informed about your treatment	96.61	96.94	97.71	96.00	97.59	98.14	97.40	97.92	94.18	97.07	98.21	95.57
Extent to which medics included you in the treatment decisions (if	96.84	97.29	96.85	96.10	98.71	97.91	98.32	97.78	94.44	96.95	97.14	95.54
Degree to which the medics relieved your pain or discomfort	95.20	92.65	93.23	94.55	95.60	96.79	96.92	96.83	90.36	94.81	91.76	92.98
Medics' concern for your privacy	97.10	97.37	97.69	97.00	98.84	98.41	97.57	98.05	95.65	98.58	98.35	98.02
Extent to which medics cared for you as a person	97.15	97.28	98.65	97.49	98.94	98.33	97.97	96.96	95.27	97.97	99.00	98.63
Professionalism of the staff in our ambulance service billing office	95.83	91.67	100.00		100.00	100.00	100.00	100.00	100.00	85.00	93.75	75.00
Willingness of the staff in our billing office to address your needs	95.83	91.67	100.00		100.00	100.00	100.00	100.00	100.00	100.00	87.50	75.00
How well did our staff work together to care for you	97.24	97.77	98.48	97.31	99.12	98.49	98.00	97.83	95.21	97.28	98.97	98.44
Extent to which the services received were worth the fees charged	82.14	50.00	85.07	94.11	98.33	97.62	98.02	98.03	90.63	97.31	88.69	87.21
Overall rating of the care provided by our Emergency Medical Transportation	97.45	97.11	98.31	97.12	98.99	97.98	97.50	97.67	95.24	97.62	97.82	97.11
Likelihood of recommending this ambulance service to others	97.92	98.01	98.55	97.23	98.80	98.14	98.31	97.80	95.41	97.73	98.26	97.20
Your Master Score	97.09	96.94	97.50	96.42	98.44	98.03	97.76	97.76	94.85	97.59	97.34	96.69
Your Total Responses	150	150	150	150	150	150	150	150	150	150	150	150



REMSA  
May 1, 2021 to May 31, 2021



Monthly tracking of Overall Survey Score







## REMSA GROUND AMBULANCE APRIL 2021 CUSTOMER REPORT

	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
1	02/24/2021		"Patient stated the care is always excellent, but she doesn't like being asked every time if she wants to go to the ambulance."	"Patient doesn't like it when the medics ask her if she wants to go to the hospital, if she calls for an ambulance that should mean to them she wants to go."	Stacie S.
2	02/02/2021		"Patient thanks the medics who cared for him that day. He said just the follow-up call alone brought tears to his eyes. He said the medics kept him going, they are the best and he thanks them."		
3	02/05/2021	"The medics talked to her and it helped relax her. They were really nice." "Really good service."	"The medics listened to her well."		
4	02/05/2021	"The medics did okay."			
6	02/05/2021		"Patient stated everything was done well."		
7	02/06/2021		"The medics worked together well. They were pretty good about everything they did."		
8	02/06/2021	"She feels that the driver took a long route to the hospital so REMSA could charge her more." "The medics were very nice." "She was not happy that REMSA sent her a letter that they will no longer take her to the ER - She is supposed to go to a clinic if she gets sick again."		"She feels the fees should be reduced."	Stacie S.



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
9	02/07/2021	"Patient is unable to answer the cleanliness and driving skill questions."	"Patient said she was scared and confused, but the medics were able to talk her through everything."		
10	02/09/2021	"The driver was a very good driver." "Very compassionate and kind medics." "The medics were excellent."	"They relieved his pain right almost immediately."		
11	02/09/2021		"Kindness, compassion and passion for the patient's wellbeing."	"Pay the medics better."	
12	02/10/2021		"Patient stated everything was done well and timely."		
13	02/11/2021	"The medics did a good job making sure that she was all ready to transport." "The medic were very professional and polite."	"The medics made sure she was comfortable."		
14	02/11/2021		"The medics really explained well what was going on and that helped calm the patient. She felt better and more secure after that. They were also professional with the matter."		
15	02/12/2021		"Patient stated the medics were very professional, compassionate and took very good care of a little old lady."		
16	02/16/2021		"The medics took really good care of her."		
17	02/16/2021	"Very considerate medics."	"The medics were really concerned. She lost her balance,		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
			and appreciated how a fireman picked her right up."		
18	02/16/2021		"The medics kept her feeling calm."		
19	02/18/2021		"Mother took the survey regarding her young daughter. She noted the medics did a great job of getting her daughter's allergic reaction under control."		
20	02/18/2021		"Patient stated everything was done well. She can see no improvements that need to be made."		
21	02/22/2021	"The ambulance came quickly." "Amazing medics. They stabilized her and relieved her pain."	"They did a great job with everything they did. They relieved her pain almost right away."		
22	02/22/2021	"The medics gave him a great experience after his injury. They were very competent people." "Very knowledgeable medics who worked well together."	"The medics gave him great service. They were very attentive to him."		
23	02/24/2021	"Patient particularly noted the cleanliness inside of the ambulance."	"Patient stated the medics went above and beyond. Their level of service during the entire event was outstanding."		
24	02/25/2021	"The medics talked to her. The medics helped her make the decision to go to the hospital, as she was afraid of the cost."	"The medics got her to the hospital fast, before she died."		
25	02/25/2021		"Patient stated his overall treatment and		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
			attentiveness from the medics was outstanding."		
26	02/27/2021		"Patient noted that given the circumstances he doesn't think anything could have been done any better."		
27	03/01/2021	"The medics gave him good care." "He was happy with the service, other than they did not put a seatbelt on him."		"Make sure the patient is belted in for safety."	Stacie S.
28	03/01/2021	"The operator told him what to do while waiting." "POA said that the medics were very polite and caring."	"POA said the medics did the best that they could to save her."		
29	03/01/2021	"The medics were great."	"The medics did an excellent job in general."		
30	03/01/2021		"The medics put her at ease."		
31	03/01/2021		"The medics made sure that he was comfortable, and got him to the hospital quickly."		
32	03/01/2021	"POA said that the medics were very attentive to his grandmother." "POA said that everything was very good. It is comforting to know that REMSA is there if they need them."	"POA said that the medics were very professional."		
33	03/01/2021		"The medics came and got him to the hospital quickly"		
35	03/01/2021	"The medics were very friendly. They were interested in helping him."	"He appreciated that the medics kept him informed about what they were doing."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
36	03/01/2021	"The medics had fantastic personalities."	"The medics were very conscientious about her age and privacy."		
37	03/01/2021	"She appreciated that the medics helped her get her things out of her car, before they took her to the hospital."	"The medics were very patient and gave her options."		
38	03/01/2021	"Altered perception of time, due to her condition, could have made the arrival of the ambulance seem longer." "The medics did their best to try to understand her after her stroke. She felt the medics did not inform her because she had a stroke." "She was scared and confused because of her stroke. She did not feel involved and informed, but felt it was because the medics were trying to save her life."	"The medics worked well as a team seamlessly to save her life. She admires the medics for what they did for her. They were very professional. She is very thankful."	"The medics should always realize that a patient can hear them, and to keep them informed"	
39	03/01/2021	"The medics were genuinely concerned for her. That made her feel calmer."	"They were good at explaining things to her. They helped her to feel comfortable."		
40	03/01/2021	"The medics gave him morphine, and he did like how it made him feel. The medics also helped with pain by telling him not to move. They apologized that they had to cut his jacket off, but he understood."	"The medics were good at keeping his attention off of his injuries to keep him calm."		
41	03/01/2021	"Driver was very skillful."			
42	03/01/2021	"The medics had very calming personalities. They were nice, sweet, and friendly."	"The medics kept her mind off of worrying."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
43	03/01/2021	"The operator was very helpful. She really listened to her." "The ambulance was very clean. Spic and span" "The medics were very kind and thoughtful." "The medics worked together well. They told each other what they were doing."	"She felt that the medics put themselves in her place, and treated her how they would like to be treated."		
44	03/02/2021	"POA said that the medics were good at keeping everyone calm." "POA said that the medics were pretty amazing."	"POA said that the medics covered her mother for privacy. They were very gentle."		
45	03/02/2021		"POA said that the medics were so friendly and professional. They took great care of her... They always have when they have called for REMSA."		
46	03/02/2021		"The medics got busy right away to help him. The medics operated like a machine."		
47	03/02/2021		"The medics treated him well."		
48	03/02/2021	"The medics put her at ease during the transport between hospitals."	"She appreciated the sense of humor of the medics."		
49	03/02/2021	"The medics were very nice. They kept assuring her that she would be fine."	"The medics sat and listened to her. They asked what happened when she fell. They helped her up."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
50	03/02/2021	"Very good driver." "Very compassionate medics. The relieved her pain. The medics were very nice. They got her blood pressure down." "She said that the silver savers program good to greatly reduce the cost of an ambulance bill."	"The medics asked her permission before they did everything."		
51	03/02/2021	"The medics kept him informed about what they were doing."	"The medics arrived quickly. They were very good at assessing his issue, and relieving his pain."		
52	03/02/2021	"The medics were pretty nice."	"The medics were super nice. She appreciated that the female medic cleaned the blood off of her, in order to calm her."		
53	03/03/2021	"The medics were kind and considerate."	"The medics brought the gurney into her bedroom to move her. The medics were very careful with her."		
55	03/03/2021	"The medics were really nice."	"The medics gave her a blanket."		
56	03/03/2021		"The come in and make sure he is okay, and take him to the hospital."		
57	03/03/2021	"The driver was a great driver." "The medics took his vitals, and blood pressure."			



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
58	03/03/2021	"It was very nice inside the ambulance. Driver drove beautifully." "She liked joking and talking with the medics." "Everything was perfect."	"The medics made sure she was fine, warm, and comfortable."		
59	03/03/2021	"POA said that the medics were so kind, compassionate, and helpful." "POA said that the medics were wonderful. They worked well with the fire department."	"POA said that the medics were so kind. They had such expertise at dealing with the medical situation. REMSA is the best. She thanks them for what they did for her husband."		
60	03/03/2021		"The medics were nice. They were gentle with her."		
61	03/03/2021		"The medics were on time. They picked her up from the ground really well."		
62	03/03/2021	"The driver did a very good job getting her to the hospital."	"The medics got her to the hospital in good time."		
63	03/03/2021		"He appreciated that the medics gave him pain medication immediately."		
64	03/04/2021	"The care from the medics was excellent this time." "The medics were great."	"She had an injury, and the medics got there quickly to help her."		
65	03/04/2021		"The medics gave her medication to help her. They were very competent medics."		





	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
66	03/04/2021	"The ambulance was more than clean. The driver hit bumps, and did not forewarn him." "The medics were on time. There were no negative surprises."			
67	03/05/2021	"She felt that the medics gave her the ""Holy Grail"" of care." "She loves the Silver Savers membership."	"The medics inserted the IV so easily, much better than the hospital. The medics were wonderful. She wishes she had the names of the medics to thank them."		
68	03/05/2021	"The medics were very good. REMSA medics always are for her. She learns things from the medics."	"The medics were good at inserting her IV, as she has very bad veins."		
69	03/05/2021		"Patient stated everything was fine."		
70	03/05/2021		"It was a smooth check-in at the hospital. The medics got the oxygen started right away and that helped her get her breath back."		
71	03/05/2021		"Patient was treated but not transported. She is very satisfied with the service."		
72	03/05/2021		"The medics were kind and arrived promptly."	"Patient stated the medics were not able to help with her nosebleed. She was told she would have to wait until they got to the hospital and she doesn't understand why they couldn't do some	Stacie S.



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
				form of treatment."	
73	03/05/2021		"One of the medics was very kind and seemed concerned. She was quickly taken to the hospital."	"Patient noted that one of the medics was very good and the other one was argumentative with her. She doesn't feel a medic should argue with a patient about their condition. She only wants to answer the questions that don't involve care as there was such a disparity between the two medics."	Stacie S.
74	03/05/2021		"Patient did not want to comment."		
75	03/06/2021		"Patient stated everything was done well."		
76	03/06/2021		"Mother took the survey regarding her minor son. She did ride in the ambulance and said it was very clean and organized. This was her first experience with REMSA and it was very good, excellent service."		
77	03/06/2021		"The medics were great. She had a very good experience."		
78	03/07/2021		"Patient stated everything was done well. The medics were thorough and		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
			they explained as they went along. They also called ahead to the hospital that they were coming in."		
79	03/07/2021		"Patient stated everything was done well as far as he could tell."		
80	03/07/2021		"Pain relief was provided."		
81	03/07/2021		"Patient does not have much memory of the incident, but says the medics got him to the hospital alive and intact. He is grateful for the care."	"Make sure the patient gets a copy of the ambulance report for their personal files."	
82	03/07/2021		"Patient repeatedly stated the medics went above and beyond. They identified themselves appropriately and asked him questions about what happened to him. They took him directly to a room upon arrival to the hospital."		
83	03/07/2021		"Patient's medical POA stated the medics arrived promptly, assessed and were quickly on their way to the hospital. Things were done as they should have been."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
84	03/07/2021		"Patient kept repeating, ""Everything was great, everything was awesome.""		
85	03/01/2021		"The mother took the survey regarding her young child. She stated the medics were very compassionate and the ambulance arrived quickly."		
86	03/08/2021		"Patient stated the medics were calming him down and were very capable in starting an IV."		
87	03/08/2021		"The medical POA took the survey. He stated it was a well-coordinated and professional effort on the part of the paramedics."		
88	03/08/2021		""Thank you for your help"" - the patient wants this relayed to the paramedics."		
89	03/10/2021	"The medics were very concerned."	"Her blood pressure was extremely high after her accident. The medics explained, to her and her spouse, that she needed to go by ambulance to the hospital."		
90	03/10/2021	"He appreciated how they cared for him as a person."	"He appreciated The medics contacted the hospital for more treatment advice. They were very well organized."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
91	03/10/2021	"Really smooth ride."	"The medics were very caring and compassionate. He really appreciated it."		
92	03/10/2021		"Everything was almost perfect. The medics did a very good job taking care of him."		
93	03/11/2021	"The medics were very nice."	"The medics were very helpful. One medic, in particular, was very sympathetic. They did a good job moving him onto the gurney. They were very patient with him."		
94	03/11/2021	"It was a really good experience to have people who care, taking care of her when she was sick."	"The medics were very professional. They worked well together as a team."		
95	03/11/2021	"The driver did very well." "The medics took good care of him."	"The medics were very careful about how they handled things. The medics work hard."		
96	03/11/2021	"The medics saved his life after his accident. They knew exactly what to do."	"He appreciated the speed at which his situation was taken care of by the medics."		
97	03/11/2021		"They medics got him to the hospital quickly."		
98	03/11/2021	"The ambulance took a long time to arrive. The operator said they would be coming from a close location." "She appreciated that the	"The medics got her to the hospital quickly to get the necessary treatment for her stroke. She was able to make a full	"Consistently have ambulances stationed closer to Eagle Canyon."	



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
		medics listened to her husband about what was happening to her. She could not speak. "REMSA was awesome."	recovery because of that."		
99	03/11/2021	"The driver was great and gave a smooth ride." "The REMSA medics are nothing but the best." "The medics worked together like brothers and sisters."	"The medics got him to the hospital without any problems. It was a nice smooth ride."		
100	03/12/2021		"The medics were quick, friendly and reassuring."		
101	03/12/2021	"The medics took time to listen without judgement. The medics understood what she was going through. They made her feel very comfortable. They had awesome personalities."	"She liked the way the medics listened to her. They were very cooperative with her."		
102	03/12/2021	"The medics seemed to know what they were doing."	"The medics handled everything well. They did a good job. He said thank you for caring."		
103	03/12/2021		"POA said that the medics were quick to respond."		
104	03/12/2021		"The medics got him to the facility fast to get him treatment."		
105	03/12/2021	"The driver was a sweetheart." "The medics were wonderful. They always have been. The medics were funny and	"The medics did everything well. They were there on time. They worked fast. They told her what		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
		great."	was going on. They did a marvelous job."		
106	03/12/2021	"The ambulance came very quickly." "The medics were really nice, and put her right at ease." "The medics could not have been any nicer. They were very gentle. The medics got her right in to the hospital."	"She felt she was treated very well by the medics. They took very good care of her."		
107	03/12/2021		"The medics were very good at their jobs."		
108	03/12/2021	"The REMSA medics are really terrific people. She said that she is glad she lives here because of that."	"The medics gave excellent service."		
109	03/12/2021	"The operator was nice, and good." "The ambulance was very clean. It came very fast. The driver was excellent." "Very nice and caring medics. They were great." "She has a membership. It is good as she never gets billed."	"The medics were very concerned about getting her care done quickly and for her privacy."		
110	03/13/2021	"Mother said that the medics were concerned, due to the magnitude of the accident. The medics called her to keep her informed about her son, and ask her questions. They reassured her he that he was okay."	"Mother felt that the medics they took good care of her child while he was in the ambulance."		
111	03/13/2021	"The medics were super nice. They relieved her discomfort well. They put	"The medics worked well together getting her out of her car and		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
		a neck brace on her."	onto the gurney."		
112	03/13/2021	"The medics moved the furniture to get the gurney in. They always have to. They always move it back too." "The medics are saviors."			
113	03/13/2021	"Father said that the medics knew what they were doing."	"Father said that the medics made his son comfortable and were gentle. He had no complaints."		
114	03/13/2021		"The medics were courteous."		
115	03/13/2021	"The medics kept her laughing and calm."	"The medics are comforting. They took care of her quickly to get her stabilized."		
116	03/13/2021	"The ambulance was very very clean, and very comfortable. The driver made the ride smooth." "The bill was reasonable, and insurance covered it."	"The medics made sure she was comfortable and warm. The medics did well with taking her vitals, and relieving discomfort with oxygen. They got her to the hospital quickly."		
117	03/13/2021	"The ambulance got there very quickly." "Everyone was very professional. The medics were awesome." "The medics were terrific working together."	"The medics kept her calm."		





	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
118	03/13/2021		"The medics took him out to the ambulance well."		
119	03/14/2021	"She felt very secure riding in the ambulance." "The medics were very helpful and made her feel good about her care."	"The medics listened well, and tried to see what the matter was."		
120	03/14/2021	"POA recommends the Silver Saver program to everyone."	"POA said that the medics did everything well. They were courteous."		
121	03/14/2021	"The medics were kind and professional." "Very pleased with what the medics did for him."	"The medics had good bedside manner. They did exactly what they were supposed to do."		
122	03/14/2021	"The driver got him to the hospital quickly and safely." "The medics kept him comfortable."	"The medics got there quick. They took care of his concern."		
123	03/16/2021		"The medics took good care of her. They treated her with respect."		
124	03/16/2021	"The medics started an IV quickly and relieved him with oxygen."	"The medics got there fast. They talked to him and his wife. They took his vitals quickly."		
125	03/16/2021		"The medics helped her through a situation with her heart. They got her through it."		



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
126	03/16/2021	"Very courteous, kind, and professional medics." "He and his wife love REMSA. They would rate them a 10."	"The medics did absolutely everything well. No complaints."		
127	03/16/2021		"The medics took care of him well. They got him into the hospital in due time."		
128	03/15/2021	"The driver requested her to step into the ambulance and she needed help. She had trouble walking and then had a seizure in the ambulance. She said she was not happy how he treated her." "The younger medic was amazing, respectful, and helped her with her seizure. The older driver was not nice, and did not listen."			Stacie S.
129	03/25/2021	"This was a transport."		"REMSA is a service is very good. I have used this transport system three times now."	
130	03/26/2021	"The shocks need to fixed on ambulance" "They took great care of my arm."		"They were great I want to thank them I am very impressed with their services. Thank you for all your help!"	
131	03/26/2021			"Everything they did was just great. I really don't see any way they could have been any better!"	
132	03/27/2021	"The dispatcher got the ambulance there very fast." "I only live 10 blocks away, they were great and waited to get an iv as not		"They did a good job, really could not have done anything better!"	



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
		to blow my vein."			
133	03/27/2021	"Someone else called." "The woman was excellent spoke nicely to me, and slowly - She was great and professional."	"Everything I am very satisfied with the services I received."	"I wish I could thank them personally they were great! Really could not have been any better!"	
134	03/27/2021	"They tried to relieve my pain, but could not. They were very caring though."		"No, they were great and could not be any better!"	
135	03/27/2021	"Everything was good and everything was great!"		"Could not be any better."	
136	03/27/2021			"They were very good and I was satisfied with how well I was treated."	
137	03/27/2021			"Everything was fine, and went well. Thank you!"	
138	03/27/2021	"They were great I would rate them a 10 on everything."		"REMSA is excellent, very kind young people, very caring. Please thank those wonderful paramedics!"	
139	03/28/2021	"They somewhat relieved my pain, 6 of them showed up they were perfect!" "If I could give them a 10 on everything I would they were fantastic!"		"They really could not be any better, they were excellent!"	



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
140	03/28/2021			"Nothing, they did a great job!"	Matt H.
141	03/28/2021	"My pancreas had issues"		"Just keep up the good work, they were perfect!"	
142	03/28/2021	"My wife called." "I had a couple of seizures, they were amazing!" "My wife said they did an excellent job and was very relieved!"		"They could not be any better, they did great. But maybe because they hesitated a little to move me while I was having a seizure on the bathroom floor."	
143	03/28/2021	"The dispatcher was very calm and helped to ease my fears. Ambulance came very quickly." "He was having a heart attack and they were very skilled and efficient."		"No, actually they even cleaned up everything. They were great with my husband."	
144	03/29/2021	"Called them and they came right away. I had a serious issue and they took it very seriously." "I was very satisfied with service." "They got me right into a room."		"They were excellent and could not be any better!"	
145	03/30/2021	"The hospital called."		"This was my first ambulance ride where I was conscious and they were excellent. I cannot see any room for improvements."	
146	03/30/2021	"My husband called for service. They got here very quickly"		"I was very satisfied with services, they did a great job! Very impressed."	



	DATE OF SERVICE	DESCRIPTION/COMMENTS	WHAT WAS DONE WELL BY REMSA?	WHAT COULD WE DO TO BETTER SERVE YOU NEXT TIME?	ASSIGNED
147	03/30/2021	"Hospital called for ambulance service." "There was no treatment - It was only a transport"		"No, just keep up the good work!"	
148	03/30/2021	"Hospital arranged transport" "It was a new ambulance so it rode smoothly." "I kept having to reposition myself for comfort, but they were great and got me to the other hospital quickly."		"Very good experience and could not have been any better."	
149	03/31/2021	"The dispatcher got them here quickly."		"I can't think of anything, they were great!"	
150	03/31/2021	"They always are very caring." "One thing is they do not know the answers to questions about insurance. Still waiting all the way from December because we receive REMSA insurance."		"I don't think so, they were just fine."	
<b>FOLLOW UP</b>					
1	6/7/21 1018, unable to contact pt - voice mail full. Per the chart, pts feet hurt from dancing all night and this morning. Pt was evaluated and recommended for Ready Responders Treatment. Ready Responders contacted and dispatched. Alternate Care pathway counsel and signature was obtained. No further, Stacie				
8	6/7/21 1035, I contacted pt. One of her complaints was the driver took a long route to the hospital so REMSA could charge her more, she was charged for 7 miles (6.2) and she should have be charged for 8 miles (7.5), she said OK. I talked to both dispatch and billing for this information.  She was also not happy that REMSA sent her a letter that they will no longer take her to ER, she is supposed to go to a clinic if she gets sick again. I asked her if she could give me the name of the person who sent her the letter, she told me she did not have time today but would mail it to me. I gave her my name, REMSA's address and told her I really would like to see that letter. I thanked her for her time today. No further, Stacie				
27	6/7/21 1000, I contacted pt. He was very nice and told me he sat on the bench and he did not have any seat belts on during the ride. I apologized to him and told him I would be talking to the crew about it as we never want that to happen. Pt. thanked me for calling. Paramedic has it documented in the chart, seated on the squad bench and secured with a lap and shoulder belt. I will follow up with the crew. No further, Stacie				



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72		After reviewing the chart, crew "attempted to use nose clamps, stuff gauze in the left nare and apply a cold pack to the left side of the nose". Todd 6/7/21 0903, I left a message for pt. Stacie 6/7/21 1340, left a message for pt. Will reopen ticket if pt calls back. Stacie			
73		6/7/21 0910, I contacted pt. She was very nice but confused. I asked her about the argument about the crew as she just wanted to be transported to the hospital because her Dr told her she had a PE. Pt. told me the crew argued with her when she told them she was bleeding internally and they told her she just had hemorrhoids. Crew also "stole" her house keys and she had to make a new set. I apologized to her and thanked her for talking with my today. Ticket #6403 from 12/4/18 - Same complaint and we did not have her keys on this transport and still do not have her keys. No further, Stacie			
128		6/11/216/11/21 0855, I contacted the pt about her complaint. She had a different complaint on another day. She was at the bus stop and had back pain, the crew had her stand up and walk to the ambulance and get in, that is what she was unhappy about. I apologized and told her I would be writing up a report along with the crew. She thanked me for calling her back. I will have the crew complete an occurrence report ASAP. No further, Stacie			

# MAY 2021

## REMSA AND CARE FLIGHT

### PUBLIC RELATIONS REPORT



Since 1986, REMSA has provided nationally recognized ground ambulance service within Washoe County, Nevada. As the largest employer of EMS personnel in Northern Nevada, REMSA provides residents and visitors with 9-1-1 response and transport, interfacility transport, disaster preparedness, special events coverage, search and rescue, tactical medical support, and public education. REMSA provides ground ambulance services under a performance-based franchise agreement with the Washoe County Health District and is the sole provider of emergency and inter-facility ground ambulance transport services within Washoe County (excluding Incline Village and Gerlach). REMSA is a private nonprofit community-based service which is solely funded by user fees with no local community tax subsidy.

REMSA maintains its operational and clinical standards as one of the most recognized high-performance EMS systems in the country. REMSA responds to approximately 70,000 requests for service per year.



# PUBLIC & COMMUNITY RELATIONS

## REMSA IS NOW REMSA HEALTH

During EMS Week, we announced an exciting rebranding to REMSA Health! As healthcare has changed, so have we. Providing a full range of innovative healthcare services outside of the usual hospital setting, our services now go way beyond your typical medical transport company: Multi-platform critical care transport program, an internationally accredited Regional Emergency Communications Center, a Nevada-licensed Center for Integrated Health and Community Education, Community Paramedics, an accredited Nurse Health Line, and special operations and special events teams.



**2 NEWS** NEWS WATCH LIVE VIDEO WEATHER SPORTS

### REMSA Officially Changes Name to REMSA Health

This is the first time since 1992 in which REMSA has changed its branding.

Tuesday, May 18th 2021, 8:24 AM PDT  
Updated: Wednesday, May 19th 2021, 3:25 PM PDT

**REMSA HEALTH**

VACCINE TEAM | HUMBOLDT COUNTY - 775-375-3200

4:38 77

2

News Weather Sports KOLO Cares Livestream

### REMSA officially changes name



REMSA Health (REMSA Health)  
By Audrey Owsley  
Published: May, 18, 2021 at 1:37 PM PDT





## PUBLIC & COMMUNITY RELATIONS

### EMS WEEK CELEBRATIONS

We had a packed schedule for our employees during EMS Week - Morning yoga class, ice cream buffet, taco truck, employee award event, BBQ, private REMSA drive-in movie night at El Rancho, and Paws 4 Love visits! Our employees also received swag throughout the week and prizes at all of our events.





## PUBLIC & COMMUNITY RELATIONS

### **STACIE SELMI NAMED 2021 WOMEN OF ACHIEVEMENT HONOREE**

Stacie Selmi, Emergency Medical Services Supervisor, was selected as a 2021 Nevada Women's Fund Women of Achievement Honoree. Stacie has worked in the EMS industry for 35 years and has held a variety of roles including Continuous Quality Improvement Coordinator, overseeing all certifications for REMSA Health. She also launched the Preceptor Program for Emergency Medical Technicians and Paramedics and established the first electronic charting system for our organization.







**REMSA INQUIRIES  
MAY 2021**

No inquiries for May 2021.

**EMS Advisory Board Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 11, 2021  
**TO:** District Board of Health  
**FROM:** Neil Krutz, Chairman EMS Advisory Board  
[nkrutz@cityofsparks.us](mailto:nkrutz@cityofsparks.us)  
**SUBJECT:** EMS Advisory Board Update

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The EMS Advisory Board (EMSAB) met on May 6, 2021. Highlights from the EMSAB meeting included:

Approval of the EMSAB by-law revisions

The Advisory Board is established by the Inter-Local Agreement (ILA) for Emergency Medical Services (EMS) Oversight, executed on August 26, 2014. The purpose of the Advisory Board is to review reports, evaluations and recommendations of the Regional Emergency Medical Services Oversight Program, discuss issues related to regional emergency medical services, and make recommendations to the respective jurisdictional Boards and/or the District Board of Health. The approved revisions to the bylaws closer align to the language in the ILA for consistency purposes.

Approval of the revisions to the EMS Oversight Strategic Plan

The EMS Coordinator started hosting bi-weekly meetings in February 2021 with the EMS Task Force (REMSA, Reno Fire, Sparks Fire, Truckee Meadows Fire EMS) to review the recommendations in the TriData Report and the CPSM Report (EMS-related recommendations only). The partners agreed that the recommendations will be categorized as complete, no longer relevant or prioritized. The recommendations that remained a priority and were not included in the Strategic Plan were incorporated into the existing Goals and Objectives. These priorities include:

- Training
- Legal protection
- Priority response
- Automatic response agreements
- Standardize performance measures across all agencies

### Approval of the 2019 Trauma Data Report

The Nevada Division of Public and Behavioral Health released the Nevada Trauma Registry data for Washoe County, the data are based on a national set of guidelines for reporting variables. After evaluating the data, the EMS Statistician produced a Washoe County-specific trauma report which includes assessment of trauma and injuries based on demographic characteristics, spatial epidemiology of injury by zip-code, severity of injury, place of injury, and specific mechanism causing the injury. The analyses include were modeled from the 2016 National Trauma Data Bank Annual Report, which continues to be the most recent national report for this type of data. The 2019 Washoe County Trauma Data Report augments the Washoe County Health District strategic priority to promote impactful partnership with stakeholders in the community, and mission to protect and enhance the wellbeing and quality of life for all in Washoe County.

### Agency updates:

Staff Reports from agency partners were provided by REMSA, City of Sparks Fire and Truckee Meadows Fire Protection District. Agencies provided updates on, Data Performance, Community Relations, EMS Operations and COVID-19.

### CAD-to-CAD Update:

City of Reno was unable to attend so Kathleen Nickel, Senior Systems Analyst provided a written update for the board. The CAD-to-CAD project was scaled back tremendously due to Central Square's inability to provide complete functionality between two separate CAD environments. They have base functionality and is being reviewed by departments to allow proper planning to reduce liability since it will have a significant impact on their current procedures. Training is being scheduled with a tentative go live by the end of June.

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021

**TO:** District Board of Health

**FROM:** Francisco Vega, Director, Air Quality Management Division  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)

**SUBJECT:** Public hearing for possible action to affirm, modify, or reverse the recommendation of the Air Pollution Control Hearing Board as to Gary R. Schmidt, Owner/Operator of the Reindeer Lodge regarding Notice of Violation No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004, AQMV21-0005.

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**SUMMARY**

The Washoe County Health District Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004, AQMV21-0005 be upheld and an administrative fine in the amount of \$36,500.00 be levied against Gary R. Schmidt, Owner and Operator of the Reindeer Lodge for the following:

- Failure to submit a complete signed copy of an asbestos survey report to the Washoe County District Health Department and to submit a complete signed copy of an "Asbestos Assessment Acknowledgement Form" obtained before any permit for demolition or renovation (AQMV21-0002)
- Failure to thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos as required by 40 C.F.R. 61, Subpart M 61.145(a) (AQMV21-0003)
- Failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 C.F.R. 61, Subpart M 61.145(a)(1) (AQMV21-0004),
- Failure to remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal 40 C.F.R. 61, Subpart M 61.145(c)(1) (AQMV21-0005).

Each of these violations are major violations of the Washoe County District Board of Health Regulations Governing Air Quality Management and 40 C.F.R. 61, Subpart M – National Emissions Standards for Asbestos.

Recommended Administrative Fine: \$36,500.00

**BACKGROUND**

Please refer the attached NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004, AQMV21-0005. These NOV's contain the facts associated with each incident of noncompliance and supporting documentation relevant to each NOV.

**AIR QUALITY MANAGEMENT**

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



## **SETTLEMENT**

On January 11, 2021, a compliance and enforcement meeting was held between AQMD staff and Mr. Taylor Jenkins, attorney representing Mr. Schmidt, via virtual TEAMs meeting. After discussing the details of Case No. 1229 and the facts associated with *Draft* NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005, the AQMD determined that the NOV's be issued as final, with a recommended administrative fine of \$36,500.00. An offer to reduce the administrative fine by 10% (\$3,650.00) to settle the violations was offered to Mr. Jenkins. Mr. Jenkins did not agree with the NOV's or to settle and requested the information to file an appeal. Correspondence was sent certified mail to the address on file for Mr. Schmidt and Mr. Jenkins which included a cover letter, the final Notice of Violations, final Recommended Penalty Calculation Worksheets and the Appeal Petition Form. Instructions for filing an appeal of the NOV's was included in the cover letter.

Appeal Petitions from Mr. Jenkins for NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005 were received by the AQMD on February 10, 2021. An Air Pollution Control Hearing Board (APCHB) meeting was held on April 9, 2021 where Case No. 1229 was heard. The APCHB decided with a five to one (5-1) vote deny the appeal and uphold NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005 and the recommended administrative fine of \$36,500.00. The minutes (attached) and recorded video for this meeting can be found ([here](#)) under the April 9, 2021 meeting.

(<https://www.washoecounty.us/health/about-us/board-committees/air-pollution-control-hearing-board/index.php>).

An Appeal Petition from Mr. Jenkins for the decision of the APCHB's decision was received by the Washoe County Health District on April 16, 2021. Case No. 1229 was scheduled to be heard at the May 27, 2021 Washoe County District Board of Health Meeting.

## **RECOMMENDATION**

Staff recommends the Board deny the appeal of NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005 associated with Case No. 1229 issued to Gary R. Schmidt, with a recommended administrative fine of \$36,500.00.

## **ALTERNATIVES**

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV21-0002; and/or AQMV21-0003; and/or AQMV21-0004; and/or AQMV21-0005.
2. The Board may determine to uphold Notice of Violation No. AQMV21-0002; and/or AQMV21-0003; and/or AQMV21-0004; and/or AQMV21-0005 and levy any fine in the range of \$0.00 to \$10,000.00 per day per violation.

## **POSSIBLE MOTION(s)**

Should the Board agree with Staff's recommendation, the motion would be:



Subject: DBOH/Gary R. Schmidt/Case No. 1229

Date: June 24, 2021

Page 3 of 4

1. "Move to deny the appeal of NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005 associated with Case No. 1229 issued to Gary R. Schmidt, with a \$36,500.00 administrative fine."

Or, should the Board wish to consider an alternative motion the possible motion(s) may be:

1. "Move to dismiss Case No. 1229, NOV No.'s AQMV21-0002 and/or, AQMV21-0003 and/or AQMV21-0004 and/or AQMV21-0005, issued to Gary R. Schmidt", or
2. "Move to uphold Case No. 1229 and levy an administrative fine in the amount of \$0.00 to \$10,000.00 per day per violation for NOV No.'s AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005.

Attachments

## **INDEX OF EXHIBITS**

**Exhibit 1 – Notice of Violations AQMV21-0002, AQMV21-0003, AQMV21-0004 and AQMV21-0005**

**Exhibit 2 – Administrative Fine Assessments**

**Exhibit 3 – Appeals to the Air Pollution Control Hearing Board and the District Board of Health**

**Exhibit 4 – Air Pollution Control Hearing Board Meeting Minutes**

# **EXHIBIT 1**

## **Notice of Violations**

**1 - AQMV21-0002**

**2 - AQMV21-0003**

**3 - AQMV21-0004**

**4 - AQMV21-0005**

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION ISSUED TO**

**Gary R. Schmidt  
Reindeer Lodge  
9000 Mt Rose Hwy  
Reno, Nevada 89511**

**Date of Issuance: February 1, 2021  
Notice of Violation No.: AQMV21-0002**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Gary R. Schmidt owner and operator of the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada 89511 is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.107 A. Hazardous Air Pollutants for failure to submit a signed copy of an asbestos survey report at the Washoe County District Health Department and obtain an Asbestos Assessment Acknowledgement Form before being issued a permit for demolition and renovation.

### 1. VIOLATION

- A. Failure to submit a complete signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an “Asbestos Assessment Acknowledgement Form” obtained before any permit for demolition or renovation.

### 2. BASIS OF VIOLATION

- A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 030.107 Hazardous Air Pollutants A. Asbestos Sampling and Notification:

*...A complete signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an “Asbestos Assessment Acknowledgement Form” obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed “Asbestos Assessment Acknowledgement Form”, may result in a citation or other enforcement*

*action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists...*

B. Facts to Constitute the Violation

On June 10, 2019, the AQMD was made aware of demolition activity associated with the facility at the Reindeer Lodge (9000 Mt. Rose Hwy). A review of records demonstrated that the AQMD had not received the required notification of the demolition in the form of an Asbestos Assessment Acknowledgment Form pursuant to Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.107 A. Hazardous Air Pollutants.

On the same day, AQMD staff was able to confirm that demolition activity as defined by 40 C.F.R. 61, Subpart M had occurred in the northeast portion of the facility (Attachment 1).

Demolition is defined in 40 C.F.R. Part 61, Subpart M as *“the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.”*

Facility is defined in 40 C.F.R. Part 61, Subpart M as *“any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.”*

Building Permit No. WBLD18-105119 was issued by Washoe County Community Services Department on April 6, 2018.

The asbestos survey was conducted by Nova Geotechnical and Inspection services on June 14, 2019.

The Asbestos Assessment Acknowledgement Form (Attachment 2) was applied for and obtained for the demolition of the Reindeer Lodge on September 12, 2019.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Gary R. Schmidt is advised that within (10) working days of the receipt of this Notice of Violation, Gary R. Schmidt may submit a written petition for appeal to the Washoe

Subject: Notice of Violation AQMV21-0002/Gary R. Schmidt  
Date: February 1, 2021  
Page 3 of 3

County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$4,000.00.

# **ATTACHMENT 1**

## **Photographs**

Reindeer Lodge  
9000 Mt. Rose Highway  
Reno, Nevada  
Taken on June 10, 2019



**Photograph 1**

**Date: June 10, 2019**

**Direction: West**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



**Photograph 2**

**Date: June 10, 2019**

**Direction: Northwest**

Image identifies the location of the demolition that occurred at 9000 Mt. Rose Highway.



**Photograph 3**

**Date: June 10, 2019**

**Direction: Southwest**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



# **ATTACHMENT 2**

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street, Bldg B Reno, Nevada 89512  
(775) 784-7200

Permit # ASB19-0963  
**Asbestos Acknowledgement**



**Acknowledgement Issued To:**

All Eagle  
Max Cardenas  
4865 Joule #C3  
Reno, NV 89502

**Project Address:**

9000 MOUNT ROSE HWY, WASHOE COUNTY, NV 89511

**Project Type:**  
Asbestos

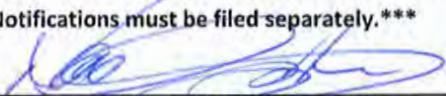
**Assessment Category:**  
Demo Only

**Assessment Results:**  
ACM Present

**Project Description:**

Removal of transite siding, acoustic ceiling, and debris pile on north west side of building. ACM detected during sampling (10 - 20% chrysotile). Abatement and clearances to be completed prior to demo of lodge building beginning. If unsampled materials are identified during abatement, work must stop until asbestos sampling is completed to the satisfaction of AQMD.

\*\*\*If asbestos is present, abatement must be conducted in accordance with NESHAP and OSHA regulations before renovation or demolition work may proceed. All Abatement and Demolition Notifications must be filed separately.\*\*\*

  
\_\_\_\_\_  
Owner / Representative Signature

  
\_\_\_\_\_  
Health District Representative

  
\_\_\_\_\_  
Date

ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT

Return to:

Washoe County Health District  
1001 E. Ninth Street, Suite B171  
Reno, Nevada 89512  
(775) 784-7200 FAX (775) 784-7225

Submit online: <https://aca.accela.com/ONE/>  
Or e-mail to: [aqmdpermitting@washoecounty.us](mailto:aqmdpermitting@washoecounty.us)

- Application must be filled out completely for **all items that are applicable**.
- Application must be signed by a responsible person
- An application fee of **\$125.00** must be submitted with this application.

PROPERTY BEING EVALUATED: Reindeer Lodge

BUSINESS AND/OR BUILDING NAME

9000 Mount Rose Hwy      Reno      NV      89511      048-081-02  
STREET                                  CITY                  STATE                  ZIP                  PARCEL # (APN)

Do you currently have a hold on building plans due to the requirement of this form?  Yes  No

If yes, what is the (W), (S), BLD #: \_\_\_\_\_

Description of entire scope of project: please be specific (what materials if any, and how much will be disturbed/removed, does it include build-back? Roofing/tear off only? Overlay? Etc.), provide plans if available. AQMD does not keep plans.

Removal of transite from exterior of building, removal of popcorn ceiling from collapsed area, and clean up debris pile where transite is mixed in.

TYPE OF PROPERTY:

- SINGLE FAMILY
- NON-RESIDENTIAL
- MULTI-FAMILY

ASSESSMENT CATEGORY:

- TENANT IMPROVEMENT
- DEMO ONLY
- DEMO & BUILD BACK

CONCRETE REMOVAL?

- YES  NO
- RECYCLE
- WASTE DISPOSAL

\* NOTE: If this project is a partial renovation and additional work is to be conducted later, *additional asbestos assessment(s) will be required unless this assessment covers all pertinent representative asbestos suspected materials throughout the building.*

APPLICANT (company name): All Eagle LLC      CONTACT PERSON: Max Cardenas

4865 Joule St #C3      Reno      NV      89502  
STREET                                  CITY                  STATE                  ZIP

TELEPHONE: 775-400-8765      E-MAIL: max@alleaglellc.com

SAME AS APPLICANT:

CONTRACTOR (company name): \_\_\_\_\_ CONTACT PERSON: \_\_\_\_\_

STREET                                  CITY                  STATE                  ZIP

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT

CONSULTING FIRM: Nova Geotechnical & inspection services PERSON CONDUCTING ASSESSMENT: Lynn Minedew

695 Edison Way Reno NV 89502  
STREET CITY STATE ZIP

TELEPHONE: 775-856-5566 E-MAIL: \_\_\_\_\_

ASSESSMENT RESULTS: Asbestos Present  Asbestos Absent  Friable  Non-Friable  Both  Not Tested

ASBESTOS ABATEMENT CONTRACTOR (if applicable): All Eagle LLC

4865 Joule St #C3 Reno NV 89502  
STREET CITY STATE ZIP

TELEPHONE: 775-400-8290 E-MAIL: admin@alleaglellc.com

ASBESTOS TO BE REMOVED: 27CY mixed debris pile, 200SF acoustic ceiling & 3180SF transite  
(QUANTITY & MATERIAL)

DATE ASBESTOS ABATEMENT COMPLETED/SCHEDULED TO BE COMPLETED 10-4-19

**\*\* NOTE: If asbestos present, abatement must be conducted in accordance with NESHAP and OSHA Regulations before renovation or demolition work may proceed.**

Signature on this asbestos assessment document does NOT constitute full Health Department approval for this project. Any additional Health permits such as are required for bar or restaurant operations, underground storage tanks, hazardous material disposal or air pollution sources must be obtained separately.

Signature by the Washoe County Health District does not warrant, nor should this report be taken to warrant, that asbestos was or was not present on stated property. Exposure to even small amounts of airborne asbestos fibers may cause cancer. For this reason the District Health Department recommends that all asbestos handling and abatement work be performed by certified asbestos contractors.

APPLICANT SIGNATURE

DATE

By signing the above I accept responsibility for the project as described and certify that the information is accurate and current. I acknowledge that any changes to the project from how it is presented on the date of signature require AQMD notification. Submitting project information that is NOT accurate and current or failure to notify AQMD of changes to the project will result in a notice of violation with associated fines assessed.

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION ISSUED TO**

**Gary R. Schmidt  
Reindeer Lodge  
9000 Mt Rose Hwy  
Reno, Nevada 89511**

**Date of Issuance: February 1, 2021  
Notice of Violation No.: AQMV21-0003**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Gary R. Schmidt owner and operator of the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada 89511 is in violation of the Clean Air Act 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (a) Applicability for failure to thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos.

### 1. VIOLATION

- A. Failure to thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos.

### 2. BASIS OF VIOLATION

- A. Regulatory Authority

Per section 030.105 b. 10., The Washoe County District Board of Health Regulations Governing Air Quality Management adopted by reference, 40 C.F.R. 61, Subpart M and has been delegated authority to implement and ensure compliance with this Subpart within the Washoe County Health District.

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

*(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:*

*(1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is*

*(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or*

*(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.*

#### B. Facts to Constitute the Violation

On June 10, 2019, the AQMD was made aware of demolition activity associated with the facility at the Reindeer Lodge (9000 Mt. Rose Hwy). A review of records demonstrated that a thoroughly conducted asbestos survey had not been completed prior to the start of demolition pursuant 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (a) Applicability.

On the same day, AQMD staff was able to confirm that demolition activity as defined by 40 C.F.R. 61, Subpart M had occurred in the northeast portion of the facility (Attachment 1).

Demolition is defined in 40 C.F.R. 61, Subpart M as “*the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.*”

Facility is defined in 40 C.F.R. 61, Subpart M as “*any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.*”

40 C.F.R. 61, Subpart M – Asbestos §61.145 Standards 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 prior to the commencement of the demolition or renovation, thoroughly inspect the*



*affected facility of part of the facility where the demolition or renovation operation will occur for the presence of asbestos...”*

Per the direction of the AQMD, the Reindeer Lodge was inspected by Nova Geotechnical & Inspection Services, LLC on June 14, 2019 approximately 4 days after the start of demolition of the main structure (Attachment 2).

### 3. APPEAL PROCEDURE AND TIME LIMITATIONS

#### A. Appeal Procedure

Gary R. Schmidt is advised that within (10) working days of the receipt of this Notice of Violation, Gary R. Schmidt may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$10,000.00.

# **ATTACHMENT 1**

## **Photographs**

Reindeer Lodge  
9000 Mt. Rose Highway  
Reno, Nevada  
Taken on June 10, 2019

**Photograph 1**

**Date: June 10, 2019**

**Direction: West**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



**Photograph 2**

**Date: June 10, 2019**

**Direction: Northwest**

Image identifies the location of the demolition that occurred at 9000 Mt. Rose Highway.



**Photograph 3**

**Date: June 10, 2019**

**Direction: Southwest**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



# **ATTACHMENT 2**



**LIMITED ASBESTOS SURVEY REPORT  
REINDEER LODGE  
9000 MOUNT ROSE HIGHWAY  
RENO, NEVADA**

**NOVA PROJECT NO.: RE-19-025  
INSPECTION DATE: JUNE 14, 2019**

*Prepared for:*

**MR. GARY SCHMIDT**

*Prepared by:*

**NOVA GEOTECHNICAL & INSPECTION SERVICES, LLC  
695 EDISON WAY  
RENO, NEVADA 89502  
Phone: (775) 856-5566**

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6.0 PROJECT LIMITATIONS .....	3
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B. Site Map	
C. Sample Location Map	
D. PLM Laboratory Analysis Report	
E. General Notes/Exclusions	
F. EPA NESHAP Notification Information	
G. Certifications	



**LIMITED ASBESTOS SURVEY REPORT  
REINDEER LODGE  
9000 MOUNT ROSE HIGHWAY  
RENO, NEVADA**

## **1.0 INTRODUCTION**

As authorized by you, NOVA Geotechnical and Inspection Services (NOVA) conducted limited AHERA-style asbestos inspection at the Reindeer Lodge located at 9000 Mount Rose Highway, Reno, Nevada on June 14, 2019

## **2.0 BACKGROUND**

The subject property is an iconic Reno landmark. The building is generally of wood frame construction with transite and wood siding. Heavy snows in 2017 collapsed a portion of the roof. Recently, some amount of demolition had been performed to start to clean-up the debris. However, as required by Washoe County, an asbestos survey was mandated prior to additional demolition at the site.

NOVA was retained to conduct a limited asbestos inspection and to collect bulk samples of suspect asbestos containing building materials scheduled to be demolished.

## **3.0 ASBESTOS SURVEY PROCEDURES**

Mr. Lynn Minedew, an accredited AHERA Asbestos Building Inspector and Nevada OSHA Certified Asbestos Consultant (See Appendix G – Certifications), performed the limited asbestos inspection of the subject property. The inspection was conducted using procedures similar to the EPA AHERA regulations, 40 CFR 763.

Prior to the inspection, the site was walked by Mr. Minedew as well as Mr. Joshua Ristori of Washoe County Air Quality Management Division.

A sufficient number of samples were collected of each material to satisfy the Occupational Safety and Health Administration (OSHA) and National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements for the determination of asbestos content. A total of 51 bulk samples were collected within the various areas of the building, including existing debris piles. Bulk samples were collected utilizing safety and health practices as required by the OSHA.

Each sample was assigned a unique sample identification number and mapped to identify the sampling location (See Appendix C – Sample Location Map). The samples, with chain of custody documentation, were delivered to EMLab P&K, LLC (EMLab) for analysis.

EMLab is accredited by the U.S. Department of Commerce, National Institute for Science and Technology (NIST) under the National Voluntary Laboratory Accreditation Program (NVLAP) for bulk asbestos sample analysis.

Following is the outlined suspect materials that were sampled during the limited asbestos inspection:

1. Transite – Debris Pile
  - Gray Transite
2. Composition Shingle – Debris Pile
  - Black Roofing Shingle with Green Pebbles
  - Black Roofing Tar and Paper
3. Swirl Texture, Joint Compound, Drywall – Debris Pile
  - White Drywall with Brown Paper
  - White Texture with Paint
  - Joint Compound
  - Cream Tape
4. 12x12 Tan Tile with Mastic – Debris Pile
  - Beige Floor Tile
  - Yellow Adhesive
5. Layered Roof Mastic – Debris Pile
  - Dark Gray Roofing Shingle with Gray Pebbles
  - Black Roofing Tar and Felt
  - Black Roofing Mastic
  - Black Roofing Tar and Felt
  - White Drywall and Brown Paper
6. Window Putty
  - Cream Window Putty
7. Blown Insulation
  - Dull Insulation
8. Spray Acoustic
  - White Semi-fibrous Material
9. Wood Gravel Sheet Floor
  - Brown Sheet Flooring
  - Yellow Mastic
10. 12x12 Gray Tile and Mastic
  - Blue Floor Tile
  - Brown Adhesive
11. Texture, Joint Compound, Drywall
  - White Drywall with Brown Paper
  - White Texture with Paint
  - Joint Compound
  - Cream Tape
12. Sheet Flooring, White with Blue Diamonds
  - Light Brown Sheet Flooring with Fibrous Backing
  - Brown Mastic
13. Sheet Flooring Tan with Mastic
  - Light Brown Sheet Flooring with Fibrous Backing

- Brown Mastic
- 14. Sheet Flooring Blue/Black
  - Multicolored Sheet Flooring with Fibrous Backing
- 15. Texture - Drywall
  - White Texture with Paint
  - White Drywall with Brown Paper
- 16. Flue Pipe Insulation
  - Cream Semi-fibrous Material

#### **4.0 FINDINGS**

Based on our analysis, the following materials were found to contain asbestos:

- Gray Transite
- Spray Accoustic

All other building materials sampled were reported by laboratory PLM analysis to be "none detected" for asbestos (See Appendix D – PLM Laboratory Analytical Report).

#### **5.0 RECOMMENDATIONS AND CONCLUSIONS**

The following recommendations are made based on our site observations and the results of our asbestos testing.

- Spray acoustic material should be removed to the extent possible while maintaining worker safety by a State of Nevada Licensed Asbestos Contractor and properly disposed of in accordance with all Local, State and Federal guidelines.
- The transite material should be removed by a State of Nevada Licensed Asbestos Contractor and properly disposed of.

Based on the data presented herein, the demolition of the remainder of the Reindeer Lodge can continue.

#### **6.0 PROJECT LIMITATIONS**

This report was prepared for the sole and exclusive use of the Client. No other party is entitled to rely in any way on the conclusions, observations, recommendations, or data contained herein without the express written consent of NOVA Geotechnical and Inspection Services, LLC.

This project was performed using practices consistent with standards acceptable within the industry at this time, and a level of diligence typically exercised by industrial hygiene and environmental consultants performing similar services. No other warranty is either expressed or implied. The results, findings, conclusions, and recommendations expressed in the report are based only on conditions on the specified times and locations. If any additional materials which were hidden, inaccessible, undiscovered or are not a part of this project presented in this report during renovation

or demolition activities, they should be assumed to be asbestos-containing materials and not disturbed, unless sampling and analysis of the materials proves to be otherwise.

NOVA assumes no responsibility for conditions or consequences arising from relevant facts that were withheld, concealed, undiscovered, or not fully disclosed, for omissions or errors resulting from inaccurate information, and/or data, provided by sources outside of NOVA, or from omissions or errors in public records. NOVA is not a law firm and does not provide legal representation or advice regarding any potential liability of any person or entity for site conditions. NOVA is not qualified to present medical advice and it is recommended that the findings contained in this report should be presented to a qualified medical professional (e.g. a qualified doctor/physician, nurse).

The PLM method is most commonly used for analysis of bulk building materials for asbestos utilizing optical properties of mineral fibers to identify the percentage and type. The amendment to the NESHAP for asbestos (Federal Register, Volume 55, Number 224, November 20, 1990) requires that when the asbestos content of a bulk material is determined using procedures outlined in the interim method (40 CFR Part 763, Appendix A to Subpart F), and the asbestos content is estimated to be less than 10% by a method other than point counting, the quantitative analysis must be repeated using the point count technique. However, the owner/operator of the building may also elect to assume the amount of the asbestos to be greater than 1% and treat the material as ACM. The PLM method is not consistently reliable in detecting asbestos in floor covering and similar non-friable organically bound (NOB) materials. For this reason, NOVA suggests that the all negative results of floor covering and NOB materials to be confirmed with transmission electron microscopy (TEM) Chatfield Semi-Quantitative analysis. Additional fees will apply if Client elects for TEM analysis and/or point count methods.

The scope of services for this report did not include the inspection for, or identification of fungi, lead paint, or any other hazardous or controlled substances not specifically identified herein.

Furthermore, it is emphasized that the final decision on how much risk to accept always remains with the Client since NOVA is not in a position to fully understand all of the Client's needs. Clients with a greater aversion to risk may want to take additional actions while others, with less aversion to risk, may want to take no further action.

Limited Asbestos Inspection  
Project No.: RE-19-025



All documentation is provided to Mr. Schmidt and should be retained in a permanent record. Should you have any questions regarding the procedures that were followed on this project, please contact me at any time. Thank you for the opportunity to provide these environmental consulting services.


Respectfully,

**NOVA Geotechnical and Inspection Services**

By:

  
Lynn Minedew  
Project Coordinator

Reviewed By:

  
Deao Stanphill, PE, CEM  
Principal

NV Asbestos Inspector  
Certification Number: IJM-1075  
Expires: November 14, 2019

# **APPENDIX A**

## Photo Log



# **APPENDIX B**

## Site Map



LAKE TAHOE

SITE

395

WASHOE LAKE

Carson-Reno Hwy

MOUNT ROSE HWY

S. VIRGINIA

395

TO RENO

Date:  
06-17-2019

Job No:  
RE-19-025

1 MILE



**REINDEER LODGE**



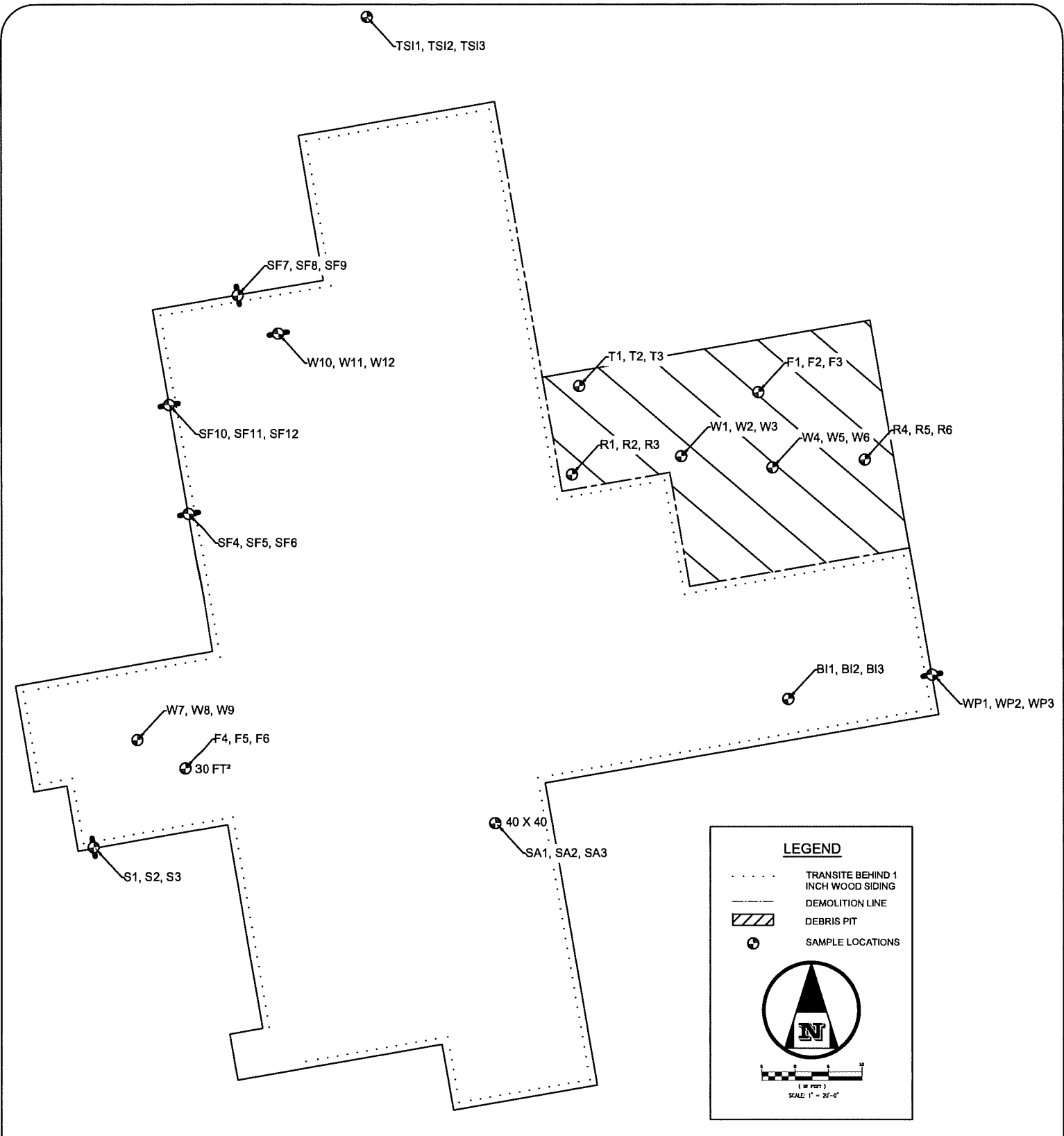
695 EDISON WAY  
RENO, NV 89502  
T: (775) 856-5566  
F: (775) 856-6042

**9000 MOUNT ROSE HIGHWAY  
RENO, NEVADA 89511  
APN: 048-081-02**

**Figure 2**

# **APPENDIX C**

## Sample Location Map



Date:  
06-17-2019

Job No:  
RE-19-025

**REINDEER LODGE**



695 EDISON WAY T: (775) 856-5566  
RENO, NV 89502 F: (775) 856-6042

**9000 MOUNT ROSE HIGHWAY**

**RENO, NEVADA 89511**

**APN: 048-081-02**

**Figure 1**

**APPENDIX D**  
PLM Laboratory Analysis  
Report



# EMLab P&K

A TestAmerica Company

Report for:

**Dean Stanphill**  
**NOVA Geotechnical & Inspection Services**  
4480 W. Hacienda Ave.  
Suite 104  
Las Vegas, NV 89118

---

Regarding:      Project: Reindeer Lodge; RE-19-025  
                         EML ID: 2184600

Approved by:

Approved Signatory  
Charlene Kingston

REVISED REPORT

Dates of Analysis:  
Asbestos PLM: 06-18-2019 and 06-19-2019

Service SOPs: Asbestos PLM (EPA 40CFR App E to Sub E of Part 763 & EPA METHOD 600/R-93-116, SOP EM-AS-S-1267)

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All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. The results relate only to the samples as received. The results include an inherent uncertainty of measurement associated with estimating percentages by polarized light microscopy. Measurement uncertainty data for sample results with >1% asbestos concentration can be provided when requested.

EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

Client: NOVA Geotechnical & Inspection Services  
 C/O: Dean Stanphill  
 Re: Reindeer Lodge; RE-19-025

Date of Sampling: 06-14-2019  
 Date of Receipt: 06-17-2019  
 Date of Report: 07-03-2019

**ASBESTOS PLM REPORT**

**Total Samples Submitted:** 51

**Total Samples Analyzed:** 51

**Total Samples with Layer Asbestos Content > 1%:** 6

**Location: T-1, Transite-Debris Pile**

Lab ID-Version‡: 10376886-1

Sample Layers	Asbestos Content
Gray Transite	15% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

**Location: T-2, Transite-Debris Pile**

Lab ID-Version‡: 10376887-1

Sample Layers	Asbestos Content
Gray Transite	15% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

**Location: T-3, Transite-Debris Pile**

Lab ID-Version‡: 10376888-1

Sample Layers	Asbestos Content
Gray Transite	15% Chrysotile
<b>Sample Composite Homogeneity:</b>	Good

**Location: R-1, Comp V/B-Debris Pile**

Lab ID-Version‡: 10376889-1

Sample Layers	Asbestos Content
Black Roofing Shingle with Green Pebbles	ND
Black Roofing Tar and Felt	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Moderate

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**ASBESTOS PLM REPORT**

**Location: R-2, Comp V/B-Debris Pile**

Lab ID-Version‡: 10376890-1

Sample Layers	Asbestos Content
Black Roofing Shingle with Green Pebbles	ND
Black Roofing Tar and Felt	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: R-3, Comp V/B-Debris Pile**

Lab ID-Version‡: 10376891-1

Sample Layers	Asbestos Content
Black Roofing Shingle with Green Pebbles	ND
Black Roofing Tar and Felt	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W-1, Swirl Tex J/C D/W-DP**

Lab ID-Version‡: 10376892-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	10% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W-2, Swirl Tex J/C D/W-DP**

Lab ID-Version‡: 10376893-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

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**ASBESTOS PLM REPORT**

**Location: W-3, Swirl Tex J/C D/W-DP**

Lab ID-Version‡: 10376894-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W-4, Text J/C D/W-DP**

Lab ID-Version‡: 10376895-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	10% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W-5, Text J/C D/W-DP**

Lab ID-Version‡: 10376896-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W-6, Text J/C D/W-DP**

Lab ID-Version‡: 10376897-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

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**ASBESTOS PLM REPORT**

**Location: F1, 12x12 Tan Tile Mastic-Dp**

Lab ID-Version‡: 10376898-1

Sample Layers	Asbestos Content
Beige Floor Tile	ND
Yellow Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: F2, 12x12 Tan Tile Mastic-Dp**

Lab ID-Version‡: 10376899-1

Sample Layers	Asbestos Content
Beige Floor Tile	ND
Yellow Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: F3, 12x12 Tan Tile Mastic-Dp**

Lab ID-Version‡: 10376900-1

Sample Layers	Asbestos Content
Beige Floor Tile	ND
Yellow Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: R4, Layered Roof Mastic-DP**

Lab ID-Version‡: 10376901-1

Sample Layers	Asbestos Content
Dark Gray Roofing Shingle with Gray Pebbles	ND
Black Roofing Tar and Felt	ND
Black Roofing Mastic	ND
Black Roofing Tar and Felt	ND
White Drywall with Brown Paper	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Poor

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**ASBESTOS PLM REPORT**

**Location: R5, Layered Roof Mastic-DP**

Lab ID-Version‡: 10376902-1

Sample Layers	Asbestos Content
Dark Gray Roofing Shingle with Gray Pebbles	ND
Black Roofing Tar and Felt	ND
Black Roofing Mastic	ND
Black Roofing Tar and Felt	ND
White Drywall with Brown Paper	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Poor

**Location: R6, Layered Roof Mastic-DP**

Lab ID-Version‡: 10376903-1

Sample Layers	Asbestos Content
Dark Gray Roofing Shingle with Gray Pebbles	ND
Black Roofing Tar and Felt	ND
Black Roofing Mastic	ND
Black Roofing Tar and Felt	ND
White Drywall with Brown Paper	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Poor

**Location: WP1, Window Putty**

Lab ID-Version‡: 10376904-1

Sample Layers	Asbestos Content
Cream Window Putty	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: WP2, Window Putty**

Lab ID-Version‡: 10376905-1

Sample Layers	Asbestos Content
Cream Window Putty	ND
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: WP3, Window Putty**

Lab ID-Version‡: 10376906-1

Sample Layers	Asbestos Content
Cream Window Putty	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: BI-1, Blown Insulation**

Lab ID-Version‡: 10376907-1

Sample Layers	Asbestos Content
Dull Insulation	ND
<b>Composite Non-Asbestos Content:</b>	90% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: BI-2, Blown Insulation**

Lab ID-Version‡: 10376908-1

Sample Layers	Asbestos Content
Dull Insulation	ND
<b>Composite Non-Asbestos Content:</b>	90% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: BI-3, Blown Insulation**

Lab ID-Version‡: 10376909-1

Sample Layers	Asbestos Content
Dull Insulation	ND
<b>Composite Non-Asbestos Content:</b>	90% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: SA-1, Spray Acoustic**

Lab ID-Version‡: 10376910-1

Sample Layers	Asbestos Content
White Semi-Fibrous Material	15% Chrysotile
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: SA-2, Spray Acoustic**

Lab ID-Version‡: 10376911-2

Sample Layers	Asbestos Content
White Semi-Fibrous Material	10% Chrysotile
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: SA-3, Spray Acoustic**

Lab ID-Version‡: 10376912-2

Sample Layers	Asbestos Content
White Semi-Fibrous Material	10% Chrysotile
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: SF-1, Wood Gravel Sheet Floor**

Lab ID-Version‡: 10376913-1

Sample Layers	Asbestos Content
Brown Sheet Flooring	ND
Yellow Mastic	ND
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: SF-2, Wood Gravel Sheet Floor**

Lab ID-Version‡: 10376914-1

Sample Layers	Asbestos Content
Brown Sheet Flooring	ND
Yellow Mastic	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF-3, Wood Gravel Sheet Floor**

Lab ID-Version‡: 10376915-1

Sample Layers	Asbestos Content
Brown Sheet Flooring	ND
Yellow Mastic	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: F4, 12x12 Gray Tile and Mastic**

Lab ID-Version‡: 10376916-1

Sample Layers	Asbestos Content
Blue Floor Tile	ND
Brown Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: F5, 12x12 Gray Tile and Mastic**

Lab ID-Version‡: 10376917-1

Sample Layers	Asbestos Content
Blue Floor Tile	ND
Brown Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: F6, 12x12 Gray Tile and Mastic**

Lab ID-Version‡: 10376918-1

Sample Layers	Asbestos Content
Blue Floor Tile	ND
Brown Adhesive	ND
<b>Sample Composite Homogeneity:</b>	Good

**Location: W7, Text J/C D/W NWC**

Lab ID-Version‡: 10376919-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W8, Text J/C D/W DORM**

Lab ID-Version‡: 10376920-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
Joint Compound	ND
Cream Tape	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	15% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W9, Text J/C D/W LR**

Lab ID-Version‡: 10376921-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	10% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

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**ASBESTOS PLM REPORT**

**Location: SF4, Sheet Floor White with Blue Dia**

Lab ID-Version‡: 10376922-1

Sample Layers	Asbestos Content
Black/White Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF5, Sheet Floor White with Blue Dia**

Lab ID-Version‡: 10376923-1

Sample Layers	Asbestos Content
Black/White Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF6, Sheet Floor White with Blue Dia**

Lab ID-Version‡: 10376924-1

Sample Layers	Asbestos Content
Black/White Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF7, Sheet Floor Tan End with Mastic**

Lab ID-Version‡: 10376925-1

Sample Layers	Asbestos Content
Light Brown Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: SF8, Sheet Floor Tan End with Mastic**

Lab ID-Version‡: 10376926-1

Sample Layers	Asbestos Content
Light Brown Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF9, Sheet Floor Tan End with Mastic**

Lab ID-Version‡: 10376927-1

Sample Layers	Asbestos Content
Light Brown Sheet Flooring with Fibrous Backing	ND
Brown Mastic	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose 10% Glass Fibers
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF10, Sheet Floor Blue/Black-Mid**

Lab ID-Version‡: 10376928-1

Sample Layers	Asbestos Content
Multicolored Sheet Flooring with Fibrous Backing	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Good

**Location: SF11, Sheet Floor Blue/Black-Mid**

Lab ID-Version‡: 10376929-1

Sample Layers	Asbestos Content
Multicolored Sheet Flooring with Fibrous Backing	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Good

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**ASBESTOS PLM REPORT**

**Location: SF12, Sheet Floor Blue/Black-Mid**

Lab ID-Version‡: 10376930-1

Sample Layers	Asbestos Content
Multicolored Sheet Flooring with Fibrous Backing	ND
<b>Composite Non-Asbestos Content:</b>	20% Cellulose
<b>Sample Composite Homogeneity:</b>	Good

**Location: W10, Text North Side**

Lab ID-Version‡: 10376931-1

Sample Layers	Asbestos Content
White Texture with Paint	ND
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W11, Text D/W North Side**

Lab ID-Version‡: 10376932-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	10% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: W12, Text D/W North Side**

Lab ID-Version‡: 10376933-1

Sample Layers	Asbestos Content
White Drywall with Brown Paper	ND
White Texture with Paint	ND
<b>Composite Non-Asbestos Content:</b>	10% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Client: NOVA Geotechnical & Inspection Services      Date of Sampling: 06-14-2019  
 C/O: Dean Stanphill      Date of Receipt: 06-17-2019  
 Re: Reindeer Lodge; RE-19-025      Date of Report: 07-03-2019

**ASBESTOS PLM REPORT****Location: TSI-1, Flue Pipe Away Building 10ft**

Lab ID-Version‡: 10376934-1

Sample Layers	Asbestos Content
Cream Semi-Fibrous Material	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: TSI-2, Flue Pipe Away Building 10ft**

Lab ID-Version‡: 10376935-1

Sample Layers	Asbestos Content
Cream Semi-Fibrous Material	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

**Location: TSI-3, Flue Pipe Away Building 10ft**

Lab ID-Version‡: 10376936-1

Sample Layers	Asbestos Content
Cream Semi-Fibrous Material	ND
<b>Composite Non-Asbestos Content:</b>	30% Cellulose
<b>Sample Composite Homogeneity:</b>	Moderate

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Inhomogeneous samples are separated into homogeneous subsamples and analyzed individually. ND means no fibers were detected. When detected, the minimum detection and reporting limit is less than 1% unless point counting is performed. Floor tile samples may contain large amounts of interference material and it is recommended that the sample be analyzed by gravimetric point count analysis to lower the detection limit and to aid in asbestos identification.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

Client: NOVA Geotechnical & Inspection Services    Date of Sampling: 06-14-2019  
C/O: Dean Stanphill    Date of Receipt: 06-17-2019  
Re: Reindeer Lodge; RE-19-025    Date of Report: 07-03-2019

---

**SUMMARY OF REVISIONS**

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**Location:** SA-2; Spray Acoustic Lab ID-Version‡: 10376911-2  
Analysis Time revised. Asbestos content revised.

**Location:** SA-3; Spray Acoustic Lab ID-Version‡: 10376912-2  
Analysis Time revised. Asbestos content revised.

‡ A "Version" indicated by "-x" after the Lab ID# with a value greater than 1 indicates a sample with amended data. The revision number is reflected by the value of "x".

# **APPENDIX E**

## **General Notes/Exclusions**

## GENERAL NOTES/EXCLUSIONS

- Mr. Gary Schmidt, outlined the areas and the materials scheduled to be disturbed during the renovation activities, instructed NOVA to only collect bulk samples of the outlined materials, and to have those samples analyzed for the presence of asbestos fibers by a qualified laboratory.
- This was a limited inspection and those areas not specifically identified in this report were not inspected or any area outside the specific area described herein.
- If any un-sampled suspect building materials are discovered during the renovation activities, those materials should be properly sampled by a certified inspector and analyzed by a qualified laboratory prior to their disturbance.
- No estimated quantities are provided.

**APPENDIX F**  
**EPA NESHAP**  
**Notification Information**

**EPA NESHAP NOTIFICATION INFORMATION  
REINDEER LODGE  
9000 MOUNT ROSE HIGHWAY  
RENO, NEVADA**

Property Owner/Operator	<u>Gary Schmidt</u>
Date of Inspection	<u>June 14, 2019</u>
Laboratory	<u>EMLab P &amp; K</u>
Testing Method	<u>Polarized Light Microscopy (PLM)</u>
Number of Samples	<u>51 PLM</u>
Date Analyzed	<u>June 17, 2019</u>
Inspector Certification(s)	
Name	<u>Lynn Minedew</u>
Training Provider	<u>M&amp;C Environmental Training</u>
AHERA Certificate Number	<u>042923 IR</u>
Expiration Date	<u>November 15, 2018</u>

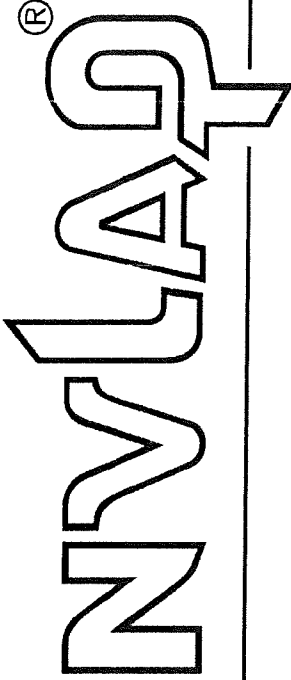
All building materials sampled were reported by laboratory PLM analysis to be "none detected" for asbestos.

# **APPENDIX G**

## **Certifications**



United States Department of Commerce  
National Institute of Standards and Technology



---

# Certificate of Accreditation to ISO/IEC 17025:2005

---

NVLAP LAB CODE: 500031-0

**EMLab P&K**  
Phoenix, AZ

is accredited by the National Voluntary Laboratory Accreditation Program for specific services,  
listed on the Scope of Accreditation, for:

## Asbestos Fiber Analysis

*This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2005.  
This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality  
management system (refer to joint ISO-ILAC-IAF Communique dated January 2009).*

2019-01-01 through 2019-12-31

Effective Dates



A handwritten signature in black ink, which appears to read "Peter S. Gorman".

For the National Voluntary Laboratory Accreditation Program

# M&C Environmental Training

## Asbestos Contractor/Supervisor Refresher Training Course

**Lynn Minedew**

has successfully completed the Asbestos Contractor/Supervisor Refresher course approved by the California Division of Occupational Safety and Health for purposes of certification required by Title 8, Article 2.7 Chapter 3.2, Section 341.16 and the accreditation required under the Toxic Substances Control Act, Title II. Conducted by M&C Environmental Training, Inc., 1619 Beverly Place, Berkeley, California 94707. Tel. #(510) 525 - 1388

Course Approval Number: CA-003-04

Location: Reno, Nevada      Expiration: November 14, 2019

Dates: November 14, 2018

Director of Training: John McGinnis



Certificate Number 44801 SR

# M&C Environmental Training

## Asbestos Inspector Refresher Training Course

**Lynn Minedew**

has successfully completed the Asbestos Inspector Refresher course approved by the California Division of Occupational Safety and Health for purposes of certification required by Title 8, Article 2.7 Chapter 3.2, Section 341.16 and the accreditation required under the Toxic Substances Control Act, Title II. Conducted by M&C Environmental Training, Inc., 1619 Beverly Place, Berkeley, California 94707. Tel. #(510) 525 - 1388

Course Approval Number: CA-003-06

Location: Reno, Nevada      Expiration: November 15, 2019

Dates: November 15, 2018

Director of Training: John McGinnis



Certificate Number 44827 IR

# M&C Environmental Training

## Asbestos Management Planner Refresher Training Course

**Lynn Minedew**

has successfully completed the Asbestos Management Planner Refresher course approved by the California Division of Occupational Safety and Health for purposes of certification required by Title 8, Article 2.7 Chapter 3.2, Section 341.16 and the accreditation required under the Toxic Substances Control Act, Title II. Conducted by M&C Environmental Training, Inc., 1619 Beverly Place, Berkeley, California 94707. Tel. #(510) 525 - 1388

Course Approval Number: CA-003-08

Location: Reno, Nevada      Expiration: November 15, 2019

Dates: November 15, 2018

Director of Training: John McGinnis



Certificate Number 44863 PR

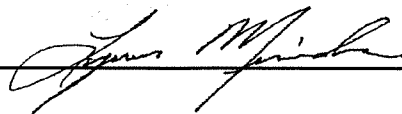
**STATE OF NEVADA**  
**DEPARTMENT OF BUSINESS AND INDUSTRY**  
**DIVISION OF INDUSTRIAL RELATIONS**  
**Occupational Safety and Health Administration**  
**Asbestos Control Program**

Certifies That Lynn Minedew  
Pezonella Associates, Inc.  
is Licensed As Asbestos Abatement Consultant

License No. IJM-1075

Expiration Date 11/14/2019

Signature Of Licensee



---

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 S. San Francisco, CA:  
 Shoreline Ct, Ste 203, S. San Francisco, CA 94080 \* (366) 868-6653 6000



102184600

Water, Bulk, Dust, Soil, Contact  
 Plant

Non-Culturable	Other Requests
Spore Trap	
Tape Swab Bulk	

Fungi - Spore Trap Analysis	Asbestos Analysis - PCM Airborne Fiber Count (NIOSH 7400)
Spore Trap Analysis - Other particles	Asbestos Analysis - PCM (EPA method 600/4-93-118)
Direct Microscopic Exam (Qualitative)	PCR (please specify test)
Quantitative Spore Count Direct Exam	
1-Media Surface Fungi (Genus ID + Asp. spp.)	
2-Media Surface Fungi (Genus ID + Asp. spp.)	
3-Media Surface Fungi (Genus ID + Asp. spp.)	
Culturable Air Fungi (Genus ID + Asp. spp.)	
Gram Stain and Counts (Culturable Air and Surface Bacteria)	
Legionella culture (potable or nonpotable (please select))	
Total Coliform, E.coli (Presence/Absence)	
Membrane Filtration (Please specify organism)	
MFN Bacteria (Please specify organism)	
Quantitray - Sewage Screen	

RECEIVED BY	DATE/TIME
<i>[Signature]</i>	6.17.19
	6.10.54PM

WEATHER	Fog	Rain	Snow	Wind	Clear
None					
Light					
Moderate					
Heavy					X

## CONTACT INFORMATION

Company: **NDVA**  
 Contact: **Dean Stuphill**  
 Phone/Email: **775-560-3911**  
 Project ID: **REWEVER LODGE**  
 Project Desc.: **RE-19-025**  
 Project Sampling Date & Time: **6/14/19 1000**  
 PO Number:

Special Instructions:

## TURNS AROUND TIME CODES (TAT)

STD - Standard (DEFAULT)	Rushes received after 2pm on Mon-Fri. Weekends will be considered as received the next business day. Please allow 2 business days for turnaround.
ND - Next-Business-Day	
SD - Same Business Day Rush	
WH - Weekend/Holiday	

## PROJECT INFORMATION

Sample ID	Description	Sample Type (Below)	TAT (Above)	Volume/Area	Notes
T-1	Transite - Debris Pile	B			
T-2	Transite - Debris Pile	B			
T-3	Transite - Debris Pile	B			
R-1	Comp. V/B - Debris Pile	B			
R-2	Comp. V/B - Debris Pile	B			
R-3	Comp. V/B - Debris Pile	B			
W-1	Swirl Tex 1/c 2/W - DP	B			
W-2	Swirl Tex 1/c 2/W - DP	B			
W-3	Swirl Tex 1/c 2/W - DP	B			
W-4	Text 1/c 2/W - DP	B			
W-5	Text 1/c 2/W - DP	B			
W-6	Text 1/c 2/W - DP	B			

## REQUISITIONED BY

<i>[Signature]</i>	DATE/TIME
	6/14/19 1533

## SAMPLE TYPES/CODES

ST - Spore Trap	T - Tape	D - Dust
Zefon	SW - Swab	SO - Soil
Allergenco, Burkard...	B - Bulk	
P - Potable Water	O - Other:	
NP - Non-Potable Water		

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 S. San Francisco, CA: 6000

Shorline Ct. Ste 203, S. San Francisco, CA 94080 (866) 888-6663

Company: **NOVA**  
 Contact: **Dean Stambull**  
 Phone/Email: **715-560-3911**

Special Instructions:

### PROJECT INFORMATION

Project ID: **Remediate Large**  
 Project Desc: **RE-19-025**  
 Project: **Sampling**  
 Zip Code: **6/14/19 1000**

### TURNAROUND TIME CODES (TAT)

STD - Standard (DEFAULT)  
 ND - Next Business Day  
 SD - Same Business Day Rush  
 WH - Weekend/Holiday

Rushes received after 2pm on non-weekends will be considered received the next business day. Please alert us if an expedited or special analytical needs.

### NOTES

Date of day, time, etc.

### WEATHER

None  
 Light  
 Moderate  
 Heavy

### Fog

None

### Rain

None

### Snow

None

### Wind

None

### Grant

X

### CONTACT INFORMATION

Sample ID: **F1**  
 Description: **12x12 Tan Tile Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **F2**  
 Description: **12x12 Tan Tile Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **F3**  
 Description: **12x12 Tan Tile Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **R4**  
 Description: **Layered Pool Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **R5**  
 Description: **Layered Pool Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **R6**  
 Description: **Layered Pool Mastic - DP**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **W1**  
 Description: **Window Putty**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **W2**  
 Description: **Window Putty**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **W3**  
 Description: **Window Putty**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **BI-1**  
 Description: **Blown Insulation**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **BI-2**  
 Description: **Blown Insulation**  
 Sample Type: **B**  
 Volume/Area: **1000**

Sample ID: **BI-3**  
 Description: **Blown Insulation**  
 Sample Type: **B**  
 Volume/Area: **1000**

### SAMPLE TYPE CODES

ST - Spore Trap  
 Zafon  
 Allergenco, Burkard...  
 P - Potable Water  
 NP - Non-Potable Water

T - Tape  
 SW - Swab  
 B - Bulk  
 Q - Other

D - Dust  
 SO - Soil

REQUISITION: *[Signature]* DATE/TIME: **6/14/19 1550**

RECEIVED BY: *[Signature]* DATE/TIME: **6-17-19 10:54 AM**

Non-Cultured	Other Requests
Spore Trap Analysis - Other particles	
Direct Microscopic Exam (Qualitative)	
Quantitative Spore Count Direct Exam	
1-Media Surface Fungi (Genus ID + Asp. spp.)	
2-Media Surface Fungi (Genus ID + Asp. spp.)	
3-Media Surface Fungi (Genus ID + Asp. spp.)	
Cultureko Air Fungi (Genus ID + Asp. spp.)	
Gram Stain and Counts (Culturable Air and Surface Bacteria)	
Legionella culture (potable or nonpotable (please select))	
Total Coliform, E.coli (Presence/Absence)	
Membrane Filtration (Please specify organism)	
MPN Bacteria (Please specify organism)	
Quantitray - Sewage Screen	
Asbestos Analysis - PCM Airborne Fiber Count (NIOSH 7400)	
Asbestos Analysis - PCM (EPA method 800/R-93-116)	
PCR (please specify test)	

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S. San Francisco, CA: 6000  
 Shoreline Ct Ste 209, S. San Francisco, CA 94080 \* (866) 888-6655

WEATHER	Fog	Rain	Snow	Wind	Clear
None					
Light					
Moderate					
Heavy					



102184600

STAT, SABS.

Bulk  Spore Trap

### CONTACT INFORMATION

Company: **NOVA**

Contact: **Dean Staphill**

Phone/Email: **775-320-3911**

### PROJECT INFORMATION

Project ID: **LAUNDEER LODGE**

Project Desc: **RE-19-075**

Project: **Sampling**

Zip Code: **Date & Time: 6/19/19 1000**

PO Number:

Special Instructions:

### TURNAROUND TIME CODES (TAT)

STD - Standard (DEFAULT)  
 ND - Next Business Day  
 SD - Same Business Day Rush  
 WH - Weekend/Holiday

Rushes received after 2:00 p.m. on weekdays will be considered received the next business day. Please select rush delivery when you place your order. Rushes are not available on weekends and holidays.

### STAT

Sample Type (Below) Volume/area (Below) Notes (Time order, Temp, etc.)

Sample ID	Description	Sample Type (Below)	Volume/area (Below)	Notes (Time order, Temp, etc.)
SA-1	Sporey Acoustic	B		
SA-2	Sporey Acoustic	B		
SA-3	Sporey Acoustic	B		
SA-4	Wood Gravel Sheet Floor	B		
SA-5	Wood Gravel Sheet Floor	B		
SA-6	Wood Gravel Sheet Floor	B		
FA	12x12 Gray Tile & Mosaic	B		
F5	12x12 Gray Tile & Mosaic	B		
F6	12x12 Gray Tile & Mosaic	B		
W7	Text -/K P/W NUL	B		
W8	Text -/K P/W DREM	B		
W9	Text -/K P/W LR	B		

### RECEIVED BY

Signature: *[Signature]* DATE/TIME: 6/19/19 1552

### RECEIVED BY

Signature: *[Signature]* DATE/TIME: 6/19/19 1552

BC - BioCassette	ST - Spore Trap	T - Tape	D - Dust
AIS - Andersen	Zefon	SW - Swab	SO - Soil
SAS - Surface Air Sampler	Allergenco, Burkard...	P - Potable Water	B - Bulk
CP - Contact Plate	NP - Non-Potable Water	Q - Other:	

Fungi - Spore Trap Analysis	1-Media Surface Fungi (Genus ID + Asp. spp.)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
Spore Trap Analysis - Other particles	2-Media Surface Fungi (Genus ID + Asp. spp.)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	3-Media Surface Fungi (Genus ID + Asp. spp.)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Culturable Air Fungi (Genus ID + Asp. spp.)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Gram Stain and Counts (Culturable Air and Surface Bacteria)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Legionella culture (potable or nonpotable) (please select)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Total Coliform, E.coli (Presence/Absence)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Membrane Filtration (Please specify organism)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	MPN Bacteria (Please specify organism)	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Quantitray - Sewage Screen	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)
	Other Requests	Quantitative Spore Count Direct Exam	Direct Microscopic Exam (Qualitative)	Asbestos Analysis - PCM (EPA method 504/8-93-116)	PCR (please specify test)



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S. San Francisco, CA:

Shoreline Ct. Ste 203, S. San Francisco, CA 94080 \* (866) 888-6655

6000

**PROJECT INFORMATION**

Company: IOUVA

Contact: Dean Stankard

Phone/Email: 775-560-3911

Project ID: REINDER LODGE

Project Desc: RE-19-025

Project Date & Time: 6/14/19 1000

Zip Code:

PO Number:

**CONTACT INFORMATION**

Special Instructions:

**TURN-AROUND TIME CODES (TAT)**

STD - Standard (DEFAULT)  
 ND - Next Business Day  
 SD - Same Business Day Rush  
 WH - Weekend/Holiday

Flashes, recalcitrant, or non-culturable organisms will be considered. Please email us in advance of your sample collection. Please email us in advance of your sample collection.

Sample ID	Description	Sample Type (Matrix)	Volume (Liters)	Notes
SF4	sheet floor white w blue dia			
SF5	sheet floor white w blue dia			
SF6	sheet floor white w blue dia			
SF7	sheet floor tan end of hallway			
SP8	sheet floor tan end of hallway			
SP9	sheet floor tan end of hallway			
SF10	sheet floor blue/black - mid			
SF11	sheet floor blue/black - mid			
SF12	sheet floor blue/black - mid			
W10	toilet			
W11	toilet			
W12	toilet			

**SAMPLES RECEIVED**

Sample ID	Sample Type	Received By	Date/Time
BC - BioCassette	ST - Spore Trap		
A1S - Andersen	Zefon, Allergenco, Burkard...		
SAS - Surface Air Sampler	P - Potable Water		
CP - Contact Plate	NP - Non-Potable Water		
	T - Tape		
	SW - Swab		
	SO - Soil		
	B - Bulk		
	Q - Other:		

Received By: [Signature] Date/Time: 6/14/19 1830

**WEATHER**

None  Fog  Rain  Snow  Wind  Clear

Light  Moderate  Heavy

**Non-Culture**

Spore Trap  Bulk

**To Swab Bulk**

Water, Bulk, Dust, Soil, Contact

**SAS**

Other Requests

Barcode: 102184600

Analysis	Method	Result
Fungi - Spore Trap Analysis		
Spore Trap Analysis - Other particles		
Direct Microscopic Exam (Qualitative)		
Quantitative Spore Count Direct Exam		
1-Media Surface Fungi (Genus ID + Asp. spp.)		
2-Media Surface Fungi (Genus ID + Asp. spp.)		
3-Media Surface Fungi (Genus ID + Asp. spp.)		
Culturable Air Fungi (Genus ID + Asp. spp.)		
Gran Stain and Counts (Culturable Air and Surface Bacteria)		
Legionella culture (potable or nonpotable) (please select)		
Total Coliform, E.coli (Presence/Absence)		
Membrane Filtration (Please specify organism)		
MFN Bacteria (Please specify organism)		
QuantTray - Sewage Screen		
Asbestos Analysis - PCM Airborne Fiber Count (NIOSH 7400)		
Asbestos Analysis - PLM (EPA method 8000-R-93-116)		
PCR (please specify test)		

**RECEIVED BY**

[Signature] 6-17-19

6-10-54 AM

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 S. San Francisco, CA: 6000  
 Shoreline Ct. Ste 203, S. San Francisco, CA 94080 \* (866) 888-6653

Company: NOVA  
 Contact: Dean Slomberg  
 Phone/Email: 775-560-3911

Project ID: REINDEER LODGE  
 Project Desc: RE-19-025  
 Project: Sampling  
 Zip Code: 6/14/19 1000  
 PO Number:

Special Instructions:

STANDARD	TURN AROUND TIME CODES (DAY)
STD - Standard (DEFAULT)	Results received after 2pm or on weekends will be considered next business day.
ND - Next Business Day	Plasma/serum in advance of weekend analysis.
SD - Same Business Day Rush	
WH - Weekend/Holiday	

**CONTACT INFORMATION**

Sample ID	Description	Sample Type (Above)	Volume (L)	Notes (Time, Day, Temp, etc.)
RE-1	Flue pipe away from ID 11-5	B	ND	
RE-2	Flue pipe away from ID 11-2	B		
RE-3	Flue pipe away from ID 11-1	B		

**WEATHER**

None	Fog	Rain	Snow	Wind	Clear
Light					
Moderate					
Heavy					

**Non-C** 02184600

**Spore Trap**

**Bulk**

**Water, zink, wash, soil, Contact**

**Other Requests**

Analysis	Result
Fungi - Spore Trap Analysis	
Spore Trap Analysis - Other particles	
Direct Microscopic Exam (Qualitative)	
Quantitative Spore Count Direct Exam	
1-Media Surface Fungi (Genus ID + Asp. spp.)	
2-Media Surface Fungi (Genus ID + Asp. spp.)	
3-Media Surface Fungi (Genus ID + Asp. spp.)	
Culturable Air Fungi (Genus ID + Asp. spp.)	
Gram Stain and Counts (Culturable Air and Surface Bacteria)	
Legionella culture (potable or nonpotable (please select))	
Total Coliform, E.coli (Presence/Absence)	
Membrane Filtration (Please specify organism)	
MFN Bacteria (Please specify organism)	
Quantilray - Sewage Screen	
Asbestos Analysis - PCM Airborne Fiber Count (NIOSH 7400)	
Asbestos Analysis - PLM (EPA method 800/R-93-116)	
PCR (Please specify test)	

**SAMPLE TYPE CODES**

BC - BioCassette	ST - Spore Trap	T - Tape	D - Dust
AIS - Andersen	Zefon	SW - Swab	SO - Soil
SAS - Surface Air Sampler	Allergenco, Burkard...	B - Bulk	
CP - Contact Plate	P - Potable Water	O - Other:	
	NP - Non-Potable Water		

**REQUISITIONED BY:** Dean Slomberg **DATE/TIME:** 6/14/19 1548

**RECEIVED BY:** [Signature] **DATE/TIME:** 6-17-19 @ 10:54 AM

5/5

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION ISSUED TO**

**Gary R. Schmidt  
Reindeer Lodge  
9000 Mt Rose Hwy  
Reno, Nevada 89511**

**Date of Issuance: February 1, 2021  
Notice of Violation No.: AQMV21-0004**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Gary R. Schmidt owner and operator of the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada 89511 is in violation the Clean Air Act 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements for failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 C.F.R. 61, Subpart 61.145 (a) (1).

### 1. VIOLATION

- A. Failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 C.F.R. 61, Subpart 61.145 (a) (1).

### 2. BASIS OF VIOLATION

- A. Regulatory Authority

Per section 030.105 b. 10., The Washoe County District Board of Health Regulations Governing Air Quality Management adopted by reference, 40 C.F.R. 61, Subpart M and has been delegated authority to implement and ensure compliance with this Subpart within the Washoe County Health District.

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:*

*(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.*

*(ii) At least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph (a)(4)(iii) of this section.*

*(iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section or, if the operation is a renovation described in paragraph (a)(4)(iv) of this section.*

*(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 June 10, 2019, the AQMD was made aware of demolition activity associated with the facility at the Reindeer Lodge (9000 Mt. Rose Hwy). A review of records demonstrated that a NESHAP Notification of Demolition had not been submitted 10 days prior to the start of demolition pursuant to 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements.

On the same day, AQMD staff was able to confirm that demolition activity as defined by 40 C.F.R. 61, Subpart M had occurred in the northeast portion of the facility (Attachment 1).

Demolition is defined in 40 C.F.R. 61 Subpart M as *“the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.”*

Facility is defined in 40 C.F.R. 61 Subpart M as *“any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.”*

On August 17, 2020 the AQMD received a NESHAP Notification of Demolition and Renovation for the demolition of the Reindeer Lodge from Ray Pezonella, representative for Gary R. Schmidt (Attachment 2). The document was deemed incomplete by the AQMD as it did not contain the signatures of the owner/operator. An email was sent to Ray Pezonella on August 18, 2020 stating that the Notification was incomplete (Attachment 3).

The NESHAP Notification of Demolition and Renovation for the Reindeer Lodge was submitted with a letter from Gary R. Schmidt’s attorney, Taylor Jenkins, on September 14, 2020. The Notification was reviewed and approved on September 14, 2020 (Attachment 4).

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Gary R. Schmidt is advised that within (10) working days of the receipt of this Notice of Violation, Gary R. Schmidt may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$12,500.00.

# **ATTACHMENT 1**

## **Photographs**

Reindeer Lodge  
9000 Mt. Rose Highway  
Reno, Nevada  
Taken on June 10, 2019



**Photograph 1**

**Date: June 10, 2019**

**Direction: West**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



**Photograph 2**

**Date: June 10, 2019**

**Direction: Northwest**

Image identifies the location of the demolition that occurred at 9000 Mt. Rose Highway.



**Photograph 3**

**Date: June 10, 2019**

**Direction: Southwest**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



# **ATTACHMENT 2**

**EPA NESHAP**

**Notification OF DEMOLITION AND RENOVATION**

FILL IN ALL NUMBERED BLANKS

Operator Project #	Postmark	Notification Permit #	Date Received			
1. TYPE OF NOTIFICATION (O=Original R= Revised C=Canceled) <span style="float:right">Original</span>						
2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)						
OWNER NAME: DPG SCHMIDT, INC						
Address: P O BOX 861						
City: RENO	State: NV	Zip: 89511				
Contact Person: RAY PEZONELLA / GARY SCHMIDT			Tel: 775-742-4196			
REMOVAL CONTRACTOR: ALL EAGLE,LLC						
Address: 4215 REWANA WAY						
City: RENO	State: NV	Zip: 89502				
Contact Person: MAX CARDENAS JR.			Tel: 775-400-8290			
OTHER OPERATOR/CONSULTANT: WISE CONSULTING AND TRAINING, INC						
Address: 5400 MILL STREET, STE A						
City: RENO	State: NV	Zip: 89505				
Contact Person: TOM WISE			Tel: 775-827-2717			
3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emergency Renovation) <span style="float:right">Renovation <input type="checkbox"/></span>						
4. IS ASBESTOS PRESENT? (Yes/No) <span style="float:right">Yes</span>						
5. Facility Description (Include Building Name, Number, and Floor or Room Number)						
Building Name: OLD REINDEER LODGE						
Address: 9000 MT. ROSE HWY		Parcel #:				
City: RENO	State: NV	County: WASHOE	Zip Code: 89511			
On-Site Location:						
Building Size: 4,000- 5,000 Sqft		# of Floors: 2	Age in Years: 60			
Present Use: Unoccupied Residence		Prior Use: Residential				
6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: PLM Method 600/R-93-116						
7. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:						
1. Regulated ACM to be removed.		Amount of RACM To Be Removed	Amount of Nonfriable ACM Not To Be Removed		Amount of Nonfriable ACM To Be Removed	
2. Category I ACM Not Removed.			Cat I	Cat II	Cat I	Cat II
3. Category II ACM Not Removed.		*** Note material being removed to the right of measurement ***				
Pipes (Linear Ft.)						
Surface Area (Square Ft.)						300 s.f.
Vol RACM off facility Component (Cubic Ft.)						
8. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020						
Days Worked (circle) M T W TH F *Sat *Sun Day Shift hours: Evening Shift Hours:						
*Non-Standard Working Hours - additional \$192.00 per hour for AQM inspection						
9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020						

<b>10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:</b>			
Continued demolition of the snow damaged lodge with standard construction equipment.			
<b>11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:</b>			
Expose Transite Siding with demolition equipment, then remove Siding with standard misting and removal is largest sections practicable.			
<b>12. WASTE TRANSPORTER #1</b>			
Name: Rubbish Runners			
Address: 1085 Telegraph St.			
City: Reno	State: Nev	Zip: 89502	
Contact Person:		Telephone: 775-786-0159	
<b>WASTE TRANSPORTER #2</b>			
Name:			
Address:			
City:	State:	Zip:	
Contact Person:		Telephone:	
<b>13. WASTE DISPOSAL SITE</b>			
Name: Lockwood			
Location:			
City:	State:	Zip:	
Telephone:			
<b>14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:</b>			
Name:		Title:	
Authority:			
Date of order (MM/DD/YY):		Date ordered to begin (MM/DD/YY):	
<b>15. FOR EMERGENCY RENOVATIONS:</b>			
Date and hour of emergency (MM/DD/YY - HH:MM):			
Description of Sudden, Unexpected Event:			
<small>Collapse of roof over main building and part of two wings during winter snow loads in 2019.</small>			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:			
Area appropiatley safety fenced per Washoe County Standards.			
<b>16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLLED, PULVERIZED, OR REDUCED TO POWDER:</b>			
Stop work and contact asbestos consultant for evaluation and direction.			
<b>17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.</b>			
_____	_____	_____	_____
(Print Name: Owner/Operator)	(Title)	(Signature of Owner/Operator)	(Date)
<b>18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<b>J. Tom Wise</b>	<b>Asbestos</b>	<b>NV. IJPM 43</b>	<b>8/28/20</b>
_____	_____	_____	_____
(Print Name: Owner/Operator)	(Affiliation)	(AHERA Certificate Number)	(Expiration Date)
<b>19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
_____	_____	_____	_____
(Print Name: Owner/Operator)	(Title)	(Signature of Owner/Operator)	(Date)

# **ATTACHMENT 3**

## Restori, Joshua

---

**From:** Restori, Joshua  
**Sent:** Tuesday, August 18, 2020 7:50 AM  
**To:** Ray Pezonella  
**Cc:** Tom Wise; Max Cardenas; Hauenstein, Mojra; nobullschmidt@hotmail.com  
**Subject:** RE: form  
**Attachments:** Reindeer Lodge NESHAP Notification.pdf

Good morning Ray,

The NESHAP Notification for the Demolition of the Reindeer Lodge has been reviewed and cannot be accepted without the required edits. The areas where the form requires editing have been highlighted and comments have been made regarding these sections. Please complete these sections and resubmit for processing.

Further, we received an email that continued demolition and loading of debris was occurring at the Reindeer Lodge over the weekend. The Air Quality Management Division has discussed on several occasions the requirement of having a NESHAP Notification of Demolition submitted and approved, a certified asbestos consultant onsite and a licensed asbestos abatement contractor onsite during demolition of the structure. Would you please provide comment on what activity was occurring over the past weekend at the Reindeer Lodge?

Regards,

### Joshua Restori

Senior Air Quality Specialist | Air Quality Management Division | Washoe County Health District  
[jrestori@washoecounty.us](mailto:jrestori@washoecounty.us) | O: (775) 784-7202 | C: (775) 772-8881 | F: (775) 784-7225 |  
1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)



 Please consider the environment before printing this e-mail.

---

**From:** Ray Pezonella <[ray@pezonella.com](mailto:ray@pezonella.com)>  
**Sent:** Monday, August 17, 2020 2:14 PM  
**To:** Restori, Joshua <[JRestori@washoecounty.us](mailto:JRestori@washoecounty.us)>  
**Subject:** form

**[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Josh

Please review the form and call me with any comments. Thanks Ray 775-742-4196

**EPA NESHAP**

**Notification OF DEMOLITION AND RENOVATION**

FILL IN ALL NUMBERED BLANKS

Operator Project #	Postmark	Notification Permit #	Date Received			
1. TYPE OF NOTIFICATION (O=Original R= Revised C=Canceled) <b>Original</b>						
2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)						
<b>OWNER NAME:</b> DPG SCHMIDT, INC						
Address: P O BOX 861						
City: RENO	State: NV	Zip: 89511				
Contact Person: RAY PEZONELLA / GARY SCHMIDT			Tel: 775-742-4196			
<b>REMOVAL CONTRACTOR:</b> ALL EAGLE,LLC						
Address: 4215 REWANA WAY						
City: RENO	State: NV	Zip: 89502				
Contact Person: MAX CARDENAS JR.			Tel: 775-400-8290			
<b>OTHER OPERATOR/CONSULTANT:</b> WISE CONSULTING AND TRAINING, INC						
Address: 5400 MILL STREET, STE A						
City: RENO	State: NV	Zip: 89505				
Contact Person: TOM WISE			Tel: 775-827-2717			
3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emergency Renovation) <b>Renovation</b>						
4. IS ASBESTOS PRESENT? (Yes/No) <b>Yes</b>						
5. Facility Description (Include Building Name, Number, and Floor or Room Number)						
Building Name: OLD REINDEER LODGE						
Address: 9000 MT. ROSE HWY		<b>Parcel #:</b>				
City: RENO	State: NV	County: WASHOE	Zip Code: 89511			
On-Site Location:						
Building Size: 4,000- 5,000 Sqft		# of Floors: 2	Age in Years: 60			
Present Use: Unoccupied Residence		Prior Use: Residential				
6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: PLM Method 600/R-93-116						
7. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:						
1. Regulated ACM to be removed.		Amount of RACM To Be Removed	Amount of Nonfriable ACM Not To Be Removed		Amount of Nonfriable ACM To Be Removed	
2. Category I ACM Not Removed.			Cat I	Cat II	Cat I	Cat II
3. Category II ACM Not Removed.		*** Note material being removed to the right of measurement ***				
Pipes (Linear Ft.)						
Surface Area (Square Ft.)						300 s.f.
Vol RACM off facility Component (Cubic Ft.)						
8. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020						
Days Worked (circle) M T W TH F *Sat *Sun Day Shift hours: *Evening Shift Hours:						
*Non-Standard Working Hours - additional \$192.00 per hour for AQM inspection						
9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020						



<b>10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:</b>			
Continued demolition of the snow damaged lodge with standard construction equipment.			
<b>11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:</b>			
Expose Transite Siding with demolition equipment, then remove Siding with standard misting and removal is largest sections practicable.			
<b>12. WASTE TRANSPORTER #1</b>			
Name: Rubbish Runners			
Address: 1085 Telegraph St.			
City: Reno	State: Nev	Zip: 89502	
Contact Person: [REDACTED]		Telephone: 775-786-0159	
<b>WASTE TRANSPORTER #2</b>			
Name:			
Address:			
City:	State:	Zip:	
Contact Person:		Telephone:	
<b>13. WASTE DISPOSAL SITE</b>			
Name: Lockwood			
Location:			
City:	State:	Zip:	
Telephone:			
<b>14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:</b>			
Name:		Title:	
Authority:			
Date of order (MM/DD/YY):		Date ordered to begin (MM/DD/YY):	
<b>15. FOR EMERGENCY RENOVATIONS:</b>			
Date and hour of emergency (MM/DD/YY - HH:MM):			
Description of Sudden, Unexpected Event:			
Collapse of roof over main building and part of two wings during winter snow loads in 2019.			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:			
Area appropriatley safety fenced per Washoe County Standards.			
<b>16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER:</b>			
Stop work and contact asbestos consultant for evaluation and direction.			
<b>17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.</b>			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(Print Name: Owner/Operator)	(Title)	(Signature of Owner/Operator)	(Date)
<b>18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
J. Tom Wise	Asbestos	NV. IJPM 43	8/28/20
(Print Name: Owner/Operator)	(Affiliation)	(AHERA Certificate Number)	(Expiration Date)
<b>19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
(Print Name: Owner/Operator)	(Title)	(Signature of Owner/Operator)	(Date)

# **ATTACHMENT 4**

AIR QUALITY MGMT.

SEP 14 2020

WASHOE COUNTY  
HEALTH DIST.

LAW OFFICES  
**TAYLOR M JENKINS**  
ATTORNEY AT LAW  
3748 Lakeside Drive #102  
RENO, NEVADA 89509

TAYLOR M JENKINS

VOICE (775) 622-6285

August 25, 2020

VIA: USPS Regular Mail and  
Certified Mail

Air Quality Management Division  
Washoe County Health District  
1001 East Ninth Street #B171  
Reno, Nevada 89512

Re: Reindeer Lodge Notification Asbestos Application/Removal  
9000 Mount Rose HWY

To Whom it may concern:

Gary Schmidt has retained our office to represent his interests in regards to actions and activities on the real property commonly known as the Reindeer Lodge (9000 Mount Rose Hwy, Washoe County, Nevada 89511 APN 048-081-02) due to the unexpected damage from heavy snowfall to the existing structure, which occurred in March of 2017.

Mr. Schmidt has complied with and/or attempted to comply with any and all requests and requirements made by various Washoe County Officials over the last three years. While Mr. Schmidt does not believe many of these requests and requirements have been warranted he has nonetheless complied. It would appear that many of these requests and requirements may not have been supported by the facts of the situation. It is Mr. Schmidt's contention that the law as applied to this particular situation do not support the requests and requirements made of Mr. Schmidt by Washoe County and Officials thereof.

Mr. Schmidt contends that 40 CFR Part 61 Subpart M does not apply to the Reindeer lodge project based on the following exemptions:

1. Reindeer Lodge is excluded from the definition of facility as set forth in 40 CFR §61.141 "but, excluding residential buildings having four or fewer dwelling units". The only

active use of Reindeer Lodge has been Mr. Schmidt's primary residence. Which has been rendered unusable from the occurrence of the damage in March 2017 to date.

2. In the event that our reading of the definition of facility is incorrect and Reindeer Lodge was deemed to be a facility for the purposes of 40 CFR §61.145. 40 CFR §61.145 would still not apply based on the exemption in 40 CFR §61.145 (4) (ii) which states in pertinent part that any nonscheduled renovation operations are subject to the requirements paragraphs (b) and (c) if the combined amount of RACM to be stripped, removed, dislodge, cut, drilled or similarly disturbed is "at least 1 cubic meter (35 cubic feet). 40 CFR §61.141 states that Nonscheduled renovation operation is defined as Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted. The damage to the roof would surely meet the definition of nonscheduled renovation and the total amount of RACM at Reindeer Lodge is less than 20 cubic feet, which falls far short of the required 35 cubic feet exempting the Reindeer Lodge project from the application of 40 CFR §61.145.

3. The roof of the Lodge collapsed under the unusually high snow load during the month of March in 2017 resulting in an emergency situation. The structure was immediately safety fenced per Washoe County Building Department standards. As such due, to the interruption of utilities to the building, the entire building which was Mr. Schmidt's primary residence was made unusable for the last three years and continuing. The only active use of the building at the time of the collapse and until present was and is as a residence which Mr. Schmidt has not been able to physically occupy. Therefore, it is our belief that this situation qualifies for an exemption of the Title 40 Part 61 regulations as extreme financial burden was encountered.

Based on the foregoing Mr. Schmidt contends that 40 CFR §61.145 does not apply to the Reindeer Lodge project and as such the Notification requirements of 40 CFR §61.145 (b) do not apply. Mr. Schmidt further contends that the Air Quality Management Division of the Washoe County Health District has constructive notice of any asbestos related activities occurring at Reindeer Lodge by issuance of permits to Mr. Schmidt himself and to contractors working on the Reindeer Lodge project; specifically:

1. Mr. Schmidt was issued a remodel/renovation permit in February of 2019 for the removal of the damaged portions of the building which constitutes constructive "notice".
2. All Eagle, LLC, as an agent of Mr. Schmidt's provided the county with notice by applying for and the Washoe County issuing permits for work at the Reindeer Lodge location.

Page 3  
Air Quality Management Division  
Reindeer Lodge

All work performed at Reindeer Lodge has been performed under permits issued to Mr. Schmidt and All Eagle, LLC. Mr. Schmidt and others have relied upon these permits for all the activities that have occurred at the site

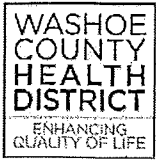
The attached form is provided under protest as demanded by Washoe County Air Quality. All of the information contained within has been previously provided timely to the county by various agents of Gary Schmidt including but not limited to All Eagle, LLC, Nova, Tom Wise, Ray Pezonella, Don Jepson, and Gary Schmidt. This office is not aware of any legal requirements to provide this information in the specific form demanded and again we do so only in the spirit of compromise and cooperation but under duress and under protest.

Very truly yours,

  
Taylor M. Jenkins, Esq.

cc:  
Client

Enclosure:  
Notification Asbestos Application Removal



# WASHOE COUNTY HEALTH DISTRICT

AIR QUALITY MANAGEMENT DIVISION



Public Health  
Prevent. Promote. Protect

## NOTIFICATION ASBESTOS APPLICATION/REMOVAL

DEMOLITION

RENOVATION

### NOTIFICATION REQUIREMENTS

Postmarked or delivered to the Air Quality Management Division at the address indicated below no later than **10 working days prior to beginning the asbestos removal activity** (dates specified in NESHAP Regulations Section VIII) or the demolition (dates specified in Section IX).

#### FEES

**NOTE:** The project notification form is incomplete until the Division receives the project notification fee.

- \$ 336 Non-NESHAP Demolition
- \$ 687 for each project greater than 260 but less than 520 linear feet or 160 square feet but less than 320 square feet.
- \$ 1,515 for each project greater than 520 but less than 1000 linear feet or 320 square feet but less than 1000 square feet.
- \$ 3,733 for each project greater than 1000 linear feet or 1000 square feet.
- \$ 7,906 Facility Annual Notification
- \$ 98 Administrative Modification

**NOTE:** In accordance with 40 CFR Part 61, Subpart M, 61.145(a)(4), facilities must confirm the applicability of the notifiable limits based on the cumulative total of materials abated during the calendar year. For confirmation of the cumulative total amount of materials abated in a year at a specific facility, please contact the Air Quality Management Division at (775) 784-7200.

Check or money order made payable to:

Air Quality Management Division  
Washoe County Health District  
1001 East Ninth Street #B171, Reno NV 89512  
(775) 784-7200 • FAX (775) 784-7225  
[AQMDAsbestos@washoecounty.us](mailto:AQMDAsbestos@washoecounty.us)  
[www.OurCleanAir.com](http://www.OurCleanAir.com)

8. Scheduled Dates of Asbestos Removal (MM/DD/YY): Enter scheduled dates (month/day/year) for asbestos removal work. Asbestos removal work includes any activity, including site preparation, which may break up, dislodge or disturb asbestos material.
9. Scheduled Dates of Demolition/Renovation (MM/DD/YY): Enter scheduled dates (month/day/year) for beginning and ending the planned demolition or renovation.
10. Description of Planned Demolition or Renovation Work and Method(s) to be Used: Include in this description the demolition and renovation techniques to be used and a description of the areas and types of facility components that will be affected by this work.
11. Description of Engineering Controls and Work Practices to be Used to Control Emissions of Asbestos at the Demolition and Renovation Site: Describe the work practices and engineering controls selected to ensure compliance with the requirements of the regulations, including both asbestos removal and waste-handling emission control procedures.
12. Waste Transporter(s): Enter the names, addresses, contact persons and telephone numbers of the persons or companies responsible for transporting ACM from the removal site to the waste disposal site. If the removal contractor or owner is the waste transporter, state "same as owner" or "same as removal contractor". If additional parties are responsible include complete information on an additional sheet submitted with the form.
13. Waste Disposal Site: Identify the waste disposal site, including the complete name, location and telephone number of the facility. If ACM is to be disposed of at more than one site, provide complete information on an additional sheet submitted with the form.
14. If Demolition is Ordered by a Government Agency, Please Identify the Agency Below: Provide the name of the responsible official, title and agency, authority under which the order was issued, the dates of the order and the dates of the demolition.
15. Emergency Renovation Information: Provide the date and time of the emergency, a description of the event and a description of unsafe conditions, equipment damage or financial burden resulting from the event. The information should be detailed enough to evaluate whether a renovation falls within the emergency exception.
16. Description of Procedures to be Followed in the Event that Unexpected Asbestos is Found or Previously Non-friable Asbestos Material becomes Crumbled, Pulverized or Reduced to Powder: Provide adequate information to demonstrate that appropriate actions have been considered and can be implemented to control asbestos emissions adequately, including at a minimum, conformance with applicable work practice standards.
17. Certification of Presence of Trained Supervisor: One year after promulgation of the applicable regulation, the notifier must certify that a person trained in asbestos-removal procedures will supervise the demolition or renovation. The supervisor is responsible for the activity on-site. Evidence that the supervisor has completed the training must be available for inspection during normal business hours.
18. Certification of AHERA (Asbestos Hazard Emergency Response Act) Training. Please certify that a person trained in AHERA procedures will supervise the demolition or renovation at the designated school facility. Evidence that the training has been completed must be available for inspection during normal business hours.
19. Verification: Please certify the accuracy and completeness of the information provided by signing and dating the notification form.

## GENERAL INFORMATION

The Asbestos NESHAP, 40 CFR Part 61, Subpart M, requires written notification of demolition or renovation operations under Section 61.145. This form may be used to fulfill this requirement. Only complete notification forms are acceptable. Incomplete notification may result in enforcement action.

### INSTRUCTIONS

1. Type of Notification: Enter "O" if the notification is a first time or original notification, "R" if the notification is a revision of a prior notification, or "C" if the activity has been cancelled.

2. Facility Information: Enter the names, addresses, contact persons and telephone numbers for the following:

Owner - Legal owner of the site at which asbestos is being removed or demolition planned.

Removal Contractor - Contractor hired to remove asbestos.

Other Operator - Demolition contractor, general contractor, or any other person who leases, operates, controls or supervises the site.

If known, the name of the site supervisor should be entered as the contact person for the notification. If additional parties share responsibility for the site, demolition activity, renovations or asbestos containing material (ACM) removal, include complete information (including name, address, contact person and telephone number) on additional sheets submitted with the form.

3. Type of Operation: Enter "D" for facility demolition, "R" for facility renovation, "O" for ordered demolitions or "E" for emergency renovations.

4. Is Asbestos Present? Answer "Yes" or "No" regardless of the amount or type of asbestos.

5. Facility Description: Provide detailed information on the areas being renovated or demolished. If applicable, provide the floor numbers and room numbers where renovations are to be conducted.

Site Location - Provide information needed to locate site in the event that the address alone is inadequate.

Building Size - Provide in square meters or square feet.

Number Of Floors - Enter the number of floors including basement or ground level floors.

Age in Years - Enter approximate age of the facility.

Present Use/Prior Use - Describe the primary use of the facility or enter the following codes: H-Hospital; S-School; P-Public Building; O-Office; I-Industrial; U-University or College; B-Ship; C-Commercial; or R-Residence.

6. Asbestos Detection Procedure: Describe methods and procedures used to determine whether ACM is present at the site, including a description of the analytical methods employed.

7. Approximate Amount of Asbestos: (1) Regulated ACM to be removed (including non-friable ACM to be sanded, ground or abraded); (2) Non-Friable ACM not to be removed (Category I and Category II)

For both removals and demolitions, enter the amount of regulated asbestos containing materials (RACM) to be removed by entering a number in the appropriate box. Enter the amount of Category I and II non-friable asbestos not to be removed in the appropriate boxes.

Category I non-friable material includes packing, gaskets, resilient floor covering and asphalt roofing materials containing more than one percent asbestos. Category II non-friable material includes any material, excluding Category I products, containing more than one percent asbestos, that when dry, cannot be crumbled, pulverized or reduced to powder (for example, vinyl floor tile).



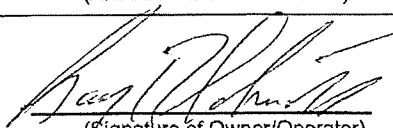
# EPA NESHAP

## Notification OF DEMOLITION AND RENOVATION

FILL IN ALL NUMBERED BLANKS

AIR QUALITY MGMT.

Operator Project #	Postmark	Notification Permit #	Date Received: <b>SEP 14 2020</b>
1. TYPE OF NOTIFICATION (O=Original R= Revised C=Canceled) <b>Original</b>			<b>WASHOE COUNTY HEALTH DIST.</b>
2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)			
OWNER NAME: DPG SCHMIDT, INC			
Address: P O BOX 861			
City: Virginia City	State: NV	Zip: 89511	
Contact Person: RAY PEZONELLA / GARY SCHMIDT			Tel: 775-742-4196
REMOVAL CONTRACTOR: ALL EAGLE, LLC			
Address: 4215 REWANA WAY			
City: RENO	State: NV	Zip: 89502	
Contact Person: MAX CARDENAS JR.			Tel: 775-400-8290
OTHER OPERATOR/CONSULTANT: WISE CONSULTING AND TRAINING, INC			
Address: 5400 MILL STREET, STE A			
City: RENO	State: NV	Zip: 89505	
Contact Person: TOM WISE			Tel: 775-827-2717
3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emergency Renovation)			Renovation <input checked="" type="checkbox"/>
4. IS ASBESTOS PRESENT? (Yes/No) <b>Yes</b>			
5. Facility Description (Include Building Name, Number, and Floor or Room Number)			
Building Name: OLD REINDEER LODGE			
Address: 9000 MT. ROSE HWY		Parcel #:	
City: Virginia City	State: NV	County: WASHOE	Zip Code: 89511
On-Site Location:			
Building Size: 4,000-5,000 sqft		# of Floors: 2	Age in Years: 60
Present Use: Unoccupied residential		Prior Use: Occupied Residential	
6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: PLM Method 600/R-93-116			
7. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:		Amount of RACM To Be Removed	Amount of Nonfriable ACM To Be Removed
1. Regulated ACM to be removed.			
2. Category I ACM Not Removed.			
3. Category II ACM Not Removed.			
*** Note material being removed to the right of measurement ***			
Pipes (Linear Ft.)	N/A	Cat I	Cat II
Surface Area (Square Ft.)	N/A		
Vol RACM off facility Component (Cubic Ft.)			< 20 cf
8. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY)		Start: 09/01/2020	Completed: 09/10/2020
Days Worked (circle) M T W TH F *Sat *Sun		Day Shift hours:	*Evening Shift Hours:
*Non-Standard Working Hours - additional \$192.00 per hour for AQM inspection			
9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY)		Start: 09/01/2020	Completed: 09/10/2020

<b>10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:</b>			
Continued removal of the debris from collapsed portion of the building which was inspected and certified to be asbestos free.			
<b>11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:</b>			
Expose Transite Siding and remove siding with standard misting and removal of largest sections practicable.			
<b>12. WASTE TRANSPORTER #1</b>			
Name: Carmen Dumpster Service			
Address: 5775 Stella Drive			
City: Sun Valley	State: Nevada	Zip: 89431	
Contact Person: Rosa		Telephone: 775-677-9079	
<b>WASTE TRANSPORTER #2</b>			
Name: All Eagle, LLC			
Address: 415 Rewana Way			
City: Reno	State: Nevada	Zip: 89502	
Contact Person: Max Caradenas Jr		Telephone: 775-400-8290	
<b>13. WASTE DISPOSAL SITE</b>			
Name: Lockwood Landfill			
Location: 2700 Mustang Road			
City: Sparks	State: Nevada	Zip: 89434	
Telephone: 775-342-0401			
<b>14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:</b>			
Name:		Title:	
Authority:			
Date of order (MM/DD/YY):		Date ordered to begin (MM/DD/YY):	
<b>15. FOR EMERGENCY RENOVATIONS:</b>			
Date and hour of emergency (MM/DD/YY - HH:MM):			
Description of Sudden, Unexpected Event:			
<small>Collapse of roof over main building and part of two wings during winter snow loads in 2017</small>			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:			
Complete loss of the structure as a residence and severe hardship from catastrophic repairs.			
<b>16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLER, PULVERIZED, OR REDUCED TO POWDER:</b>			
Stop work and contact asbestos consultant for evaluation and direction.			
<b>17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.</b>			
<b>J. Tom Wise</b>	<b>Consultant</b>		
<small>(Print Name: Owner/Operator)</small>	<small>(Title)</small>	<small>(Signature of Owner/Operator)</small>	<small>(Date)</small>
<b>18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<b>J. Tom Wise</b>	<b>Asbestos</b>	<b>NV. IJPM 43</b>	<b>8/28/20</b>
<small>(Print Name: Owner/Operator)</small>	<small>(Affiliation)</small>	<small>(AHERA Certificate Number)</small>	<small>(Expiration Date)</small>
<b>19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<b>Gary Schmidt</b>	<b>Owner</b>		<b>8-27-20</b>
<small>(Print Name: Owner/Operator)</small>	<small>(Title)</small>	<small>(Signature of Owner/Operator)</small>	<small>(Date)</small>

<b>10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:</b>			
Continued removal of the debris from collapsed portion of the building which was inspected and certified to be asbestos free.			
<b>11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:</b>			
Expose Transite Siding and remove siding with standard misting and removal of largest sections practicable.			
<b>12. WASTE TRANSPORTER #1</b>			
Name: Carmen Dumpster Service			
Address: 5775 Stella Drive			
City: Sun Valley	State: Nevada	Zip: 89431	
Contact Person: Rosa		Telephone: 775-677-9079	
<b>WASTE TRANSPORTER #2</b>			
Name: All Eagle, LLC			
Address: 415 Rewana Way			
City: Reno	State: Nevada	Zip: 89502	
Contact Person: Max Caradenas Jr		Telephone: 775-400-8290	
<b>13. WASTE DISPOSAL SITE</b>			
Name: Lockwood Landfill			
Location: 2700 Mustang Road			
City: Sparks	State: Nevada	Zip: 89434	
Telephone: 775-342-0401			
<b>14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:</b>			
Name:		Title:	
Authority:			
Date of order (MM/DD/YY):		Date ordered to begin (MM/DD/YY):	
<b>15. FOR EMERGENCY RENOVATIONS:</b>			
Date and hour of emergency (MM/DD/YY - HH:MM):			
Description of Sudden, Unexpected Event: <small>Collapse of roof over main building and part of two wings during winter snow loads in 2017</small>			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden: <small>Complete loss of the structure as a residence and severe hardship from catastrophic repairs.</small>			
<b>16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLER, PULVERIZED, OR REDUCED TO POWDER:</b>			
Stop work and contact asbestos consultant for evaluation and direction.			
<b>17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.</b>			
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>Consultant</u> <small>(Title)</small>	
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>[Signature]</u> <small>(Signature of Owner/Operator)</small>	
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>8-27-20</u> <small>(Date)</small>	
<b>18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>Asbestos</u> <small>(Affiliation)</small>	
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>NV. IJPM 43</u> <small>(AHERA Certificate Number)</small>	
<u>J. Tom Wise</u> <small>(Print Name: Owner/Operator)</small>		<u>8/28/20</u> <small>(Expiration Date)</small>	
<b>19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<u>Gary Schmidt</u> <small>(Print Name: Owner/Operator)</small>		<u>Owner</u> <small>(Title)</small>	
<u>Gary Schmidt</u> <small>(Print Name: Owner/Operator)</small>		<u>[Signature]</u> <small>(Signature of Owner/Operator)</small>	
<u>Gary Schmidt</u> <small>(Print Name: Owner/Operator)</small>		<u>8-27-20</u> <small>(Date)</small>	

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

## **NOTICE OF VIOLATION ISSUED TO**

**Gary R. Schmidt  
Reindeer Lodge  
9000 Mt Rose Hwy  
Reno, Nevada 89511**

**Date of Issuance: February 1, 2021  
Notice of Violation No.: AQMV21-0005**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Gary R. Schmidt owner and operator of the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada 89511 is in violation Clean Air Act 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (c) (1) Procedures for asbestos emission control for failure to remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

### 1. VIOLATION

- A. Failure to remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

### 2. BASIS OF VIOLATION

- A. Regulatory Authority

Per section 030.105 b. 10., The Washoe County District Board of Health Regulations Governing Air Quality Management adopted by reference, 40 C.F.R. 61, Subpart M and has been delegated authority to implement and ensure compliance with this Subpart within the Washoe County Health District.

Per 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (c) (1) Procedures for asbestos emission control:

*Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:*

*(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM need not be removed before demolition if:*

*(i) It is Category I nonfriable ACM that is not in poor condition and is not friable.*

*(ii) It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition; or*

*(iii) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.*

*(iv) They are Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.*

#### B. Facts to Constitute the Violation

On June 10, 2019, the AQMD was made aware of demolition activity associated with the facility at the Reindeer Lodge (9000 Mt. Rose Hwy). Upon arrival at the site on the same day, the northeast portion of the facility at the Reindeer Lodge had undergone demolition activity as defined by 40 C.F.R. 61, Subpart M (Attachment 1).

Demolition is defined in 40 C.F.R. 61, Subpart M as “*the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.*”

Facility is defined in 40 C.F.R. 61, Subpart M as “*any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.*”

On June 11, 2019, after a complete review of records, the AQMD determined that an asbestos survey for the demolition of the Reindeer Lodge had not been completed.

Per the direction of the AQMD, the Reindeer Lodge was inspected by Nova Geotechnical & Inspection Services, LLC on June 14, 2019, approximately 4 days after the start of demolition of the main structure. The asbestos survey conducted on this date determined that the Reindeer Lodge contained Category II nonfriable ACM in the form of gray transite panels (15% Chrysotile) and friable asbestos material in the form of spray acoustic ceiling texture (10-15% Chrysotile). The gray transite panels existed around the exterior of the modular barracks used to construct the Reindeer Lodge. The spray acoustic ceiling texture was found on the ceiling of the restaurant area in the south wing of the Reindeer Lodge. The asbestos survey determined that the facility at the Reindeer Lodge contained regulated asbestos containing material (RACM) in excess of 160 square feet. Therefore, pursuant to 40 C.F.R. 61, Subpart 61.145 (a) (1), the facility was required to comply with “*all requirements of paragraphs (b) and (c)*”.

40 C.F.R. 61, Subpart M – Asbestos §61.145 Standards 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 prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility of 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:*

- (1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is*
  - (i.) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other components, or*
  - (ii.) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measure previously.*

Regulated asbestos-containing material (RACM) is defined in 40 C.F.R. 61, Subpart M as “*(a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subject to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to a powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.*

The demolition activity observed on June 10, 2019, associated with the facility at the Reindeer Lodge had started prior to the removal of all RACM that would break up, dislodge, or similarly disturb the material or preclude access to the material for

subsequent removal pursuant to 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (c) (1) Procedures for asbestos emission control. As a result, Category II nonfriable ACM transite panels were disturbed and as a result became crumbled, pulverized and reduced to a powder during the demolition activity.

The Category II nonfriable ACM transite panels disturbed during the unpermitted demolition activity and all contaminated debris was removed from the northeast portion of the facility at the Reindeer Lodge on November 22, 2020.

### 3. APPEAL PROCEDURE AND TIME LIMITATIONS

#### A. Appeal Procedure

Gary R. Schmidt is advised that within (10) working days of the receipt of this Notice of Violation, Gary R. Schmidt may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$10,000.00.

# **ATTACHMENT 1**



# **Photographs**

Reindeer Lodge  
9000 Mt. Rose Highway  
Reno, Nevada

Taken on June 10, 2019 and September 25, 2019

**Photograph 1**

**Date: June 10, 2019**

**Direction: West**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



**Photograph 2**

**Date: June 10, 2019**

**Direction: Northwest**

Image identifies the location of the demolition that occurred at 9000 Mt. Rose Highway.



**Photograph 3**

**Date: June 10, 2019**

**Direction: Southwest**

Image demonstrates the demolition that occurred to the Reindeer Lodge at 9000 Mt. Rose Highway observed by the AQMD upon initial investigation.



**Photograph 4**

**Date: September 25, 2019**

**Direction: Direct**

Image demonstrates a section of Category II nonfriable ACM attached to the facility at the Reindeer Lodge adjacent to the unpermitted demolition area.



**Photograph 5**

**Date: September 25, 2019**

**Direction: Direct**

Image demonstrates a section of Category II nonfriable ACM attached to the facility at the Reindeer Lodge adjacent to the unpermitted demolition area.



**Photograph 6**

**Date: September 25, 2019**

**Direction: Direct**

Image demonstrates a section of Category II nonfriable ACM attached to the facility at the Reindeer Lodge adjacent to the unpermitted demolition area.



**Photograph 7**

**Date: September 25, 2019**

**Direction: Direct**

Image demonstrates crumbled sections of Category II nonfriable ACM associated with the debris pile generated during the initial demolition at the Reindeer Lodge facility.



**Photograph 8**

**Date: September 25, 2019**

**Direction: Direct**

Image demonstrates crumbled sections of Category II nonfriable ACM associated with the debris pile generated during the initial demolition at the Reindeer Lodge facility.



## **EXHIBIT 2**

### **Administrative Fine Assessments**

## Administrative Penalty Table

### Air Quality Management Division Washoe County Health District

#### I. Minor Violations - Section 020.040(C)

Regulation	1st Violation	2nd Violation
040.005	Visible Emissions	1000
040.030	Dust Control (fugitive)	2500
040.035	Open Fires	1000
040.040	Fire Training	1000
040.050	Incinerator	2000
040.051	Woodstoves	1000
040.055	Odors	2000
040.080	Gasoline Transfer (maintenance)	2000
040.200	Diesel Idling	1000
050.001	Emergency Episode	2000
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

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Reindeer Lodge  
Contact Name Gary R. Schmidt  
Case Number 1229

I. Violation of Section DBOH Regulations 030.107 A.

**I. Recommended Penalty** = \$ 4000.00

II. Violation of Section 40 C.F.R. 61, Subpart M 61.145 (a)

**II. Recommended Penalty** = \$ 10000.00

III. Violation of Section 40 C.F.R. 61, Subpart M 61.145 (b)

**III. Recommended Penalty** = \$ 12500.00

IV. Violation of Section 40 C.F.R. 61, Subpart M 61.145 (c) (1)

**IV. Recommended Penalty** = \$ 10000.00

V. Violation of Section 0

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

**Total Recommended Penalty** = \$ 36,500.00

John C. Rester  
Senior AQ Specialist/Supervisor

2/1/2021  
Date

Francisco Vega  
AQ Director

2/1/2021  
Date



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Reindeer Lodge  
 Contact Name Gary R. Schmidt  
 Case Number 1229  
 Violation Number AQMV21-0002

Violation of Section DBOH Regulations 030.107 A.  
 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 **2**

**Comment:** Asbestos is considered a Hazardous Air Pollutant

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

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

**Comment:** Based on the location of the Reindeer Lodge, the risk was negligible

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

**B. Adjusted Base Penalty**

Base Penalty \$ 2,000.00 x Adjustment Factor 2 = \$ **4,000.00**

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

Adjusted Penalty \$ 4,000.00 x Number of Days/Weeks/Mo **1** = \$ **4,000.00**

**Comment:** One administrative violation of DBOH regulations

**D. Economic Benefit**

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

**Comment:** No avoided costs or delayed costs were determined with this violation

**Penalty Subtotal**

Adjusted Base Penalty \$ 4,000.00 + Economic Benefit \$ 0.00 = \$ **4,000.00**

Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet

III. Penalty Adjustment Consideration

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

0%

Comment \_\_\_\_\_

B. Compliance History

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5 years

5% x   , # of previous violations

+ 0%

Comment: No unrelated violations in the past 5 years

**Total Penalty Adjustment Factors – Sum of A & B**

0%

IV. Recommended Penalty

Penalty Adjustment:

\$ 4,000.00	x	0%	=	<span style="border: 1px solid black; padding: 2px; display: inline-block; background-color: yellow;">\$ 0.00</span>
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)		Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$

Comment: \_\_\_\_\_

Adjusted Penalty:

\$ 4,000.00	+/-	\$ 0.00	=	<span style="border: 1px solid black; padding: 2px; display: inline-block; background-color: yellow;">\$ 4,000.00</span>
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

*Joshua C. Reston*  
Senior AQ Specialist/Supervisor

2/1/2021  
Date

*Terrence Page*  
AQ Director

2/1/2021  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Reindeer Lodge  
 Contact Name Gary R. Schmidt  
 Case Number 1229  
 Violation Number AQMV21-0003

Violation of Section 40 C.F.R. 61, Subpart M 61.145 (a)  
 Permit Condition n/a

I. Base Penalty as specified in the Penalty Table = \$ **5,000.00**

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 **2**

Comment: Asbestos is considered a Hazardous Air Pollutant

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

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

Comment: Based on the location of the Reindeer Lodge, the risk was negligible

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

B. Adjusted Base Penalty

Base Penalty \$ 5,000.00 x Adjustment Factor 2 = \$ **10,000.00**

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

Adjusted Penalty \$ 10,000.00 x Number of Days/Weeks/Mo **1** = \$ **10,000.00**

Comment: One incident of failure to conduct an asbestos inspection prior to demolition

D. Economic Benefit

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

Comment: No avoided costs or delayed costs were determined with this violation

Penalty Subtotal

Adjusted Base Penalty \$ 10,000.00 + Economic Benefit \$ 0.00 = \$ **10,000.00**

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

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

0%

Comment \_\_\_\_\_

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5 years

5% x \_\_\_\_\_, # of previous violations

+ 0%

Comment: No unrelated violations in the past 5 years

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

\$ 10,000.00 x 0%  
Penalty Subtotal (From Section II) Total Adjustment Factors (From Section III)

= \$ 0.00  
Total Adjustment Value

Additional Credit for Environmental Investment/Training

- \$ \_\_\_\_\_

Comment: \_\_\_\_\_

Adjusted Penalty:

\$ 10,000.00 +/- \$ 0.00 =  
Penalty Subtotal (From Section II) Total Adjustment Value (From Section III + Credit)

\$ 10,000.00  
Recommended Penalty

John C. Pesta  
Senior AQ Specialist/Supervisor

2/1/2021  
Date

Francisco Vega  
AQ Director

2/1/2021  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Reindeer Lodge  
 Contact Name Gary R. Schmidt  
 Case Number 1229  
 Violation Number AQMV21-0004

Violation of Section 40 C.F.R. 61, Subpart M 61.145 (b)  
 Permit Condition n/a

I. **Base Penalty as specified in the Penalty Table** = \$ **5,000.00**

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 **2**

**Comment:** Asbestos is considered a Hazardous Air Pollutant

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

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

**Comment:** Based on the location of the Reindeer Lodge, the risk was negligible

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

B. **Adjusted Base Penalty**

Base Penalty \$ 5,000.00 x Adjustment Factor 2 = \$ **10,000.00**

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

Adjusted Penalty \$ 10,000.00 x Number of Days/Weeks/Mo **1.25** = \$ **12,500.00**

**Comment:** Years without providing written notice of intention to demolish or renovate

D. **Economic Benefit**

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

**Comment:** No avoided costs or delayed costs were determined with this violation

**Penalty Subtotal**

Adjusted Base Penalty \$ 12,500.00 + Economic Benefit \$ 0.00 = \$ **12,500.00**

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

III. **Penalty Adjustment Consideration**

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

0%

Comment \_\_\_\_\_

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5 years

5% x \_\_\_\_\_, # of previous violations

+ 0%

Comment: No unrelated violations in the past 5 years

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

\$ 12,500.00 x 0%

= \$ 0.00

Penalty Subtotal (From Section II) Total Adjustment Factors (From Section III)

Total Adjustment Value

Additional Credit for Environmental Investment/Training

- \$ \_\_\_\_\_

Comment: \_\_\_\_\_

Adjusted Penalty:

\$ 12,500.00 +/- \$ 0.00 =

\$ 12,500.00

Penalty Subtotal (From Section II) Total Adjustment Value (From Section III + Credit)

Recommended Penalty

Justin C. Restor  
Senior AQ Specialist/Supervisor

2/1/2021  
Date

Francisco Vega  
AQ Director

2/1/2021  
Date

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name Reindeer Lodge  
 Contact Name Gary R. Schmidt  
 Case Number 1229  
 Violation Number AQMV21-0005

Violation of Section 40 C.F.R. 61, Subpart M 61.145 (c) (1)  
 Permit Condition n/a

I. **Base Penalty as specified in the Penalty Table** = \$ **5,000.00**

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 **2**

**Comment:** Asbestos is considered a Hazardous Air Pollutant

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

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

**Comment:** Based on the location of the Reindeer Lodge, the risk was negligible

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

B. **Adjusted Base Penalty**

Base Penalty \$ 5,000.00 x Adjustment Factor 2 = \$ **10,000.00**

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

Adjusted Penalty \$ 10,000.00 x Number of Days/Weeks/Mo **1** = \$ **10,000.00**

**Comment:** One incident of failure to employ procedures for emissions control during demolition

D. **Economic Benefit**

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

**Comment:** No avoided costs or delayed costs were determined with this violation

**Penalty Subtotal**

Adjusted Base Penalty \$ 10,000.00 + Economic Benefit \$ 0.00 = \$ **10,000.00**

**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

III. **Penalty Adjustment Consideration**

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

0%

Comment \_\_\_\_\_

**B. Compliance History**

Similar Violation < 12 months (300%)

+ 0%

Similar Violation < 3 years (200%)

+ 0%

Similar Violation > 3 years (150%)

+ 0%

Previous Unrelated Violations < 5years

5% x \_\_\_\_\_, # of previous violations

+ 0%

Comment: No unrelated violations in the past 5 years

**Total Penalty Adjustment Factors** – Sum of A & B

0%

**IV. Recommended Penalty**

Penalty Adjustment:

\$ 10,000.00 x 0%  
Penalty Subtotal Total Adjustment Factors  
(From Section II) (From Section III)

= \$ 0.00  
Total Adjustment Value

Additional Credit for Environmental Investment/Training

- \$ \_\_\_\_\_

Comment: \_\_\_\_\_

Adjusted Penalty:

\$ 10,000.00 +/- \$ 0.00 =  
Penalty Subtotal Total Adjustment Value  
(From Section II) (From Section III + Credit)

\$ 10,000.00  
Recommended Penalty

John C. Rosta  
Senior AQ Specialist/Supervisor

2/1/2021  
Date

Francisco Vega  
AQ Director

2/1/2021  
Date



## **EXHIBIT 3**

**Appeals to the Air Pollution Control Hearing  
Board and the District Board of Health**

**APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD**

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: Taylor M. Jenkins, Esq. on behalf of Gary PHONE: 775-827-6886  
ADDRESS (MAILING): 3748 Lakeside Dr. #102, Reno, Nevada ZIP CODE: 89509  
ADDRESS (ACTUAL LOCATION): 9000 Mt. Rose Hwy, Reno, Nevada 89511

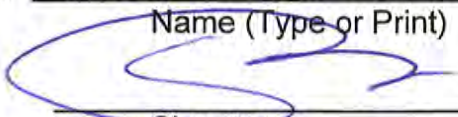
EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER \_\_\_\_\_  
APPEAL OF VIOLATION X

VIOLATION NOTICE RECEIVED: # AQMV21-0002 DATE: 2/1/2021

REGULATION INVOLVED: SECTION: Washoe County District Board of Health  
Regulations Governing Air Quality Management Section 030.107 A.

Incorrect application, interpretation, and/or implementation of code(s); applicability of exemptions;  
BASIS FOR APPEAL/VARIANCE: \_\_\_\_\_  
arbitrary and capricious application and enforcement of code sections; lack of evidence to support alleged violations;  
\_\_\_\_\_ lack of standing or authority to inspect a "building" due to failure to comply with NRS 278 and/or code(s);  
\_\_\_\_\_ failure to receive evidence of innocence or argument as to the application of code(s) at enforcement "meeting";  
\_\_\_\_\_ lack of capacity or authority of inspector to inspect a building or structure due to lack of compliance with state law and code(s);  
\_\_\_\_\_ lack of capacity or authority of agency due to failure to comply with state and county laws, ordinances, regulations, code(s) and requirements;  
\_\_\_\_\_ Petitioner reserves the right to plead any other potential defenses which may be discovered upon  
\_\_\_\_\_ further investigation of the information received from the numerous public records requests  
\_\_\_\_\_ made by the Petitioner and Counsel, which to date have not been fulfilled.

FILED BY: Taylor M. Jenkins, Esq. Attorney  
Name (Type or Print) Title  
 2/10/2021  
Signature Date

**APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD**

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

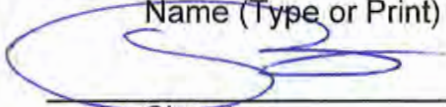
PETITIONER: Taylor M. Jenkins, Esq. on behalf of Gary PHONE: 775-827-6886  
ADDRESS (MAILING): 3748 Lakeside Dr. #102, Reno, Nevada ZIP CODE: 89509  
ADDRESS (ACTUAL LOCATION): 9000 Mt. Rose Hwy, Reno, Nevada 89511

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER \_\_\_\_\_  
APPEAL OF VIOLATION X \_\_\_\_\_

VIOLATION NOTICE RECEIVED: # AQMV21-0003 DATE: 2/1/2021  
REGULATION INVOLVED: SECTION: Clean Air Act 40 C.F.R. 61,  
Subpart M- National Emissions Standards for Asbestos §61.45 (a)

Incorrect application, interpretation, and/or implementation of code(s); applicability of exemptions;  
BASIS FOR APPEAL/VARIANCE: \_\_\_\_\_  
arbitrary and capricious application and enforcement of code sections; lack of evidence to support alleged violations;  
\_\_\_\_\_ lack of standing or authority to inspect a "building" due to failure to comply with NRS 278 and/or code(s);  
\_\_\_\_\_ failure to receive evidence of innocence or argument as to the application of code(s) at enforcement "meeting";  
\_\_\_\_\_ lack of capacity or authority of inspector to inspect a building or structure due to lack of compliance with state law and code(s);  
\_\_\_\_\_ lack of capacity or authority of agency due to failure to comply with state and county laws, ordinances, regulations, code(s) and requirements;  
\_\_\_\_\_ Petitioner reserves the right to plead any other potential defenses which may be discovered upon  
\_\_\_\_\_ further investigation of the information received from the numerous public records requests  
\_\_\_\_\_ made by the Petitioner and Counsel, which to date have not been fulfilled.

FILED BY: Taylor M. Jenkins, Esq. Attorney  
Name (Type or Print) Title  
 Signature Date  
2/10/2021

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

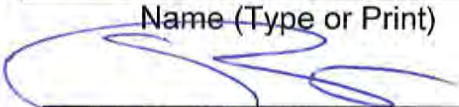
PETITIONER: Taylor M. Jenkins, Esq. on behalf of Gary PHONE: 775-827-6886  
ADDRESS (MAILING): 3748 Lakeside Dr. #102, Reno, Nevada ZIP CODE: 89509  
ADDRESS (ACTUAL LOCATION): 9000 Mt. Rose Hwy, Reno, Nevada 89511

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER \_\_\_\_\_  
APPEAL OF VIOLATION X

VIOLATION NOTICE RECEIVED: # AQMV21-0004 DATE: 2/1/2021  
REGULATION INVOLVED: SECTION: Clean Air Act 40 C.F.R. 61,  
Subpart M- National Emissions Standards for Asbestos §61.45 (b)

BASIS FOR APPEAL/VARIANCE: Incorrect application, interpretation, and/or implementation of code(s); applicability of exemptions;  
arbitrary and capricious application and enforcement of code sections; lack of evidence to support alleged violations;  
lack of standing or authority to inspect a "building" due to failure to comply with NRS 278 and/or code(s);  
failure to receive evidence of innocence or argument as to the application of code(s) at enforcement "meeting";  
lack of capacity or authority of inspector to inspect a building or structure due to lack of compliance with state law and code(s);  
lack of capacity or authority of agency due to failure to comply with state and county laws, ordinances, regulations, code(s) and requirements;  
Petitioner reserves the right to plead any other potential defenses which may be discovered upon  
further investigation of the information received from the numerous public records requests  
made by the Petitioner and Counsel, which to date have not been fulfilled.

FILED BY: Taylor M. Jenkins, Esq. Attorney  
Name (Type or Print) Title  
 Signature Date  
2/10/2021

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

## APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

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

[www.OurCleanAir.com](http://www.OurCleanAir.com)

PETITIONER: Taylor M. Jenkins, Esq. on behalf of Gary PHONE: 775-827-6886  
ADDRESS (MAILING): 3748 Lakeside Dr. #102, Reno, Nevada ZIP CODE: 89509  
ADDRESS (ACTUAL LOCATION): 9000 Mt. Rose Hwy, Reno, Nevada 89511

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES  NO

APPEAL OF ORDER  
APPEAL OF VIOLATION

X

VIOLATION NOTICE RECEIVED: # AQMV21-0005 DATE: 2/1/2021

REGULATION INVOLVED: SECTION: Clean Air Act 40 C.F.R. 61,  
Subpart M- National Emissions Standards for Asbestos §61.45 (c)(1)

BASIS FOR APPEAL/VARIANCE: Incorrect application, interpretation, and/or implementation of code(s); applicability of exemptions;

arbitrary and capricious application and enforcement of code sections; lack of evidence to support alleged violations;

lack of standing or authority to inspect a "building" due to failure to comply with NRS 278 and/or code(s);

failure to receive evidence of innocence or argument as to the application of code(s) at enforcement "meeting";

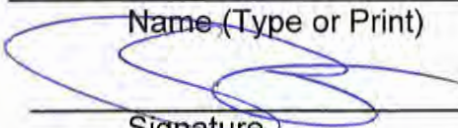
lack of capacity or authority of inspector to inspect a building or structure due to lack of compliance with state law and code(s);

lack of capacity or authority of agency due to failure to comply with state and county laws, ordinances, regulations, code(s) and requirements;

Petitioner reserves the right to plead any other potential defenses which may be discovered upon

further investigation of the information received from the numerous public records requests

made by the Petitioner and Counsel, which to date have not been fulfilled.

FILED BY: Taylor M. Jenkins, Esq. Attorney  
 Title  
Signature 2/10/2021 Date

LAW OFFICES  
**TAYLOR M JENKINS**  
ATTORNEY AT LAW  
3748 Lakeside Drive #102  
RENO, NEVADA 89509

AIR QUALITY MGMT.

APR 16 2021

WASHOE COUNTY  
HEALTH DIST.

TAYLOR M JENKINS

VOICE (775) 622-6285

April 15, 2021

VIA: Hand Delivery

District Health Officer  
Washoe County Health District  
1001 East Ninth Street  
Reno, Nevada 89512

Re: Appeal of Air Pollution Control Hearing Board decision in Case No. 1229 heard on April 9, 2021 regarding AQMD Citation No's. AQMV21-0002, 3, 4, and 5.

To Whom It May Concern:

Please be advised our office has been retained to represent the interests of Gary R. Schmidt in regard to Notice of Violations issued by the Washoe County Health District Air Quality Management Division (AQMD) to Mr. Schmidt related to activities at his Reindeer Lodge property ("Property").

This letter shall serve as written notice of appeal by Mr. Schmidt of the Air Pollution Control Hearing Board's decision in Case No. 1229, heard on April 9, 2021 upholding the issuance of citation numbers. AQMV21-0002, 3, 4, and 5 and upholding of administrative fines in the amount of THIRTY-SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$36,500.00). This appeal is made on the grounds enumerated below.

#### GENERAL GROUNDS FOR APPEAL

1. Violations were issued to Mr. Schmidt 19 months after compliance had been achieved. AQMD states that all activity leading to the violations occurred on June 10, 2019 no official notice of violation was issued at that time. Official notice of violations was not issued until February 1, 2021. When these violations were issued full compliance had been achieved and all materials had been removed and treated pursuant to the guidelines and supervision of AQMD. Mr. Schmidt acted in compliance. with directives from AQMD and completed the project in

compliance. AQMD had no right to issue violations post facto. (See AQMV21-002 – AQMV21-05). To reiterate the violations were issued to Mr. Schmidt some 19 months after the alleged date of violation after full compliance had been achieved.

2. At all times Mr. Schmidt attempted to cooperate fully with any and all agencies of the County and at all times acted in good faith. Mr. Schmidt and his associates were assured no action would be taken as long the project was conducted in compliance with all regulations. (See Schmidt Statement (Exhibit A) and Pezonella Statement (Exhibit B)).

3. Specifically, Mr. Schmidt and his associates relied upon assurances of Mike Wolf, then Supervisor of Inspections, that there would be no action taken based upon alleged early activities on the site as long as the project was quickly completed to the satisfaction of AQMD. Mr. Wolf also noted that neighbors had complained as to the state of the Reindeer Lodge and the County wanted the project completed quickly. (See Pezonella Statement (Exhibit B)).

4. The Air Pollution Control Hearing Board (“Board”) failed to recognize the Denial of Due Process significance of the undisputed fact that AQMD waited over one and one half years after the alleged violations of June 2019 to file the notice of violations in February 2021; all the while Mike Wolf the Supervising Inspector of the project for AQMD at the time was continually assuring Mr. Schmidt and his associates that no citations would be appropriate or issued if the project was satisfactorily completed.

5. These violations should be dismissed out of hand as Washoe County and AQMD have failed to provide requested Public Records that are necessary to present arguments in support of the dismissal of all allegations. Five separate public record requests have been made to Francisco Vega (See Schmidt v. Washoe County, et al (Exhibit C) and Exhibits 1-5 attached thereto). Said requests have not been fulfilled requiring a lawsuit to be filed. (NRS 239.0107). Partial records have been provided after the hearing on April 9, 2021 before the Air Pollution Control Hearing Board.

6. Joshua Restori (“Restori”), of AQMD, acknowledged as much as a de-facto denial of Public Records by presenting two critical records at the hearing he relied on from AQMD’s Schmidt/Reindeer file (news article and disposal document from All Eagle Construction) that had been requested over a month prior by the Appellant and by also naming thousands of more of records (the number of NESHAP Forms filed over the last three years) which Public Records had all been requested by Appellant over six weeks prior and all denied. The Board failed to exercise even token curiosity about the use of these records by AQMD at the hearing that had been denied to Appellant. The Board asked not one question of either Restori or the Appellant’s legal counsel concerning the law suit in regards to the denials of public records or the reasons and/or explanations for the denials of these records by AQMD or the detrimental and dilatory effect to the Appellant’s presentation that occurred as a result of these denials of requested public records. The Board failed in any manner to address or discuss the denial of Due Process or other

detrimental effects of the denial of Public Records paramount to the Appellants arguments and presentation.

7. On January 11, 2021 AQMD held a compliance and enforcement meeting, attended Mr. Schmidt's legal counsel, with the stated purpose "to discuss the supporting information associated with the Draft notices of Violation and for Gary Schmidt to present evidence to contest the findings associated with the Draft Notices of Violation" Legal counsel for Mr. Schmidt was afforded no opportunity to dispute the allegations contained in the violations and was severely limited in the ability ask questions as to the evidence and facts used by AQMD to determine the violations. It had already been decided that the violations would be issued.

8. AQMD has presented no evidence of any sort other than the uncorroborated statement of Restori that AQMD became aware of demolition activities through phone calls from other "vendors". No testimony or evidence showing demolition, as defined by the Federal Statute, has been presented.

#### **AQMV21-002**

9. Mr. Schmidt relied on the judgement, expertise, and authority of the County Building Department who issued the renovation and exploration permit on February 26th, 2019 (Permit Number WBLD D18-105119). The County Building Department issued the building permit prior to the filing of a NESHAP not Mr. Schmidt.

10. AQMD issued Permit # ASB19-0963 on September 9, 2019 to All Eagle Construction. This permit states on its face that it was issued for "Demo Only" (Exhibit D). A NESHAP form was submitted to AQMD by Mr. Schmidt and stamped approved by AQMD on September 14, 2020 (Exhibit E). AQMD issued the Demo permit prior to receiving a completed NESHAP thereby violating the same County Regulation they have cited Mr. Schmidt for.

11. Restori and the Board Members failed to acknowledge and/or discuss the inconsistency of AQMDs position and claim that a NESHAP form was required and same was delinquently filed; when if that were the case AQMD would have egregiously erred by issuing the Demo/RACM removal permit to All Eagle Construction on, September 9, 2021, almost a year prior to the filing and approval of the NESHAP form and would have additionally egregiously erred by allowing All Eagle Construction to proceed with RACM removal at the site throughout the late 2019 and 2020 while continually being inspected by Restori, himself, and Tom Wise without the cover of a NESHAP filing.

12. Restori erroneously stated the date of issuance of Washoe County Building Department's Permit Number WBLD D18-105119 by almost a year. Restori admitted lack of knowledge and/or concealed his knowledge as to the exact nature and sequence regarding the Washoe County Building Department's issuance of a building permit. Restori did not answer the direct



question as to whether AQMD had also issued a Notice of Violation the Washoe County Building Department for the issuance of the above referenced renovation and exploration permit.

**AQMV21-002--AQMV21-005**

13. The project was exempt from federal regulation because
  - A. The project did not meet the threshold of volume of hazardous materials to be subject to regulation. The threshold is 1 cubic meter of material which is equal to 35.3147 cubic feet. Pursuant to the NESHAP form, reviewed and accepted by AQMD on September 14, 2020 less than 20 cubic feet of material was present at the reindeer lodge. AQMD admits in the staff report presented to the Board the NESHAP was reviewed and approved (Exhibit F).
  - B. The project was an emergency undertaking due to the collapse of the roof (heavy snow load in winter of 16-17 and continued deterioration over 2 subsequent winters) the state of the property was a source of potential liability to both Mr. Schmidt and the County.
14. Prior to September 12, 2019 there was no demolition, as defined by Federal Regulations, of the structure or moving of the natural debris pile from the roof collapse other than the removal of exposed collapsed beams, which at that time could not be considered structural. The beams were stored on property for repurposing later. (See Schmidt Statement (Exhibit A) and Pezonella Statement (Exhibit B)).
15. AQMD issued Permit # ASB19-0963 on September 9, 2019 to all Eagle Construction. This permit states on its face that it was issued for "Demo Only" (Exhibit D).
16. Restori continually and repeatedly misstated when "demolition" as defined by Federal Regulations had begun at the site. AQMD presented no evidence in support it's allegation of demolition beginning on June 10, 2019. The Board blatantly ignored the evidence that was presented by the Appellant and never even discussed that "demolition" as defined by Federal Regulations did not begin until after the permit was issued to All Eagle Construction by AQMD, and signed by Restori, on September 12, 2019. The Board failed to acknowledge the substantial evidence, or even discuss, that All Eagle Construction actually began the "demolition" as defined by Federal Regulations after the issuance of the Demo Permit by AQMD under the authority of that permit in the process of removing the RACMs not the Appellant. The Board never grasped the concept, in part because they had not read or reviewed the submittals in advance, that the use and definition of the term "demolition" is different and inconsistent between Federal Regulations and County Codes. The Federal Regulations describe the activities that occurred at least in part as a "demolition" and the County defines it as a "remodel and/or renovation" by County Code standards and in the County Codes the definition only reaches the status of a "demolition" if the entire structure is to be removed and the site is in essence to be wiped clean. This was never the

intention or the case. So by Federal Regulations there was at least in part a “demolition” going on after September 12th, 2019, but by Washoe County standards and definitions it was a

“remodel/renovation”. Restori, even though he is a Washoe County employee also charged with the duty of enforcing and interpreting the Federal Regulations, clearly demonstrated a lack of knowledge of the differences and distinctions between the Federal and County terms and definitions in regards to the term demolition.

17. Restori and Board Members continually mischaracterized and/or misstated and misrepresented that a Demolition Permit was ever required by Washoe County Building Department of Appellant for his work in removal of the damaged portions of the building during the late 2019 and 2020. This work was regularly inspected by the Washoe County Building Department during that period and approved as to progress under the permit issued by the Washoe County Building Department on February 26, 2019 and regularly approved of said progress of removal. (See Email from Scott Huntley Building Inspector Supervisor (Exhibit G))

18. Restori expressed ignorance of and/or misstated the facts when asked by a Board Member if any other Building Inspectors from Washoe County had inspected the activities at the site throughout late 2019 and 2020. Restori clearly knew or should have known that the Washoe County Building Department had regularly inspected the activities of Schmidt’s agents work removing substantial portions of the structure in late 2019 and 2020 under the authority of the Permit Washoe County Building Department had issued to Schmidt on February 26, 2019 and continually approved of his progress in the removal of the building by regular inspections.

19. A correct and true signed copy of the NESHAP form was stamped received by AQMD on September 14, 2020 showing a total amount of nonfriable ACM to be removed of less than 20 cubic feet (Exhibit E). AQMD admits this document was received and approved on September 14, 2020 (APCHB Staff Report, Page 70 (Exhibit F)) This shows by the actions of AQMD that a NESHAP was not required and the project was exempt from regulation by AQMD.

20. The Board Members at all times failed to acknowledge and/or discuss the substantial cognizant arguments and evidence presented by Appellant that Acceptance, Review, and Approval of the NESHAP form submitted on September 14, of 2020 was paramount to undisputed and unrefuted evidence that the project had not reached the threshold requirements of volume of RACMs to achieve Federal Regulation status and therefore the project was exempt from the Federal Regulations.

In closing the Appellant asks that all violations be dismissed. The clear evidence and law demonstrates that the initial “demolition” work as defined by Federal Regulations and the removal of the RACMs by All Eagle Construction was authorized by the issuance of the permit, signed by Restori himself, issued to All Eagle Construction by AQMD on September 12, 2019.

All Eagle Construction's work was regularly monitored and approved by AQMD and Tom Wise to the completion by All Eagle Construction in 2020.

All the work performed by the Appellant, after All Eagle Construction had completed its work, in late 2019 and 2020 consisting of the removal of damaged portions of the structure (which finally amounted to almost 90 % of the building) was authorized by the permit issued on February 26, 2019 for remodel/renovation by the Washoe County Building Department and was regularly inspected and approved by the Washoe County Building Department.

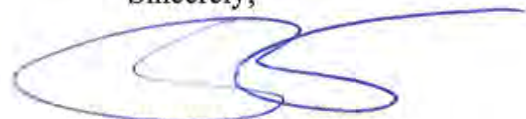
By the Acceptance, Review, and Approval of the NESHAP form filed in August of 2020 the project was deemed to be exempt from the Federal Regulations due to the failure to reach the threshold of the volume of RACMs to be removed and also by the acceptance and approval thereof of that NESHAP form filing it was deemed to be timely and/or not required and/or by said Acceptance Review and Approval any claim of untimeliness would therefore have been waved and/or forgiven.

Regardless of the forgoing the substantial violations of Due Process brought about by the egregious denial of Public Records needed to properly and timely present the Appellant's arguments and the untenable delay of a year and a half from the alleged violations in June of 2019 and the date at which they were charged in January of 2021 along with the repeated assurance of Project Supervisor from AQMD, Mike Wolf, that there would be no citations or fines as long as the project was completed satisfactorily is sufficient to grant the requested reverse of the penalty/fines and affirmative granting of the Appeal

Compliance was achieved, permits were issued, permit fees were paid, the project was continually monitored, and ultimately brought to a successful conclusion.

Once again the Appellant requests all violations be dismissed.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Taylor M. Jenkins, Esq.

## **EXHIBIT 4**

### **Air Pollution Control Hearing Board Meeting Minutes**

**CASE NO. 1229 – AS REVIEWED BEFORE THE AIR POLLUTION CONTROL  
HEARING BOARD**

In Re: Appeal of GARY SCHMIDT, )  
REINDEER LODGE, located at 9000 )  
Mt. Rose Highway, for violation of )  
Section 030.107 (Hazardous Air )  
Pollutants); and the National Emissions )  
Standards for Asbestos 40 CFR 61, )  
Subpart M 61 145(a); 40 CFR 61, )  
Subpart M 61145(a)(1); and )  
40 CFR 61, Subpart M 61.145(c)(1) )

At a hearing of the Air Pollution Control Hearing  
Board as a Zoom Meeting at Wells Avenue and  
Ninth Street, Reno, Nevada  
April 9, 2021

PRESENT: Chair Cathleen Fitzgerald, DEnv, PE, Chair  
Vice Chair Jeanne Rucker, Vice Chair  
Member Yvonne Downs, CEM  
Member Richard Harris, JD, PhD  
Member Paul Kaplan  
Member Jim Kenny  
Member Lee Squire  
Francisco Vega, Division Director, Air Quality Management  
Joshua Restori, Supervisor, Permitting and Compliance  
Janet Smith, Administrative Secretary  
Jessica Cabrales, Office Support Specialist

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## **STATEMENT OF THE FACTUAL QUESTION**

### **SECTION 030.107 HAZARDOUS AIR POLLUTANTS**

#### **A. Asbestos Sampling and Notification**

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises. No potential asbestos containing materials may be disturbed until such a survey is performed. The person performing the survey must possess US EPA HERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an “Asbestos Assessment Acknowledgement Form” obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed “Asbestos Assessment Form”, may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release fibers exists. If the survey indicated the presence of asbestos, the permit applicant must adhere to the requirements of Section 030.105 and this section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer, notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following:

1. All renovations, disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet square, 260 linear feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board of Health must be submitted with all such notifications before they can be considered valid.

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B. Asbestos Control Work Practice

For the purpose of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination and Abatement

Under no condition may any person store, remove, transport or destroy any asbestos containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owner's expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of sampling as listed above, sample duration and volume, or analytical methods, such as the use of

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TEM or PCM depending on the type of suspected contamination and building Materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

- Failure to thoroughly inspect the affected facility or part of the facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos as required by 40 CFR 61, Subpart M 61.145(a).
    - (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:*
      - a) Friable asbestos material,*
      - b) Category I nonfriable ACM that has become friable,*
      - c) Category I nonfriable ACM that will be or has been subject to sanding, grinding, cutting or abrading, or,*
      - d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to a powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.*
  - Failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 CFR 61, Subpart M 61.145(a)(1) and detailed in 61.145 (b).
    - (1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is*
      - (i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or*
      - (ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.*
  - Failure to remove all RACM from a facility being demolished or renovated before any activity begins that would break-up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal 40 CFR 61, Subpart M 61.145(c)(1).
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Demolition is defined in 40 C.F.R. 61, Subpart M as:

*“the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.”*

Facility is defined in 40 C.F.R. 61, Subpart M as:

*“any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.”*

## **GENERAL COMMENTS**

On April 9, 2021, the Hearing Board for the referenced Regulations held a public hearing to consider all evidence and testimony concerning the appeal of **GARY SCHMIDT, REINDEER LODGE, CASE NO. 1229, CITATION NOS. AQMV21-0002; AQMV21-0003; AQMV21-0004; AND AQMV21-0005**, for violation of Section 030.107 (Hazardous Air Pollutants) of the Washoe County Regulations Governing Air Quality Management. Additional violations were: 40 CFR 61, Subpart M 61.145(a); 40 CFR 61, Subpart M 61.145(a)(1); and 40 CFR 61, Subpart M 61.145(c)(1).

Mr. Francisco Vega, Division Director, Air Quality Management, being duly sworn, advised the purpose of tonight's hearing is to determine whether violations of the Washoe County District Board of Health Regulations Governing Air Quality Management and Federal Regulations occurred. Mr. Vega stated it is the contention of the appellant that there were extenuating circumstances which resulted in the Hearing Board having to review this case.

Mr. Joshua Restori, Supervisor, Permitting and Compliance, being duly sworn advised that he has been the project manager/inspector involved in investigating this case. Mr. Restori advised this is Case No. 1229, involving Mr. Gary Schmidt, for the Reindeer Lodge located at 9000 Mt. Rose Highway, Reno, Nevada.

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Mr. Restori advised he would review Staff's case through a Power Point presentation (a copy of which was placed on file for the record). Mr. Restori advised he would be reviewing the Air Quality Management Division's authority specific to the issuance of the Notices of Violation; providing a brief history of the Reindeer Lodge; delineating pertinent definitions specific to this Case; and a review/clarification of the violations as noted by Staff. Mr. Restori stated he will be providing a review of Notices of Violation Nos. AQMV21-0002 through AQMV21-0005.

Mr. Restori briefly reviewed the Air Quality Management's regulatory authority, advising Air Quality Management is responsible for the implementation and compliance of the requirements and standards established and adopted by reference. Mr. Restori advised this authority designation is through Federal EPA Region IX, 40 CFR 61, Subpart M and by the Washoe County District Board of Health Regulations Governing Air Quality Management, specifically Section 030.107 (Hazardous Air Pollutants), Subsection B, Subpart M – Asbestos. Mr. Restori advised that Section 103.107 is the Air Quality Management Division's local Regulation for the purpose of assessing and monitoring asbestos-containing materials, including demolitions in Washoe County.

Mr. Restori provided a brief history of the Reindeer Lodge (originally the Rosemont Lodge), advising it was constructed in 1957 from surplus military barracks from the Army Depot in Herlong, California. Mr. Restori advised that facility consisted of a bar, restaurant, music/entertainment hall and approximate four to six (4-6) rooms available for rent. Mr. Restori advised Mr. Gary Schmidt, purchased the property in 1971; and continued to operate it as a bar, restaurant, music/entertainment hall until it was closed in the early 2000s. Mr. Restori advised the property (the Reindeer Lodge) is located at 9000 Mt. Rose Highway, is and has always been zoned GC-General Commercial by Washoe County, and has always been used as a commercial property since it's construction through 2017 when the roof collapsed..

Mr. Restori reviewed the definitions pertinent to this Case, advising that 'demolition' is the wrecking or taking-out of any load-supporting structural portion of a facility, and the related handling of the associated materials. Mr. Restori reviewed the definition of 'facility', advising a facility is defined as any institutional, commercial, or public structure; that as he stated, this property has always been zoned as a commercial facility. Mr. Restori further advised that per the definition, "Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function." Mr. Restori further advised it is the assertion of the appellant that the Reindeer Lodge is not a facility; that it is 'a primary residence'; therefore, the definition of a facility does not apply in this Case.

Mr. Restori reviewed the definition of friable asbestos material, advising it is any material containing more than 1 percent of asbestos as specified in utilizing the methods specified in appendix E, subpart E, 40 CFR part 763, section 1. Mr. Restori stated this is an important

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definition as it was determined there were friable asbestos-containing materials in the Reindeer Lodge.

Mr. Restori advised that nonfriable asbestos-containing material is more than 1 percent asbestos-containing materials as specified in appendix E, subpart E, 40 CFR part 763, section 1. Polarized Light Microscopy, that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure. Mr. Restori stated that this, again, is an important definition as it relates to materials to be discussed in this case.

Mr. Restori reviewed the Regulations specific to Category I and Category II nonfriable asbestos-containing materials (ACM), advising Category I ACM typically has less of a propensity to release asbestos fibers if disturbed. Mr. Restori stated Category II ACM has a high probability of being crumbled or reduced to a powder by the impact of demolition or renovation.

Mr. Restori reviewed the definition of “owner or operator of a demolition or renovation activity”, advising it is “any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.” Mr. Restori advised it is the consensus of Staff the appellant is the owner/operator specific to the renovation/demolition activities.

Mr. Restori reviewed the Notice of Violation AQMV21-0002, advising this is specific to the owner of the Reindeer Lodge’s failure to submit a complete signed copy of an asbestos survey report and an Asbestos Acknowledgement Assessment (AAA) form to the Washoe County Air Quality Management Division prior to obtaining a permit for such demolition or renovation. Mr. Restori advised this requirement is delineated in Section 030.107 of the Washoe County Regulations Governing Air Quality Management. Mr. Restori stated the purposed of the AAA is to ensure the owner/operator has completed due diligence in having any and all suspect asbestos-containing materials sampled and tested prior to disturbance of any materials associated with a renovation or demolition of a structure defined as a facility per EPA requirements. Mr. Restori advised based upon the use of the Reindeer Lodge it is a facility as defined by EPA.

Mr. Restori advised Building Permit No. WBLD18-105119 was issued by the Washoe County Community Services Division (CSD) on April 6, 2018; that the Building Permit indicated “investigative work to include recovery of historical building materials for the repurposing and structural assessment of the Lodge portion damaged by snow.” Mr. Restori advised the issued Building Permit further stipulated the “...following phase will include the contractor applying for permits for any structure repair or stabilization as outlined by a structural engineer. Mr. Restori advised at the time of the issuance of the Building Permit in 2018, a survey had not been completed on the site, nor had an Asbestos Acknowledgement Assessment application been submitted to the Air Quality Management Division.

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Mr. Restori reiterated the Building Permit was issued on April 6, 2018; that the Asbestos Acknowledgement Assessment had not been obtained prior to the beginning of the demolition or renovation activities having begun on the facility. Mr. Restori stated the demolition of the Lodge was initiated on June 10, 2019; however, the survey, conducted by NOVA Geotechnical and Inspection Services, wasn't performed until June 14, 2019, after the beginning of the demolition. Mr. Restori stated it is the consensus of Staff the survey "was triggered" by the notification of the Air Quality Management Division (AQMD), that the demolition activities had begun; and Staff's notification to the appellant that a survey had to be conducted prior to any further disturbance to the structure. Mr. Restori advised that the Acknowledgement of Asbestos Assessment was applied for and issued to the Reindeer Lodge on September 12, 2019, a copy of which was placed on file for the record ASB19-0963 (Attachment 2).

Mr. Restori stated AQMV21-0002 was issued due to the appellant failing to obtain an Asbestos Acknowledgement Assessment prior to the beginning of the renovation/demolition work at the Lodge on June 10, 2019. Mr. Restori advised this was a violation of both County AQMD and Federal Regulations. Mr. Restori stated it may be the assertion of the appellant that through the application for and issuance of the County Building Permit on April 6, 2018; therefore, adequate notice was provided to the County through that Permit. Mr. Restori advised AQMD Staff is "unaware of any State, County, or City Codes and Regulations that would absolve any owner/operator of adhering to the requirements specific to a demolition/renovation project from any Air Quality Regulations, both local and Federal when a Building Permit is submitted to a separate entity of the State, County, or City.

Mr. Restori stated it may be the further assertion of the appellant "that the Air Quality Management Division is using selective enforcement in this case by requiring the appellant to obtain an Acknowledgement of Asbestos Assessment form." Mr. Restori advised in 2019 the AQM Division issued 958 Acknowledgement of Asbestos Assessments; in 2020, 623 were issued; and to-date for 2021 Staff has issued 195. Mr. Restori reiterated the appellant failed to obtain an Acknowledgement of Asbestos Assessment prior to initiating the demolition/renovation of the facility in violation of both County and Federal Regulations.

Dr. Fitzgerald asked the Hearing Board members if they had any questions of Mr. Restori prior to Mr. Restori presenting the information specific to the remaining Notices of Violation. After a brief discussion, it was the consensus of the Hearing Board that questions would be asked after Staff's presentation.

Mr. Restori briefly reviewed Notice of Violation No. AQMV21-0003, advising this Notice of Violation was issued for the appellant's failure to have the facility thoroughly inspected to determine the presence of asbestos in those areas of renovation/demolition. Mr. Restori advised this was in direct violation of the 40 CFR 61.145, Subpart M (National Emission Standards for

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Hazardous Air Pollutants – NESHAP), which is a Federal standard for demolition and renovation applicability, which are the Federal Regulations for asbestos. Mr. Restori advised 40 CFR 61. Subpart M (a) stipulates ‘the appellant, the owner and or operator of the demolition activity did not thoroughly inspect the affected facility or part of the facility (i.e., the Reindeer Lodge), where demolition was to occur. Mr. Restori reiterated that the survey was performed by NOVA Geotechnical on June 14, 2019; however, the demolition on the Reindeer Lodge began on June 10, 2019, without having had a survey performed. Mr. Restori advised the AQM Division was notified on June 10, 2019, by other certified abatement companies and demolition contractors, inquiring as to the demolition activities occurring at the Reindeer Lodge. Mr. Restori advised this was a violation of the Federal Regulations.

Mr. Restori reiterated the survey was conducted on June 14, 2019 (a copy of which was placed on file for the record); that it was then the AQM Division Staff who directed the appellant as to the correct process to have the asbestos survey performed and delineated the requirements necessary to be able to proceed with the demolition.

Mr. Restori reiterated the definition of a “facility”, advising it may be the appellant’s assertion that the Reindeer Lodge was his primary residence; therefore, Subpart M should not apply; and the Reindeer Lodge should not be considered a facility as it pertains to the requirements of the AQM Division and Federal asbestos-related Regulations. Mr. Restori reiterated that, per definition and zoning, the Reindeer Lodge has always been a commercial property; that the site remains zoned as a commercial property; therefore, as defined, it is a “facility”. Mr. Restori reiterated there are no provisions, within 40 CFR 61., Subpart M – the definition of ‘facility’, which would allow a facility (the Reindeer Lodge) from being exempt if it is a primary residence.

Mr. Restori stated it may further be the assertion of the appellant that the work, which was performed on June 10, 2019, was for the purpose of creating an entryway to conduct the required asbestos survey. Mr. Restori stated during his initial investigation and subsequent meetings with the appellant, and his consultants it was determined there were that were windows, doors and other entry points that provided easy access to the Lodge, which did not require demolition of the structure.

Mr. Restori displayed a photograph, printed in the Reno Gazette Journal on June 9, 2019, of the demolition of the Reindeer Lodge, stating the photograph indicates a far greater amount of demolition than what would be necessary for access to the structure. Mr. Restori advised the conditions depicted in the newspaper photograph are the same conditions he documented on-site on June 10, 2019.

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Mr. Restori briefly reviewed Notice of Violation No. AQMV21-0004, advising AQMV21-0004 was issued due to appellant failing to provide the required ten (10) day written notification prior to the initiation of any renovation or demolition work at the Reindeer Lodge as required per 40 CFR 61, Subpart 61.145 (a) (1). Mr. Restori advised that pursuant to CFR 40 61, Subpart M (NESHAP), specific to notification requirements, the owner/operator of the demolition/renovation actively failed to provide an Asbestos NESHAP notification of the demolition/renovation a minimum of ten (10) working days prior to the start of the demolition.

Mr. Restori reiterated a complete Asbestos NESHAP for demolition was submitted and paid for on September 14, 2020. Mr. Restori advised the Notification was submitted “in the spirit of compromise and cooperation”; however, “under duress and under protest”, as indicated by the appellant’s attorney when the application was submitted. Mr. Restori stated this language was provided to the AQM Division by the attorney for the appellant when the form was submitted (a copy of which was placed on file for the record – Attachment 4). Mr. Restori advised the appellant wasn’t “agreeing to comply with the requirements, he was submitting (the NESHAP application) under protest.” Mr. Restori stated the vast majority of the Reindeer Lodge was demolished prior to the submission of the NESHAP demolition form on September 14, 2020.

Mr. Restori stated in June 2020, the Washoe County Building Department was potentially prepared to proceed with the requirement for the demolition of the Reindeer Lodge structure. Mr. Restori displayed a photograph of the Reindeer Lodge in “good condition prior to the roof collapse”; and photographs taken of the Reindeer Lodge on June 12, 2020, after the roof collapsed. Mr. Restori advised the majority of the structure had been demolished as of June 12, 2020. Mr. Restori stated the appellant failed to submit the NESHAP application prior to the start of the demolition; therefore, was in violation of both the County and the Federal Regulations.

Mr. Restori briefly reviewed Notice of Violation No. AQMV21-0005, advising the violation was issued for the appellant failing to remove all RACM (Regulated Asbestos-Containing Materials) from a facility being renovated or demolished prior to any and all activities that would break-up, dislodge, or similarly disturb the material or precede access to the material for subsequent removal. Mr. Restori stated 40 CFR 61, Subpart M –NESHAP establishes the standards for demolition and renovation, stipulating “Procedures for asbestos emission control, the appellant, owner and/or operator of the demolition failed to remove all RACM (Category II Nonfriable transite siding) from the facility associated with the Reindeer Lodge prior to the start of the demolition. Mr. Restori advised sections of transite paneling were crumbled, pulverized, and reduced to a powder during the renovation and demolition activity that occurred on or before June 10, 2019. Mr. Restori advised that sampling of the transite siding determined there was asbestos-containing materials in the demolition debris pile in the northeast corner of the property. Mr. Restori stated, as displayed in the photographs (copies of which were placed on file for the record – Attachment 1), the exterior of the building was accessible for inspection and asbestos sampling prior to the renovation/demolition activity on or before June 10, 2019. Mr. Restori

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reiterated that the AQM Division did not receive a NESHAP notification application until September 14, 2020. Mr. Restori stated the appellant failed to remove or have removed all RACM prior to the start of the demolition; therefore, was in violation of both the County and the Federal Regulations.

Mr. Restori stated it may be the assertion of the appellant that it was not possible for the AQM Division Staff to determine there would be a reportable amount of asbestos-containing materials within the Reindeer Lodge to justify an NESHAP Notification requirement or removal of the material. Mr. Restori advised, as noted in the abatement notification provided in September 2019, by the abatement contractor hired by the appellant, approximately 420 square feet of sprayed-on acoustical ceiling material, which is friable asbestos-containing material (ACM) was identified. Mr. Restori further advised it was determined approximately 3,180 square feet of transite paneling associated with the outside of the Reindeer Lodge was removed. Mr. Restori advised there was an estimated 27 cubic yards of contaminated asbestos-containing materials in the pile of demolition debris associated with the original demolition on or before June 10, 2019.

Mr. Restori stated it may be the assertion of the appellant that the AQM Division Staff “utilized selective enforcement” in requiring the appellant to provide a NESHAP Notification to the AQM Division prior to start of demolition. Mr. Restori advised in 2019 the AQM Division issued 114 NESHAP demolition permits; that in 2020 the AQM Division issued 79 NESHAP demolition permits; and to-date for 2021, the AQM Division has issued 23 NESHAP demolition permits.

Mr. Restori reiterated the appellant did have Regulated Asbestos-Containing Materials (RACM) removed prior to obtaining the required NESHAP Notification for the removal of asbestos-containing materials. Mr. Restori advised the appellant was in violation of both County and Federal requirements.

In response to Dr. Harris regarding RACM, Mr. Restori advised RACM, as defined in 40 CFR 61, Subpart M, is any Regulated Asbestos Containing-Materials identified as any friable asbestos material(s); Category 1 nonfriable ACM (Asbestos-Containing Materials) that have become friable. Mr. Restori advised further that RACM is also Category I nonfriable asbestos-containing materials (ACM), that will be or has been subject to sanding, grinding, cutting or abrading; or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to a powder by the forces expected to act on the material(s) in the course demolition or renovation operations regulated by this Subpart.

In response to Dr. Harris regarding the requirements for RACM and/or ACM; and whether Mr. Schmidt would have been familiar with these requirements, Mr. Restori advised he would defer the response regarding Mr. Schmidt’s knowledge to Mr. Schmidt or his legal counsel. Mr. Restori advised, it is his understanding of the process, that when a Building Permit is issued for

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the purpose of renovation or demolition of a commercially zoned property, a licensed contractor must be hired to perform those “activities on a commercial structure.” Mr. Restori stated the exception to this requirement would be for a single-family residence in which the homeowner may be performing the work on one’s own home. Mr. Restori further stated, it is his understanding, that the test for acquiring a General Contractor’s License does have questions specific to asbestos and asbestos-containing materials. Mr. Restori stated; therefore, a General Contractor would be required to be aware of the requirements specific to asbestos-containing materials and other general environmental hazardous materials as it pertains to construction activities.

In response to Dr. Harris regarding the requirements specific to asbestos-containing materials, Mr. Vega advised the Regulations have been in effect in excess of forty (40) years; therefore, the requirements “are extremely well established.”

In response to Dr. Harris regarding the contractor for the Reindeer Lodge, Mr. Restori stated, it was his understanding through conversations with Mr. Schmidt on June 10, 2019, Mr. Schmidt had contracted with Collins Construction as the General Contractor to assist in the work being performed at the Reindeer Lodge.

Ms. Downs stated the documentation the Hearing Board members were provided with indicates a limited asbestos survey; however, a limited asbestos survey “is not the same” as an asbestos renovation and/or demolition survey.

In response to Ms. Downs regarding an asbestos renovation and/or demolition survey being provided, Mr. Restori stated the AQM Division did not receive an asbestos survey for the renovation or demolition. Mr. Restori stated, it is his understanding, the limited asbestos survey was conducted due to the condition of the building, due to having a limited access to the structure, and the safety of assessing the structure. Mr. Restori advised it was therefore, considered a limited asbestos survey per the Building Permit.

In response to Dr. Fitzgerald regarding the asbestos abatement report of All Eagle LLC and the amounts of asbestos-containing materials, Mr. Restori advised the NESHAP Notification (for renovation/demolition), submitted by All Eagle was for the abatement of all materials determined to have contained asbestos. Mr. Restori stated All Eagle’s NESHAP Notification was to identify, as required, all asbestos-containing materials to be removed during the abatement process. Mr. Restori advised the document submitted by the appellant in September 2020, was with the understanding there would be transite material within the structure; therefore, the demolition of that material would have to occur “in a very careful manner” to be able to remove it intact. Mr. Restori stated it is his belief that, “that is why that amount was listed on the NESHAP Notification” to which Dr. Fitzgerald referred.

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Dr. Fitzgerald stated a concern could be the appellant asserting the amount of asbestos was less than 35 cubic feet; therefore, this facility would not be subject to the Regulations. In response to Dr. Fitzgerald, Mr. Restori advised per County and Federal requirements “all demolition activities” are subject to the requirements of the Regulations. Mr. Restori briefly reviewed the process for a renovation or demolition, advising a survey would be conducted to determine the presence of asbestos-containing materials, which may or will be disturbed, with an application of a NESHAP Notification for abatement. Mr. Restori stated the asbestos would then be removed, to the best extent feasible; that subsequent to the removal process a NESHAP Notification would be submitted for the demolition of the structure. Mr. Restori advised this is the process for every demolition activity in Washoe County, for the demolition of ever structure deemed a facility by definition.

Dr. Fitzgerald advised she is referring to the documentation submitted by legal counsel for the appellant indicating the removal of 35 cubic feet of asbestos-containing materials; that she would question if All Eagle LLC disposed of more than 35 cubic feet of asbestos-containing materials at the Lockwood Landfill.

In response to Dr. Fitzgerald, Mr. Restori advised All Eagle LLC did dispose of more than the 35 cubic square feet to which the appellant referred. Mr. Restori advised the appellant’s reference to the 35 cubic feet was because an abatement had been performed at the facility (the Reindeer Lodge). Mr. Restori stated the structure “fell below the threshold because an abatement was performed.

Mr. Restori advised there are “other thresholds delineated in 40 CFR 61 Subpart M”, which apply in this case. Mr. Restori advised within the same paragraph, which references the 35 cubic feet, further stipulates “any facility in which it has been determined asbestos-containing material in excess of 260 linear feet, 160 square feet, and 35 cubic feet is required” to submit an notification for abatement and a NESHAP Notification for demolition to the air district which has been delegated the authority for these activities.

In response to Dr. Fitzgerald regarding any waste manifests submitted to the Lockwood Landfill, Mr. Restori advised a manifest was submitted by All Eagle LLC of the asbestos-containing materials disposed of at the Landfill; however, nothing was submitted by the appellant. Mr. Restori advised the manifest indicates the disposal of material “in volume” rather than square feet or yards. Mr. Restori advised more than 35 cubic feet was disposed of at the Landfill by All Eagle LLC.

In response to Ms. Rucker regarding the initial Building Permit No. WBLD18-105119, issued in April 2018, being routed to other Departments within the County for review, Mr. Restori advised, to his knowledge, the initial Building Permit was never routed to the Air Quality

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Management Division for review and approval.

In response to Ms. Rucker regarding a second a renovation/remodel permit issued in February 2019, per Mr. Taylor’s letter of August 2020, being reviewed by the Air Quality Management Division, Mr. Restori stated, to his knowledge, this second permit was not routed to Air Quality Management for review and approval either.

Ms. Rucker stated the NOVA Geotechnical Report provided a (survey) sample location map, which delineated a demolition line; however, it indicates only the northeast section of the structure; however, samples were taken from the rest of the structure. Ms. Rucker stated she would question “if the remaining portion of the building was to remain intact” why sampling would be necessary on the remaining portion of the structure, “or was there more construction/demolition activities already planned?” Ms. Rucker stated the photographs presented indicate “there was other demolition planned; that she would question “what the plans were at the time of the sample survey.”

In response to Ms. Rucker, Mr. Restori advised the Building Permit, which he presented, was for the removal of the damaged portion of the structure; therefore, it is his belief that that was why samples were taken from other areas of the structure. Mr. Restori advised the kitchen and dining room areas completely collapsed; that this involved the asbestos-containing acoustical ceiling materials. Mr. Restori stated, “that area was cleaned-up so that that portion of the building could be removed.” Mr. Restori stated it is the consensus of AQM Staff that it was the intention of the appellant to demolish the structure as depicted in the photographs taken in June 2020.

Ms. Rucker stated she noted the appellant “grossly underestimated the volume of the RACM that needed to be removed.” Ms. Rucker stated she noted the violations occurred in June 2019; that providing a chronology of the events would have assisted her in better understanding the events of this case. Ms. Rucker stated the violations occurred in June 2019; therefore, she would question why the Notice of Violation was not issued until February 2021?

In response to Ms. Rucker, Mr. Restori stated the Notice of Violation was not issued at that time, as Staff was working in conjunction with Mr. Schmidt and Community Services Development CSD), to resolve this issue, “and get this area cleaned-up.” Mr. Restori advised there was concern that to issue the Notice of Violation at that time could “stall the process even further”. Mr. Restori advised that at “no point in time, during his conversations with the appellant, did he ever indicate there wouldn’t be a Notice of Violation issued. Mr. Restori advised that during every meeting with the appellant and the appellant’s consultants at the Reindeer Lodge, he was “very clear that there were violations of County and Federal Regulations.” Mr. Restori further stated during each meeting with the appellant and the consultants, he was specific in advising the AQM Division would potentially be issuing Notice(s) of Violation to the appellant. Mr. Restori

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advised “ultimately the decision was made to not issue those Notices of Violation until such time as there was compliance; however, compliance with the requirements of NESHAP Notification for demolition was never achieved. Mr. Restori advised the building was completely demolished by June 2020, prior to the submittal of the NESHAP Notification, which was received until September 2020. Mr. Restori advised the typical process specific to environmental regulations is to achieve compliance within the regulated community; that an investigation would then be conducted to determine the length of time in which someone has been out-of-compliance; and the possible issuance of a Notice of Violation. Mr. Restori stated; therefore, based on these factors, the issuance of this Notice of Violation was delayed.

Ms. Rucker stated she has reviewed the justification for the appeal, which was “extremely vague”; that the appellant referenced NRS 278 which is specific to planning and zoning; that there is no reference in NRS 278 to “anything that is relevant to this issue.” Ms. Rucker stated immediately prior to tonight’s hearing she received documentation from the appellant and the appellant’s legal counsel, which she has not had time to thoroughly review. Ms. Rucker stated based upon the “vague appeal” and the documentation submitted just prior to the meeting, she would be hesitant to render a decision tonight regarding this case.

In response to Mr. Squire regarding non-compliance with the Regulations as delineated by Staff, Mr. Restori stated, “there has been some compliance”; that the focus for this violation is the initial non-compliance incident which occurred on or before June 10, 2019.

Mr. Squire stated based on the issue of obvious non-compliance, then “he doesn’t see where there is a question.”

Mr. Kenney stated in Mr. Schmidt’s letter section 11.A, to which Ms. Rucker referred, Mr. Schmidt indicates, “...no demolition as defined by the Regulations occurred prior to September 12, 2019, and then it was commenced by All Eagle Construction.” Mr. Kenney questioned if this is an accurate statement.

In response to Mr. Kenney, Mr. Restori stated that this is not an accurate statement; that based on his own observations of the site on June 10, 2019, there was evidence of demolition activity. Mr. Restori advised he observed in the northeast corner of the property (the Reindeer Lodge), constituted demolition as defined by 40 CFR 61, Subpart M.

In response to Mr. Kenney regarding the issuance of two (2) Building Permits for renovation in April 6, 2018 and a second one in February 26, 2019, Mr. Restori advised the only Building Permit with which he is familiar is No. WBLD18-105119 on April 6, 2018.

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In response to Mr. Kenney, Dr. Fitzgerald advised she checked on-line regarding the issuance of a second Building Permit; and could not locate a record of building permit issued for that date.

In response to Dr. Fitzgerald regarding the current status of the Reindeer Lodge, Mr. Restori advised the facility is partially demolished; that it is the consensus of Staff it is the intent of the appellant to retain a portion of the structure so that it can be rebuilt. Mr. Restori stated there was an apartment off the west side of the structure that could be rebuilt to allow the space to be habitable for someone to live there. Mr. Restori stated the structure is partially demolished.

In response to Mr. Squire regarding this section being the only portion not involved in the collapse, Mr. Restori stated that that would be an accurate statement.

Mr. Squire stated he drives past the site “at least once a month”; that during the past couple of years there has been continuous work on the property.

In response to Ms. Downs regarding a signed copy of the survey, Mr. Restori advised the AQM Division did receive an electronic signed copy on July 5, 2019.

Mr. Kaplan stated, (as a General Contractor); and with every General Contractor, with whom he has had an association, it is “common knowledge” that it is a requirement to obtain an asbestos survey in addition to a building permit prior to the commencement of any work. Mr. Kaplan stated, therefore, this isn’t “even in question.” Mr. Kaplan stated in reviewing the photographs of the structure and the damage caused by the snow, he understands the safety issues and concerns regarding entering this structure. Mr. Kaplan stated in a situation, where there is a compromised structure, there is always the pretense there will be potential issues specific to the presence of asbestos-containing materials; and “must be treated as such.” Mr. Kaplan stated the until such time as the structure can be entered, and materials removed for testing, it should be the consensus one would take “all necessary precautions possible.” Mr. Kaplan stated, as Mr. Restori indicated, if it is a private residence (single family home), homeowner can make the determination to perform the work themselves. Mr. Kaplan stated, however, as a General Contractor he would not “want to take on that kind of liability”, specifically in a commercial project in which the public could be involved, which would be a major liability. Mr. Kaplan stated the possible liability would not only be the public, but to the workers performing the demolition, who could also be exposed. Mr. Kaplan stated in this type of situation, a General Contractor must take the public safety into consideration; and therefore, it is paramount to have the materials tested as soon as possible. Mr. Kaplan stated he advises all of his customers that he will not perform any work on any project until such time as a survey has been performed; that should a customer not agree his company will not due to job.

Mr. Kaplan stated he reviewed the letters from Mr. Don Jeppson and Mr. Ray Pezonella, as

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submitted by the appellant, both of whom have excellent credentials; however, “that doesn’t excuse” what occurred in this situation.

Ms. Rucker stated, prior to a General Contractor accepting the job, she would question considering the age of the Reindeer Lodge wouldn’t it have been obvious there would be asbestos present?

In response to Ms. Rucker, Mr. Kaplan stated, as a General Contractor, his company “would have everything tested” regardless of the age of the structure, as “the risk is not worth it.” Mr. Kaplan stated he cannot speak for other contractors; however, that is his standard of practice. Mr. Kaplan stated cutting “a door”, which would be “both sides of a wall, which would exceed nine (9) square feet; that as he stated, his company’s practice is “to just do it.”

Mr. Sooudi, City of Reno Deputy Attorney, advised the Hearing Board members that the Board will have the opportunity for discussion after the question and answer phase of the Hearing.

Mr. Vega stated, in response to Ms. Rucker regarding “the timeliness of the issuance of the Citation”; and the Hearing Board members receipt of the appellant’s information, he would advise the appellant has had the information from Staff since December. Mr. Vega stated the Regulations require a scheduled hearing within sixty (60) days of the filing of the appeal; that the appellant was unwilling to waive the right to conduct the Hearing within the sixty (60) days. Mr. Vega advised the original Hearing Board was scheduled for March 2, 2021; however, legal counsel for the appellant had a conflict with that date; therefore, the Hearing was rescheduled for April 6, 2021. Mr. Vega stated although Staff provided an opportunity for a continuation there was no response from the appellant’s legal counsel.

Mr. Taylor Jenkins, Legal Counsel for the appellant Mr. Schmidt’s, stated, in response to the presentation of the AQM Division Staff’s testimony and “opinions”, he would respond he has prepared “opinions as to what the appellant was going to argue and what had happened at the Reindeer Lodge.” Mr. Jenkins stated, “one of the things missing was any actual proof”; that there “was the supposition that work was being performed; that he doesn’t have any proof that work was being performed whatsoever.” Mr. Jenkins stated he “does not believe that the Department can provide that; that he has seen no pictures depicting the property “as more or less disturbed from the date of the violations, June 10, 2019”. Mr. Jenkins stated he has not seen any pictures of any actual work being performed, nor any machinery moving anything. Mr. Jenkins stated in regard to “the square footage on the ceilings and on the walls and sidings”, it is the contention of the appellant, having been in the facility “that some 80% of the ceiling had previously been replaced with dry wall and other materials.” Mr. Jenkins stated, in regard to the “siding, which would be the entire perimeter of the building, not taking into account any doors, windows, or other openings.”

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Mr. Jenkins stated AQM Division Staff provided statistics as the numbers of Permits issued each year; however, there was no testimony as to the number of violations; that there was no information provided as to how many violations were issued in 2019 or 2020 or 2021.

Mr. Jenkins stated he “has some general grounds for dismissal of all of the Notices, specific to the nineteen (19) month disparity between the alleged date of the infraction of June 10, 2019; and the actual issuance of the (Notice of) Violation(s). Mr. Jenkins stated it is “their contention that Mr. Schmidt complied during the time this project was undergoing.” Mr. Jenkins stated, “there was testimony the violations were not issued” with the intent of “keeping Mr. Schmidt moving on”; however, “once you gain compliance what is the point of issuing the violation post facto?” Mr. Jenkins stated it is the “contention that AQMD has no right to issue those citations at that time.”

Mr. Jenkins stated he has submitted five (5) public records request of Washoe County Air Quality Management’ however, none of the five (5) requests have “ever been answered. Mr. Jenkins stated they received the cursory email from Mr. Vega that the requests were received”; however, there was “no further communication.” Mr. Jenkins stated pursuant to NRS 239.0107 a public information request is required by law to be answered within five (5) days. Mr. Jenkins stated, “that in the first response there can be potentially three (3) outcomes:” the first being providing the information; the second being the information being requested is privileged or classified and unavailable; and the third the date of when the information will be provided.

Mr. Jenkins advised that appellant’s Exhibit E, which is the lawsuit filed by Mr. Schmidt against Washoe County and Washoe County Air Quality Management; that the lawsuit “does name Mr. Vega, but in his capacity as the Director.” Mr. Jenkins stated the Hearing Board members have been provided “with all of the emails in Exhibits 1-5.” Mr. Jenkins stated on January 11, 2021, Air Quality Management conducted a “compliance/enforcement meeting, with him representing Mr. Schmidt with the stated purpose to discuss supporting information associated with the draft Notices of Violation and for Gary Schmidt to present evidence to contest the findings associated with the draft Notices of Violation.” Mr. Jenkins stated, “he was afforded no opportunity to have a meaningful dialogue to address his concerns, nor was he provided any evidence of the violations by the Department.” Mr. Jenkins stated one of the public information requests was “for the entire file of Mr. Schmidt”; that the AQMD Staff referenced the Waste Manifest at the Lockwood Landfill; however, he cannot, as he “has received nothing”, which is grounds for dismissal.

Mr. Jenkins stated regarding AQMV21-0002, he would advise that Mr. Schmidt applied for and received a Building Permit on February 26, 2019; that it is the contention of Staff that the issuance of the Permit is the subject of the violation; therefore, he would question if the Building Department “has also been subsequently fined for issuing said permit?” Mr. Jenkins stated his

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arguments will apply generally to all of the violations issued 0002-0005.

Mr. Jenkins stated the Reindeer Lodge is not a facility; therefore, is not subject to the requirements of 40 CFR. Mr. Jenkins stated the project did “not meet the threshold for hazardous materials” in which it would be subject to the Regulations”; that the threshold is 1 cubic meter or 35 cubic feet. Mr. Jenkins stated pursuant to the NESHAP Notification form, which was received and accepted by the AQM Division on September 14, 2020, there was less than twenty (20) feet of material was present at the Reindeer Lodge. Mr. Jenkins reiterated the AQM Division accepted the NESHAP form; that the third exemption to the CFR is that the project was an emergency due to the collapse of the roof due to heavy snow during the winter of 2016/17. Mr. Jenkins stated the condition of the structure continued to deteriorate over the next couple of winters, which was a source of potential liability for Mr. Schmidt and the County. Mr. Jenkins advised the AQM Division issued Permit No. ASB19-0963 on September 12, 2019, as delineated in the Staff report, page thirteen (13); that “a true and correct signed copy of the NESHAP form was stamped received by AQM on September 14, 2020.” Mr. Jenkins reiterated the report indicated less than twenty (20) cubic feet of material being removed, as delineated in Staff’s report on page on page ninety (90). Mr. Jenkins stated, “AQMD admits this document was received and approved on September 14<sup>th</sup>, page seventy (70)”; that “by the action of AQMD accepting this document” indicates that a NESHAP was not required, “accepting that the amount of the materials falls below the thresholds.” Mr. Jenkins stated no demolition activities occurred on the structure or moving of the natural debris prior to December 12, 2019, with the exception of the removal of several exposed collapsed beams which were moved adjacent to the debris pile to potentially be used for later renovation. Mr. Jenkins stated his Exhibit A, Mr. Schmidt’s statement, and Mr. Pezonella’s statement Exhibit B corroborate this.

Mr. Jenkins stated it is his assertion Washoe County is not in compliance with State Law and/or County Code regarding “the appointment and authorization of a building official, as defined and mandated by said Laws and Codes” in addition to “the establishing of a continuing education required as determined by said building official.” Mr. Jenkins stated this is delineated in Exhibits C and D, letters from Mr. Don Jeppson who was the last designated building official in Washoe County; that Mr. Jeppson has not been in that position since 2017.

Mr. Jenkins referenced NRS 278 advising is the requirement for authorizing the creation of a building official in the County with a population between 1 and 700,000. Mr. Jenkins stated County Code 100 authorizes the creation of the Building Department and the Building Official position.

Dr. Fitzgerald advised Mr. Jenkins the focus of the Hearing Board is the Notices of Violation specific to asbestos; therefore, information specific to the Building Department is not really relevant to the discussion of the hearing.

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Mr. Jenkins stated the relevance is the creation of the Building Official position defines “who can actually inspect the building”; that he “asserts Joshua Restori has no authority to inspect the building as to the soundness of the structure or related issues due to the lack of the Building Official.” Mr. Jenkins stated it is the Building Official who has the authority “to appoint who may or may not inspect structures; that the Building Official establishes the continuing education requirements. Mr. Jenkins stated it is their assertion “by not having that position the County, and hence the Air Quality Management Division, by conducting an inspection has violated the law.” Mr. Jenkins stated his last statement specific to Mr. Restori’s lack of authority is delineated in his Exhibit B, the letter from Don Jeppson; and Washoe County Code Chapter 100.

Mr. Jenkins advised that “at all times Mr. Schmidt attempted to cooperate fully with any and all agencies of the County; and at all times acted in good faith.” Mr. Jenkins stated Mr. Schmidt and his associates were assured by Mr. Michael Wolf, previous Supervisor of Enforcement with the Air Quality Management Division that no action would be taken with the stipulation that all aspects of the project would be conducted in compliance with all Regulations. Mr. Jenkins stated Mr. Schmidt relied on Mr. Wolf’s assurance this would include “alleged earlier activities on the site, providing the project was quickly completed to the satisfaction of AQMD. Mr. Jenkins stated Mr. Wolf advised Mr. Schmidt that neighbors in the area had complained as to the condition of the Lodge and that the County “wanted the project completed quickly.”

Mr. Jenkins stated it is Mr. Schmidt’s “insists that at all times the County has acted with malice of forethought, prejudice, animosity, hostility, and in an arbitrary and capricious manner against Mr. Schmidt and his project at the Reindeer Lodge.” Mr. Jenkins stated Mr. Schmidt has suffered deteriorating medical conditions “largely associated the stress associated with the stress of this project.” Mr. Jenkins reiterated Mr. Schmidt has complied completely with all the demands of the County “even though he was not required to do so”; that the AQM Division issued Notices of Violations “once complete compliance had been acquired”, which demonstrates the arbitrary and capricious actions of the AQM Division against Mr. Schmidt.

In response to Mr. Kenney regarding the ceiling materials to which Mr. Jenkins referred, Mr. Jenkins stated he was advised by Mr. Schmidt that approximately 80% of the ceiling material had been replaced “at some time during Mr. Schmidt’s ownership which began in 1971.” Mr. Jenkins advised he is not in receipt of any information specific to the contractors or invoices. In response to Mr. Kenney regarding Mr. Jenkin’s reference to a copy of the exploration and renovation Building Permit he indicated had been issued in February 26, 2019, Mr. Jenkins stated he does not have a copy of it.

Dr. Fitzgerald reiterated she conducted a search of the Washoe County Building Department’s website and there were no permits issued to the Reindeer Lodge on that date; that the only reference is to the one referred to by Staff. Dr. Fitzgerald questioned if Mr. Jenkins had proof to

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substantiate his claim.

Mr. Jenkins clarified his notes may be incorrect; that he believes there was only the one Building Permit issued.

Dr. Fitzgerald clarified Mr. Restori was not performing the duties of a building inspector; that Mr. Restori is a Supervisor in the Air Quality Management Division; therefore, his duties are to ensure compliance with the Air Quality Management Division's Regulations. Dr. Fitzgerald stated there isn't any correlation between the duties of a building inspector's duties.

Mr. Jenkins stated it is the assertion of the appellant Mr. Restori "made several determinations as to the state of the structure; and how the state of the structure applied to the CFRs; that Mr. Restori indicated there was a demolition; that "it was unsound/unfit. Mr. Jenkins stated Mr. Restori made "several determinations in his own testimony", which inferred he was inspecting and making a judgement as to the 'soundness of the structure."

Dr. Fitzgerald stated the documentation provided specifies the Asbestos Assessment Acknowledgement (AAA), submitted by All Eagle LLC specifies this was a demolition project.

In response to Dr. Fitzgerald, Mr. Jenkins stated the employees of All Eagle LLC "are not government employees making the determination. Mr. Jenkins questioned if Dr. Fitzgerald is questioning whether Mr. Restori relied on the report from All Eagle in determining this was a demolition?

In response to Mr. Jenkins, Dr. Fitzgerald stated if "there are equipment and excavators tearing down a building that would be considered a demolition by anyone who observed it"; that All Eagle LLC "reached the same conclusion in deeming this a demolition project.

Mr. Jenkins stated it remains the assertion of the appellant that Mr. Restori was investigating the structure, which he is not allowed to perform. Mr. Jenkins stated employees of All Eagle LLC are not governmental employees paid by the County to perform and inspection; that All Eagle is a private contractor; that "their opinion of what is occurring is not regulated by said Building Official." Mr. Jenkins stated he could argue "there was some demolition and some renovation."

Dr. Fitzgerald stated there is a distinction between a Building Inspector and an Inspector from the Air Quality Management Division who is observing activities to determine if it complies with the requirements for asbestos.

Mr. Kaplan stated the letter from Mr. Pezonella (submitted by the appellant), indicates that to Mr. Pezonella's knowledge "all demolition work at the Reindeer Lodge was monitored and

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supervised by Mr. Restori and Mr. Tom Wise an independent consultant from Wise Consulting and Planning. Mr. Kaplan stated if Mr. Wise was on the job; that he would question if Mr. Wise was present during the demolition process?

In response to Mr. Kaplan, Mr. Jenkins stated Mr. Wise was on-site for a “large portion of the project, specifically where there might be any potential issues that the County might want to regulate.” In response to Mr. Kaplan regarding Mr. Wise conducting any asbestos testing, Mr. Jenkins stated “he is unclear to that”; that Mr. Wise was to provide supervision for the proper removal and handling of any asbestos found; that he does not believe Mr. Wise “provided any testing.” Mr. Jenkins stated he would take Mr. Pezonella “at his word” that he observed Mr. Restori supervising the project.

Mr. Vega stated in reference to Mr. Jenkins’ comment as to the Notice of Violation being issued “after compliance had been achieved”, that the action was punitive and vindictive. Mr. Vega stated the purpose of the penalties is to be a deterrent for other regulated agencies in the community not complying with the requirements of the Regulations. Mr. Vega stated the principle of deterrents is within the EPA Compliance and Enforcement Program with an attempt to prevent similar actions in the future in an effort to ensure compliance. Mr. Vega stated a comparison would be to someone receiving a speeding ticket and receiving a fine; that the officer was justified in “pulling you over”; that the fine is a deterrent for someone to speed in the future. Mr. Vega stated it is the intent of the Air Quality Management Division to prevent similar violators in the future.

In response to Mr. Vega, Mr. Jenkins stated when an officer pulls someone over the ticket is issued at that time; and “not six (6) months later.

Mr. Restori spoke in rebuttal to Mr. Jenkins stating it is important to be aware, regarding compliance with the notification requirements for demolition, in September of 2020, compliance was not achieved until “almost a year and a half after the initial demolition occurred.” Mr. Restori stated the Hearing Board’s focus should be the original demolition which occurred on or before June 10, 2019. Mr. Restori stated, as he previously advised, when the notification was submitted to the AQM Division, “it was submitted under protest and duress”; that the appellant does not acknowledge the facility is regulated by 40 CF 61 145 Subpart M. Mr. Restori advised in reference to a speeding ticket compliance was achieved with the issuance of a speeding ticket; however, in this case compliance “may never have been met, as the majority of the building was demolished in the summer of 2020, without a Notification.” Mr. Restori stated, “it is very incorrect to presume a structure deemed a facility does not require Notification prior to demolition.” Mr. Restori stated 40 CFR 61 145 stipulates when a facility being demolished “only the notification requirements of paragraphs of X, Y, Z of this Section apply only if the combined amount of RACM is less than 260 linear feet or 160 square feet or less than 35 cubic

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feet. Mr. Restori stated a Notification is required on the demolition of a facility; that the issue of compliance dates back to June 10, 2019, as to whether or not a Notification was submitted, which it was not. Mr. Restori stated that the appellant continued with the demolition after the abatement; and continued to demolish the building in the summer of 2020; that after the building was on the ground the Notification was submitted.

Ms. Rucker stated the appellant has asserted Mr. Restori was functioning in the capacity as a building inspector and were on-site frequently. Ms. Rucker questioned whether or not at any time when Mr. Restori was on-site if there were any building inspectors “to speak to the safety of the occupancy of the building. Ms. Rucker questioned, if at any time, Mr. Restori spoke of any issues other than air quality issues specific to the site?”

In response to Ms. Rucker, Mr. Restori stated he was not on-site frequently; that at no time when he was on-site was he aware of any building inspectors being on-site. Mr. Restori stated at no time did he speak of any issues other than those related to air quality.

There being no further questions of Staff or Mr. Jenkins, Dr. Fitzgerald closed the Public Hearing. Dr. Fitzgerald stated the Hearing Board may move to deny the appeal and uphold the recommendation of Staff to levy the fine of \$36,500 for Case 1229. Dr. Fitzgerald stated the Hearing Board may move to uphold the violation and recommend an alternative fine in the amount of \$0 up to a fine of \$10,000 per day the violation occurred. Dr. Fitzgerald stated the third option is to uphold the appeal and dismiss the Citation. Dr. Fitzgerald requested comments from the Hearing Board members.

Ms. Downs stated she is a Certified Building Asbestos Inspector; that in a situation of four (4) individual homes on one piece of property, all owned by the same individual, this would be considered a facility. Ms. Downs stated a structure which has been used as a bar with more than four (4) rental units/rooms is a facility in accordance with the Regulations. Ms. Down stated she would support proceeding with a recommendation; that as a Certified Building Asbestos Inspector the Regulations “are very, very clear and have been violated.” Ms. Downs stated the AQM Division has been extremely helpful in attempting to have this facility “come into compliance.” Ms. Downs stated that, while she would agree the appellant has attempted to come into compliance; however, as the documentation demonstrates the appellant has “done all of this under duress”, which in her opinion, the appellant disagrees with the requirements of the Regulation; therefore, the appellant “is off base.”

In response to Mr. Squire regarding “a maximum occupancy having any bearing on the requirements of the Regulations, Dr. Fitzgerald stated according to the Regulations it does not.

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Dr. Fitzgerald stated any structure that has been used as a commercial property is defined as a facility according to the Regulations. Dr. Fitzgerald stated the Reindeer Lodge has always been a commercial facility.

Mr. Kaplan stated there is some conflicting information that has been presented; that the information provided by Mr. Jenkins from Mr. Jeppson should be reviewed. Mr. Kaplan stated he would question “what is the reasonable damage that occurred and to whom.” Mr. Kaplan stated he has concerns regarding Mr. Wise being on the job and allowing what occurred as has been presented. Mr. Kaplan stated the Hearing Board members need to consider what would be a reasonable fine; that he concurs Mr. Schmidt was in violation, as he was made aware of the requirements of the Regulations; that he failed to comply and has made the situation difficult for the AQM Division. Mr. Kaplan stated he concurs a violation occurred; however, the recommended fine of \$36,500 is excessive. Mr. Kaplan stated he has worked in conjunction with the AQM Division Staff for a number of years; and “has always found them very accommodating.”

Ms. Rucker stated in receiving the information and documentation from Mr. Jenkins immediately prior to tonight’s hearing; that she has not had ample opportunity to review the material.

The Hearing Board recessed at 7:50pm, to allow the Hearing Board members to review the letters presented by Mr. Jensen. The Board reconvened at 7:53pm.

Mr. Jenkins stated he would request the opportunity to clarify the discrepancy of the Building Permit issue. Mr. Jenkins advised Building Permit WBLD18-105119 was applied for on April 6, 2018 and issued on February 25, 2019; that there was only the one (1) permit issued.

Dr. Fitzgerald stated that permit was for tenant improvement and remodeling regarding the removal the damaged portion and of roof debris and not for the demolition, which would explain why it was not forwarded to other Departments for review and approval.

### **MOTION**

Ms. Rucker stated she strongly disagrees with Mr. Jeppson’s assertion that the Washoe County Air Quality Management Division has “no authority to do their job; that Staff was not acting in the capacity of a Building Inspector” Ms. Rucker stated Mr. Jeppson’s comments are specifically related to the functions of a Building Inspector. Ms. Rucker stated Mr. Jeppson is apparently under contract with Mr. Schmidt; and again, she strongly disagrees with Mr. Jeppson’s assertion that Mr. Restori doesn’t have the authority to enforce Air Quality issues specifically as related to air toxic contaminants such as asbestos.

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Dr. Fitzgerald stated she would concur that Mr. Jeppson's first letter is more specific to building inspection issues and permit requirements; and whether a permit was necessary for demolition and renovations; and did not relate to asbestos or air quality issues at all. Dr. Fitzgerald stated in the second letter Mr. Jeppson "assumes abatement would not be necessary and a permit would not be issued by the Building Department without approval by the Health District." Dr. Fitzgerald stated there was no demolition permit issued by the Building Department; therefore, "that would be irrelevant." Dr. Fitzgerald stated historically when demolition permits are issued by the Building Department it's forwarded to the Air Quality Management District for review and approval.

Ms. Rucker questioned in reviewing all aspects of this incident, she would question if the Air Quality Management Division had noted the issuance of permits for any of the work performed? Ms. Rucker indicated, as she stated previously, it has always been her understanding when a Building Permit is applied for, the request is reviewed by all the Departments which are applicable. Ms. Rucker stated a Building Permit was applied for in April 2018; however, was not approved until February 2019.

In response to Ms. Rucker, Mr. Restori stated the Air Quality Management Division "did not have the opportunity to review the Building Permit" application or advised of such.

In response Ms. Rucker regarding the application dates of the Building Permit and the issuance of the Building Permit, Mr. Jenkins stated those dates are accurate.

In response to Dr. Fitzgerald regarding reviews of Building Permits for tenant improvements (TI) and remodels, Mr. Restori advised the AQM Division Staff does review requests for TIs and improvements.

Dr. Harris advised Mr. Jenkins that he is the legal representative member of the Hearing Board. Dr. Harris advised that, specific to asbestos abatement, the Statutes and Regulations "amount to a case of strict liability." Dr. Harris stated there was the obligation to ascertain if there was a problem; to provide notice to the appropriate authorities; and conduct remediations in accordance with the directions provided. Dr. Harris stated, as a matter of law, Mr. Taylor's client had a strict liability obligation to the health and welfare of the County.

Dr. Harris stated, Mr. Kaplan, as a General Contractor, advised "every General Contractor knows about the need of asbestos surveys and asbestos safety. Dr. Harris stated, the appellant's "quarrel is not with the Air Quality (Hearing) Board of Washoe County", but with the appellant's General Contractor, regardless of which contractor it was. Dr. Harris stated it was the General Contractor "who failed to identify the asbestos regulations"; that the appellant is "the harmed party"; and has a legal action against the contractor, and not Washoe County nor Air Quality Management.

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Dr. Harris stated he would be in favor of seconding Ms. Downs previous motion to deny the appeal and uphold Staff's recommendation to levy at \$36,500 fine.

Mr. Sooudi stated, at this time, there is no motion to be considered.

In response to Mr. Kaplan regarding the Building Permit that was issued to the appellant, Dr. Fitzgerald advised the Building Permit, applied for in April of 2018; and issued in February 2019, which was issued to the appellant, was for a Tenant Improvement and Renovation. In response to Mr. Kaplan specific to the parameters of the Building Permit indicating any demolition, Dr. Fitzgerald stated the Building Permit was issued for "Investigative work to include recovery of historical building materials for the repurposing and structural assessment of the Lodge portion damaged by the snow/possible removal of damaged portion of Lodge and roof debris with the installation of a non-bearing weather resistant end wall. Following phase will include contractor apply for permit for any structure repair or stabilization as outlined by Structural Engineer."

Dr. Harris stated, based upon the strict liability; and the failure to comply with Regulations, he would move to deny the appeal of the Reindeer Lodge; and uphold Notices of Violations AQMV21-0002; AQMV21-0003; AQMV21-0004; and AQMV21-0005, Case No. 1229 issued to Mr. Gary R. Schmidt; and uphold Staff's recommendation to levy a fine in the amount of \$36,500.

In the discussion that followed, Mr. Kaplan stated he concurs the violations did occur; that his concern is the amount of the recommended fine being excessive.

Ms. Downs seconded Dr. Harris' motion to deny the appeal and uphold the Notices of Violation as delineated; and recommend a fine in the amount of \$36,500.

In a roll call vote, Ms. Rucker, Ms. Downs, Mr. Squire, Dr. Harris; Mr. Kenney voted in favor of upholding the motion.

Mr. Kaplan voted "no."

Dr. Fitzgerald advised the vote carries, with the recommendation of a \$36,500 fine to be levied.

Ms. Smith, Recording Secretary, stated, for the record, Mr. Jenkins, as Mr. Schmidt's attorney has been advised the Air Pollution Control Hearing Board is a recommending body only; that the recommendation of the Hearing Board will be forwarded to the District Board of Health for final review and action. Ms. Smith stated Mr. Jenkins was further advised of Mr. Schmidt's right to appeal the recommendation of the Hearing Board, in writing, within five (5) working days of

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tonight's hearing, to the District Health Officer, should he wish to do so. Ms. Smith stated Mr. Jenkins was advised the Case will be presented to the District Board of Health at the meeting of May 27, 2021, beginning at 1:00pm. Ms. Smith advised Mr. Jenkins has executed said notification and returned it to her.

In response to Mr. Jenkins requesting Findings of Fact, Mr. Sooudi advised any findings would be from the discussion, as part of the record.

In response to Mr. Jenkins, Ms. Smith advised, historically, Findings of Fact are specific to variance requests; that as Dr. Fitzgerald stated, there have never been Findings of Fact during an appeal hearing.



CATHLEEN FITZGERALD, DEnv, PE  
Chair



JANET SMITH  
Recording Secretary

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**WRITTEN STATEMENT**

I, TAYLOR M. JENKINS, ESQ., the undersigned, state as follows:

The statement below constitutes a brief, non-exclusive, list of arguments I will make to the Hearing Board. I ask that it be included as part of the record.

I submit the following for the record:

**Procedural Issues**

1. The short notice of change of hearing date and time due to a failure to comply with open meeting law by AQMD, through no fault of Mr. Schmidt, has made appearance of witnesses impossible which violates the basic premises of fairness to Mr. Schmidt.

**General Grounds for Dismissal**

We hereby demand all violations be dismissed based on the following two points:

2. Violations were issued to Mr. Schmidt 19 months after compliance had been achieved. AQMD states that all activity leading to the violations occurred on June 10, 2019 no official notice of violation was issued at that time. Official notice of violations was not issued until February 1, 2021. When these violations were issued full compliance had been achieved and all materials had been removed and treated pursuant to the guidelines and supervision of AQMD. Mr. Schmidt acted in compliance. with directives from AQMD and completed the project in compliance. AQMD had no right to issue violations post facto. (See AQMV21-002 – AQMV21-05). To reiterate the violations were issued to Mr. Schmidt some 19 months after the alleged date of violation after full



1 compliance had been achieved.

2  
3 3. These violations should be dismissed out of hand as Washoe County and AQMD have  
4 failed to provide requested Public Records that are necessary to present arguments in support of the  
5 dismissal of all allegations. Five separate public record requests have been made to Francisco Vega  
6 (See Schmidt v. Washoe County, et al (Exhibit E) (Exhibits 1-5)). Said requests have not been  
7 fulfilled requiring a lawsuit to be filed. (NRS 239.0107)

8  
9 4. On January 11, 2021 AQMD held a compliance and enforcement meeting, attended by  
10 myself, with the stated purpose “to discuss the supporting information associated with the Draft  
11 notices of Violation and for Gary Schmidt to present evidence to contest the findings associated  
12 with the Draft Notices of Violation” I was afforded no opportunity to dispute the allegations  
13 contained in the violations and was limited in my ability to ask questions as to the evidence and  
14 facts used by AQMD to determine the violations. It had already been decided that the violations  
15 would be issued.

16  
17 **AQMV21-002**

18  
19 5. Mr. Schmidt relied on the judgement, expertise, and authority of the County Building  
20 Department who issued the renovation and exploration permit on February 26th, 2019. The County  
21 Building Department issued the building permit prior to the filing of a NEHSAP not Mr. Schmidt.

22  
23  
24 **AQMV21-002--AQMV21-005**

25  
26 6. The project was exempt from federal regulation because

27 A. The Reindeer Lodge is not a facility as defined by the law.

28 B. The project did not meet the threshold of volume of hazardous materials to be

1 subject to regulation. The threshold is 1 cubic meter of material which is equal to 35.3147  
2 cubic feet. Pursuant to the NEHSAP form, received and accepted by AQMD on September  
3 14, 2020 less than 20 cubic feet of material was present at the reindeer lodge.

4 C. The project was an emergency undertaking due to the collapse of the roof (heavy  
5 snow load in winter of 16-17 and continued deterioration over 2 subsequent winters) the  
6 state of the property was a source of potential liability to both Mr. Schmidt and the County.

7  
8 7. AQMD issued Permit # ASB19-0963 on September 9, 2019 (AQMV21-002 Attachment 2  
9 Page 13 APCHB Staff Report). A correct and true signed copy of the NEHSAP form was stamped  
10 received by AQMD on September 14, 2020 showing a total amount of nonfriable ACM to be  
11 removed of less than 20 cubic feet (AQMV21-004 Attachment 4, Page 90 APCHB Staff Report).  
12 AQMD admits this document was received and approved on September 14, 2020 (AQMV21-004,  
13 Page 3, Page 70 APCHB Staff Report) This shows by the actions of AQMD that a NEHSAP was  
14 not required and the project was exempt from regulation by AQMD.

15  
16 8. Prior to September 12, 2019 there was no demolition of the structure or moving of the  
17 natural debris pile from the roof collapse other than the removal of exposed collapsed beams,  
18 which at that time could not be considered structural. The beams were stored on property for  
19 repurposing later. (See Schmidt Statement (Exhibit A) and Pezonella Statement (Exhibit B)).

20  
21 9. We assert that Washoe County is not in compliance with State law and/or County Codes in  
22 regards to the appointment and/or authorization of a "Building Official" as defined and mandated  
23 by said law and codes as well as establishing continuing educational requirements which would be  
24 designated and defined by said "Building Official". (see Jeppson Letter 1 (Exhibit C), Jeppson  
25 Letter 2 (Exhibit D) NRS 278, and Washoe County Code Chapter 100, Article 103)

26  
27 10. We assert that Joshua Restori has no authority to inspect any building as to soundness of  
28 structure and related issues due to the lack of a county "Building Official" under the mandatory

1 provisions of State Law and County Code. (Jeppson Letter 2 (Exhibit D) and Washoe County Code  
2 Chapter 100).

3  
4 11. At all times Mr. Schmidt attempted to cooperate fully with any and all agencies of the  
5 County and at all times acted in good faith. Mr. Schmidt and his associates were assured no action  
6 would be taken as long the project was conducted in compliance with all regulations. (See Schmidt  
7 Statement (Exhibit A) and Pezonella Statement (Exhibit B)).

8  
9 12. Specifically, Mr. Schmidt and his associates relied upon assurances of Mike Wolf, then  
10 Supervisor of Inspections, that there would be no action taken based upon alleged early activities  
11 on the site as long as the project was quickly completed to the satisfaction of AQMD. Mr. Wolf  
12 also noted that neighbors had complained as to the state of the Reindeer Lodge and the County  
13 wanted the project completed quickly. (See Pezonella Statement (Exhibit B)).

14  
15 13. Mr. Schmidt insists that the County, at all times, acted with malice afore thought, prejudice,  
16 animosity, hostility, and in an arbitrary and capricious manner against Mr. Schmidt and his project  
17 Reindeer Lodge.

18  
19 14. Mr. Schmidt has suffered aggravated deteriorating medical conditions as a result of undue  
20 stress placed upon him by actions of the County.

21  
22 15. Mr. Schmidt had complied completely with all requests and demands of the County even  
23 though he was not required to do so and yet AQMD notice of violation were issued once complete  
24 compliance had been achieved which shows the arbitrary and capricious nature of the actions of  
25 AQMD against him.

26  
27 Therefore we demand all violations levied against Mr. Schmidt be dismissed.  
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DATED this \_\_\_\_\_ day of April, 2021.

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TAYLOR M. JENKINS, ESQ

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## EXHIBIT LIST

- A. GARY R. SCHMIDT WRITTEN STATEMENT
- B. RAY PEZONELLA WRITTEN STATEMENT
- C. DON JEPPSON LETTER 1
- D. DON JEPPSON LETTER 2
- E. SCHMIDT V. WASHOE COUNTY, ET AL

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# EXHIBIT A

# EXHIBIT A

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WRITTEN STATEMENT

I, GARY R. SCHMIDT, the undersigned, state as follows:

Please be advised that I am ill and have been for several months. I am under the care of multiple physicians, I only leave my home for medical appointments and in extreme emergencies, I never travel alone, and I only drive when absolutely necessary. Multiple physicians have indicated that stress is exacerbating my medical issues. I have multiple high risk factors for COVID-19, due to age (77) and underlying medical conditions. I do not have a functioning computer and am only able to access the Internet on my older version Apple smart phone on which I cannot download any more applications. I do not have the technical capacity nor any other opportunity to participate in the hearing now scheduled for Friday, April 9, 2021. As a result of the above stated and other issues to be delineated within this statement and by my legal counsel I hereby make a general objection to overt and circumstantial denials of Due Process to me in regards to this hearing.

I wish this entire communication to be distributed to all members of the Hearing Board as soon as possible whether or not they are able to attend and/or participate in this hearing.

I submit the following for the record:

Specific Assertions:

1. The project at the Reindeer Lodge was exempt from federal regulation because:
  - A. It is not a facility as defined by the law.
  - B. It did not meet the minimum volume threshold of hazardous materials.
  - C. It was an emergency due to roof collapse
  
2. There was no “wrecking or taking out of any load-supporting structural members” prior to the completion of the Hazardous Materials report and the issuance of the permit by AQMD to All

1 Eagle Construction on September 12th, 2019 other than the removal of already collapsed beams to  
2 be stored on property for repurposing later.

3  
4 3. Joshua Restori (“Restori”) was not and is not qualified or certified under the mandatory  
5 provisions of State Law and/or County Code to inspect any building as to soundness of structure  
6 and related issues.

7  
8 4. I assert that Washoe County is not in compliance with State Law and/or County Codes in  
9 regards to the appointment and/or authorization of a “Building Official” as defined and mandated  
10 by said State Law and County Codes.

11  
12 5. At all times I did cooperate fully with any and all agencies of the County, at all times I acted in  
13 good faith, and I contracted for all the Hazardous Materials Removal under multiple notices to the  
14 County that I was doing so Under Protest as I believed the renovation/removal activities were  
15 exempt from the Federal Regulations. I fully cooperated (Under Protest) in part to mitigate any  
16 damages that might occur especially related to the timely marketing of the property which was for  
17 sale and also I was under extreme pressure from Washoe County Community Services and Code  
18 Enforcement to expedite removal of the damaged sections of the structure and in their words to  
19 “clean up the property”. I believe it was my statements to Restori early on that I was complying  
20 under protest that initiated his hostility and animosity towards me.

21  
22 6. I relied on the judgement, expertise, and authority of the County Building Department who  
23 issued the renovation and exploration permit on February 26th, 2019.

24  
25 7. I and my associates relied upon assurances by Mike Wolf, the Supervisor of Inspections at the  
26 time in question, that there would be no fines or citations based upon alleged early activities on the  
27 site as long as the project was completed to the satisfaction of AQMD.

28



1 8. At all times the County acted with malice afore thought, prejudice, animosity, hostility, and in  
2 an arbitrary and capricious manner against myself and my property, the Reindeer Lodge.

3  
4 9. I have suffered aggrieved deteriorating medical conditions as a result of undue stress placed  
5 upon me by arbitrary, capricious, prejudicial, hostile, retaliatory, and oppressive acts upon me and  
6 my business activities by the County.

7  
8 10. In specific response to alleged violation 1: Failure to inspect facility.

9  
10 A. I never issued any Building Permit; the Building Permit was issued by the Washoe  
11 County Building Department. Further, the issuance of that permit by the Building  
12 Department is prima facie evidence that is undisputed that the Building Department was of  
13 the opinion at the time of issuance (and I believe remains so) that because what was being  
14 dealt with was the collapse of a building do to an act of God the permit activity was  
15 exempted under the exception provisions of sub part M as a result of an “emergency” from  
16 any Federal Regulation thereof. There is ample evidence that all previously collapsed  
17 structures and structures damaged by fire have been historically exempted. (See Don  
18 Jepson letter). AQMD has offered NO EVIDENCE to the contrary. In addition, the permit  
19 and activities were exempt from 40 CFR 61 regulations because none of the thresholds  
20 under (a) applicability were anticipated to be reached nor were they reached therefore the  
21 exemption applied and the activities were unregulated by 40 CFM 61 and NO NESHAP  
22 filing was ever required. (see NESHAP filed and signed and delivered electronically on or  
23 about August 28th, 2020 which was filed under Protest (see Letter from Taylor Jenkins, esq.  
24 dated August 25th, 2020)). The signed NESHAP form submitted on or about August 28th  
25 identified the project as exempt in that the RACM material was declared as less than 20  
26 cubic feet and this was accepted by AQMD without objection and to this day AQMD has  
27 made no claim nor presented no evidence to the contrary.

28

1 B. Restori falsely testified that on June 10th he was “able to confirm that demolition  
2 activity, as defined by 40 C.F.R. 61 Subpart M, had occurred” which he could not confirm  
3 because no such demolition had occurred. Restori offered absolutely NO EVIDENCE to  
4 support his accusations. He offered a photo of a parked excavator with the structure, which  
5 had been collapsed by the extreme snow over load of the winter of 2016/17 and two  
6 subsequent winters of additional snow load damage to the weakened structure, in the  
7 background. He alleged that there was a “wrecking or taking out of any load-supporting  
8 structural member(s)” when what in fact the photo depicts is damage to the structure by an  
9 act or acts of God over three successive winters. He offered absolutely NO EVIDENCE to  
10 support his accusations because in fact none can exist. His pictures 1 through 3 clearly  
11 show that there were no dumpsters on site. Dumpsters were not delivered to the site until  
12 sometime after the permit had been issued to All Eagle Construction by AQMD on or about  
13 September 12th, 2019. The excavator was there on site because it had been purchased some  
14 weeks earlier by me in preparation for work to eventually be performed. Restori’s  
15 unsupported and unfounded allegations are obsessively abusive and offensive. No such  
16 “demolition” activities occurred on or about June 10th or until after the Hazardous  
17 Materials Report was submitted and a permit was issued to All Eagle Construction on or  
18 about September 12th, 2019 Immediately thereafter All Eagle Construction commenced  
19 the work. Restori, because he saw a collapsed roof (due to damage that occurred in March  
20 of 2017 and two more subsequent winters of snow load) and a parked excavator, jumped to  
21 conclusions and/or fabricated a story to fit his narrative. Thousands of people witnessed the  
22 slow demise of the structure over three winters after the initial collapse and many  
23 complained that it was becoming an increasing eyesore.

24  
25 11. In specific response to alleged violation 2: Failure to provide notice.

26  
27 A. As previously noted no “demolition” as defined by regulations occurred prior to  
28 September 12th, 2019 and then it was commenced by All Eagle Construction under the

1 permit issued to them on or about September 12th, 2019. At that time the Hazardous Waste  
2 Report had been submitted. The signed NESHAP form was submitted (under Protest),  
3 received, and accepted on September 14, 2020. As previously stated no such form submittal  
4 was ever actually required as the activities were exempt as previously stated. Restori has  
5 offered ABSOLUTELY NO EVIDENCE in dispute of any of these facts. He has only  
6 made allegations, unsupported by any testimony, photographs, or documentation. The  
7 photos he has submitted which depict some amount of hazardous materials (photos 4  
8 through 8) were, by his own admission, were taken after the permit was issued to All Eagle  
9 Construction and they had commenced with their removal activities under the close  
10 supervision and observation of AQMD. It is almost laughable as these photos submitted by  
11 AQMD, taken on September 25th, 2019, are actually prima facie evidence that AQMD was  
12 physically on the site monitoring all the activities of All Eagle Construction during what  
13 Restori, egregiously and with malfeasance, identified in his allegations as “unpermitted”.  
14 Restori, himself, signed the permit two weeks prior to the photos being taken. Also, in any  
15 event, it was All Eagle Construction that was in control of the site at the time of the photos  
16 and was performing the work to remove the asbestos, not me. The transite wall board  
17 depicted in photos 4 through 8, which is a very low grade of asbestos present in thousands  
18 of houses in Washoe County, had been identified in the Hazardous Waste Report and  
19 uncovered by All Eagle Construction after the permit was issued and was in the process of  
20 being properly removed and disposed of.

21  
22 12. In specific response to alleged violations 3 and 4.

23  
24 A. All RACM was removed from the structure section by section by All Eagle  
25 Construction before any renovation/removal of the damaged portions of the structure began  
26 that would break up, dislodge, or similarly disturb the material or preclude access to the  
27 material for subsequent removal. This was all done subsequent to the issuance of the Permit  
28 to All Eagle Construction by AQMD and under the supervision, inspection, and monitoring

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of AQMD. AQMD offers NO evidence to the contrary and indeed offers photo evidence that they were on site during this process of removal by All Eagle.

B. Photos 4 through 8 which, Restori claims were from an alleged “unpermitted demolition area” were by his own admission taken by him on September 25th, 2019, again, after issuance of the permit by AQMD to All Eagle Construction. Restori misstates the facts and impugns his own testimony in that he personally signed the permit on September 12, 2019 issued by AQMD to All Eagle Construction to remove all the asbestos from the site; so how can he claim it was an “unpermitted demolition area” on September 25, 2019? Also, he was obviously monitoring the work at that time as he was on site to take the pictures. The site was at the time under the control of All Eagle Construction and they were proceeding with the work under the observation, surveillance, and supervision of Restori and others. All of this is prima facie evidence that this was an AQMD “permitted site” at the time and work was proceeding appropriately.

DATED this \_\_\_\_\_ day of April, 2021.

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GARY R. SCHMIDT

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# **EXHIBIT B**

# **EXHIBIT B**

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**WRITTEN STATEMENT**

I, RAY PEZONELLA, the undersigned, state as follows:

I wish this entire Written Statement to be distributed to all members of the Hearing Board as soon as possible whether or not they are able to attend and/or participate in this hearing.

I submit the following for the record:

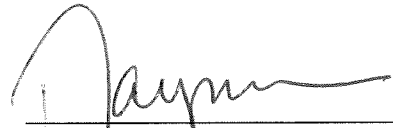
1. I am unable to attend the Hearing scheduled for Friday April 9, 2021 at 6:00 P.M. due to prior commitments.
2. I am and was an associate of Gary R. Schmidt (“Schmidt”) during the activities in question at the Reindeer Lodge.
3. The initial damage to the roof and structure of the Reindeer Lodge was the caused by an unusually heavy snow load during the winter of 2016-2017. The initial damage was worsened by additional snowfall and snow load on the damaged portion of the structure over the course of the next two (2) winters.
4. I am unaware of any demolition work performed prior to the issuance of a permit by AQMD to All Eagle Construction on or about September 12, 2019.
5. To my knowledge Schmidt complied with all State and County Regulations in performance of any and all work performed at the Reindeer Lodge.
6. To my knowledge Schmidt complied with all regulations under protest. It is my belief and understanding that the project at the Reindeer Lodge is and should be exempted from 40 CFR 61

1 regulations by reason of the nature of the cause of the damage to the structure, an emergency, and  
2 the quantities of regulated materials fall below the thresholds as required by statute.

3  
4 7. To my knowledge all demolition work performed at the Reindeer Lodge was monitored and  
5 supervised by Josh Restori of AQMD and Tom Wise an independent consultant from Wise  
6 Consulting & Training, Inc.

7  
8 8. Mike Wolf assured me no action or actions would be taken if the work was completed to  
9 specification. Mike Wolf also indicated time was of the essence as neighbors had begun to  
10 complain about the state of the structure.

11  
12 DATED this 9<sup>TH</sup> day of April, 2021.

13  
14   
15 RAY PEZONELLA  
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# EXHIBIT C

# EXHIBIT C



## Don C. Jeppson, AIA CBO

130 Carefree Drive, Sparks Nevada 89441 (775) 762-5779

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To Whom It May Concern,

I have been assisting and consulting with Gary Schmidt regarding the partial roof failure due to excessive snow load for approximately one year. Mr. Schmidt requested my assistance shortly after I left employment with Washoe County where I was the County Building Official and Department Director of Building & Safety for over 10 years. To the best of my knowledge Washoe County has not yet appointed another Building Official as defined and regulated by NRS 278.

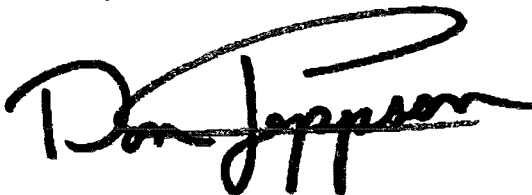
Absent of a Building Official there is no authorized authority to make the claim and demands on Mr. Schmidt's property in the notices I have reviewed. Furthermore, the original assertions and claims the County has made regarding the demolition permits and demolition are not supported. There is absolutely no need or requirement to demolish entire the building when a simple building permit for investigating and repair is the appropriate process.

The residential portion of the structure which lies to the west is essentially undamaged. The damage to the motel rooms appears to be moderate and confined to the roof and could be repaired or replaced. The restaurant area to the south received moderate to heavy damage but requires a detailed structural inspection and analysis to determine the economic feasibility of repairs. The main bar area is heavily damaged and probably needs to be remove or replace depending on the wishes of the owner.

During the last twelve months that I have been assisting Mr. Schmidt and reviewing his and the County's communications, Mr. Schmidt has always expressed his desire to return to the residence. The County's original unfounded assertions for a demolition permit appears to have obstructed Mr. Schmidt's efforts last summer to return to his property and home. This situation was further exacerbated by the fact that the County may not have a Building Official under NRS 278 and Mr. Schmidt's right to appeal the Building Official decision through the Board of Review to County Commission was impeded.

However, it is reassuring that in the last couple of months the County has reversed its position in regard to demolition and has allowed Mr. Schmidt to submit for a building permit so that he can proceed to selectively repair and/or stabilized the damaged portion of the building and move forward with his plan and efforts to reoccupy his residence.

Sincerely,

A handwritten signature in black ink that reads "Don Jeppson". The signature is written in a cursive, flowing style with a large, sweeping initial "D".

Don C. Jeppson, AIA CBO

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# EXHIBIT D

# EXHIBIT D

I am a licensed architect and currently work as Chief Building Official for the City of San Rafael.

I worked for Washoe County for 20 years from 1997 to 2017; nine years as a project manager and architect for Public Works involved with over \$200 million in projects and then in 2006 I was appointed by the County Commissioners as Building Department Director and Chief Building Official, which I did for the following 11 years to retirement. I was the second longest serving CBO at Washoe County. As Chief Building Official, I directed my building staff not to participate in 3 or 4 "joint inspections" coordinated by Planning, Fire and Health onto the Reindeer Property. The property had been in continuous use and predates the adoption of the building code in 1960 by more than 20 years. I always thought these, raid like actions, were a form of harassment. Certain people in the County did not like Mr. Schimt's activism or the aesthetics of the property and the property didn't fit well under County modern regulations. To some the property was an eyesore and constant source of frustration. To my knowledge the "joint inspections" never proved any significant life safety violations.

Then the Reindeer Lodge suffered significant winter storm damaged that the County seemed determine to condemn without given Mr. Schimt much of an opportunity to assess the damage and develop solutions. During those discussion I don't recall that asbestos was a huge concern to the County in that the building was collapsed and it was not safe to enter. I believe it was assumed abatement was not necessary if the entire damaged structure was removed and in any case the amount was assumed to be minimal.

Typically, a demo permit would not be issued by the Building Department without approval from the Health District. Often times there is even a "per approval" done by Health before submitting to the Building Department. Building Permits are typical review by Public Works, Planning, Fire, Building, and the Health District. The Health District may have multiple division approvals. It should be easy under a public information request to get the permit information, including workflow history for review and approvals. I would also request any email or written internal discussion connected to this project or property leading up to and after the permit was issued. Be sure to ask for the same information of Health's permits including Air Quality's.

My understanding under State Law, is Mr. Schimt may be able to appeal the Health Districts or Building Departments decisions including fines through the Board of Review (See Chapter 100, Article 112), then to the County Board of adjustment and then appeal to the County Commission.

Chapter 100, Article 103 states the building official shall be appoint by the County Commission and shall be in charge of the Building Department. Under this section staff is also defined and should not be confused as the building official. Under Article 104, the building official shall have the authority to render interpretations of the code and may be reviewed by the Board of Review as stated above. I am not aware what arrangement, if any, the County has done to appoint a Building Official since 2017. If that is the case, then there is really no one in charge or to interpret the code per Chapter 100.

Don C. Jeppson, AIA CBO

(775)762-5779

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# EXHIBIT E

# EXHIBIT E

1 Code §1425  
2 Taylor M. Jenkins, SBN 14064  
3 3748 Lakeside Dr. #102  
4 Reno, NV 89509  
5 (775) 827-6886  
6 Attorney for Plaintiff  
7  
8

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10 IN AND FOR THE COUNTY OF WASHOE  
11

12 GARY R. SCHMIDT,

13  
14 Plaintiff,

Case No.

15 vs

16

17

Dept No.

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19 WASHOE COUNTY, WASHOE COUNTY  
20 HEALTH DISTRICT, WASHOE COUNTY  
21 HEALTH DISTRICT-AIR QUALITY  
22 MANAGEMENT DIVISION, FRANCISO VEGA,  
23 and DOES 1-10, Inclusive  
24

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Defendants.

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1 COMPLAINT FOR PERFORMANCE AND DAMAGES

2 COMES NOW Plaintiff, above named, by and through his attorney, Taylor M. Jenkins, Esq.,  
3  
4 who complains and alleges against Defendants as follows:

5 GENERAL ALLEGATIONS

6 1. Plaintiff, GARY R. SCHMIDT, is an individual person with real property located in  
7 Washoe County, Nevada.

8 2. Defendant, WASHOE COUNTY, is a political subdivision of the State of Nevada.

9 3. Defendant, WASHOE COUNTY HEALTH DISTRICT, is a public agency of Washo  
10 County, State of Nevada.

11 4. Defendant, WASHOE COUNTY HEALTH DISTRICT-AIR QUALITY  
12 MANAGEMENT DIVISION, is a division of the WASHOE COUNTY HEALTH DISTRICT.

13 5. Defendant, FRANCISO VEGA, is a Washoe County employee employed as the  
14 Director of Washoe County Air Quality Management Division.

15 6. Plaintiff is ignorant of the true names and capacities of DOES 1 through 10,  
16 inclusive and therefore sues these Defendants by such fictitious names. Plaintiff will amend  
17 this Complaint to allege their true names and capacities when ascertained.

18 7. On or about January 20, 2021, Plaintiff made a public records request via email to  
19 Francisco Vega for inspection and copies of "ALL NESHAP documents submitted to AQMD  
20 over the last five years from ANY AND ALL PERSONS, COMPANIES, AND/OR  
21 ORGANIZATIONS along with copies of ALL documents that reflect the substance of ALL  
22 inspections by AQMD of ANY AND ALL projects or activities submitted to AQMD during  
23 that 5 year period. Include copies of ANY AND ALL notes, reports, and/or communications  
24 related to ANY AND ALL inspections on or related to these submissions and/or projects or  
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1 activities as well as all communications to or from any NESHAP filers and AQMD and any and  
2 all internal communications within AQMD related in any manner to these NESHAP filings  
3 and/or the filers and/or the inspections thereof including but not limited to emails.”, “copies of  
4 ANY AND ALL fines and/or citations issued over the last 5 years or threatened to be issued  
5 and/or documents related to said fines and/or citations and any documents related to any  
6 discussions of the possibility of issuing any fines or citations related to ANY AND ALL  
7 NESHAP filings and/or any failings to file any NESHAP forms by any individuals or  
8 organizations whatsoever and/or any other actions, activities, or failings to act under the  
9 purview of AQMD. Include any documents related to or referencing any objections and/or  
10 appeals of any fines or citations and/or assertions and/or claims by AQMD about any potential  
11 violations including any and all said issues heard before any appellant body or individual  
12 including but not limited to the Board of Health and/or the Courts.”, and copies of all  
13 documents and communications related to or referencing any inspections conducted by AQMD  
14 over the last 5 years for ANY project or activity by ANY person or organization whatsoever  
15 whether or not there was a NESHAP filing and ALL communications within or to and from  
16 AQMD related to or referencing any of said inspections. Please include documents related to  
17 inspections for ALL incidents and/or projects that AQMD initially deemed or determined did  
18 not require NESHAP filings and/or ultimately determined did not require a NESHAP filing.” A  
19 true and correct copy of this email request is attached hereto as Exhibit “1” and is incorporated  
20 herein by this reference.  
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25 8. On or about February 2, 2021, Plaintiff made a public records request via email to  
26 Francisco Vega and Kevin Dick for inspection and copies of “the original employment applicati  
27 and any and all related documents including but not limited to resumes, interview notes, evaluati  
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1 sheets, references, accreditation's and degrees, and letters of recommendation for any and all  
2 AQMD employees who inspect a structure or a portion of a structure and/or review plans", "any  
3 such documents that reflect that information on so qualified ("who inspect a structure or a portion  
4 of a structure and/or review plans") former employees who have left the employment of District  
5 Health within the last three years.", "copies of all documents which identify and/or quantify all  
6 classes attended by these current and former employees ("who inspect a structure or a portion of  
7 structure and/or review plans") including completion certificates and/or ratings or scores of their  
8 participation in said classes for any and all classes which are under the purview and/or oversight  
9 any continuing educational or training programs during the tenure of their employment with  
10 Washoe County.", and "copies of all documents related to any performance reviews and/or  
11 evaluations, any work commendations, any internal citations or complaints, any external  
12 complaints of work or work habits, demeanor or performance, any demerits or censures, and/or a  
13 and all notices, reports, or other records of negative or less than satisfactory job performance and  
14 exemplary job performance." A true and correct copy of this email request is attached hereto as  
15 Exhibit "2" and is incorporated herein by this reference.

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19 9. On or about February 7, 2021, Plaintiff made a public records request via email to  
20 Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of "copies of any  
21 and all fines, citations, penalties, and/or warning notices that have been issued by AQMD  
22 within the last 90 days." A true and correct copy of this email request is attached hereto as  
23 Exhibit "3" and is incorporated herein by this reference.  
24

25 10. On or about February 24, 2021, Plaintiff made a public records request via email to  
26 Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of "any and all  
27 emails from Kevin Dick, Francisco Vega, Joshua Restori, and/or Mike Wolf to Kevin Dick,  
28



1 Francisco Vega, Joshua Restori, and/or Mike Wolf for the years 2021, 2020, and 2019. "A true  
2 and correct copy of this email request is attached hereto as Exhibit "4" and is incorporated  
3 herein by this reference.

4 11. On or about March 1, 2021, Plaintiff made a public records request via email to  
5 Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of " every document  
6 in the possession of AQMD including but not limited to mailed communications, emails,  
7 photos, videos, recordings, charts, maps, regulations, notes, reports, analysis's, reviews, studies,  
8 filings, notices, citations, fines, permits, and drawings/sketches related to and/or referencing the  
9 Reindeer Lodge property and/or Gary Schmidt and/or any and all activities at that property or  
10 by Gary Schmidt related to the activities at that property or by Gary Schmidt at any time during  
11 the last 5 years. This should include but not be limited to any documents submitted to AQMD  
12 by Gary Schmidt or any of his agents or by members of the public or by any other  
13 governmental agencies." A true and correct copy of this email request is attached hereto as  
14 Exhibit "5" and is incorporated herein by this reference.

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18 12. Defendant, Francisco Vega, responded to each of Mr. Schmidt's requests with the  
19 following response, "Mr. Schmidt,

20  
21 The Washoe County Air Quality Management Division is in receipt of your  
22 request. Once the requested information has been compiled it will be provided to the email  
23 addresses referenced in the request.  
24

25  
26 Please let me know if you have any questions.  
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1 Thanks,

2 Francisco”

3  
4 Responses were received on February 3, 2021 in response to Mr. Schmidt’s January  
5 27, 2021 request, February 9, 2021 in response to Mr. Schmidt’s February 2, 2021 request,  
6 February 12, 2021 in response to Mr. Schmidt’s February 7, 2021 request, March 3, 2021 in  
7 response to Mr. Schmidt’s February 24, 2021 request, and March 9, 2021 in response to Mr.  
8 Schmidt’s March 1, 2021 request. See exhibits “1-5” attached hereto. Pursuant to NRS  
9 239.0107, which states, “Not later than the end of the fifth business day after the date on  
10 which the person who has legal custody or control of a public book or record of a  
11 governmental entity receives a written or oral request from a person to inspect, copy or  
12 receive a copy of the public book or record, a governmental entity shall do one of the  
13 following, as applicable:  
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16 (a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the  
17 public book or record or, if the request is for the person to receive a copy of the public book or  
18 record, provide such a copy to the person.

19 (b) If the governmental entity does not have legal custody or control of the public book or record,  
20 provide to the person, in writing:

21 (1) Notice of the fact that it does not have legal custody or control of the public book or  
22 record; and

23 (2) The name and address of the governmental entity that has legal custody or control of the  
24 public book or record, if known.

25 (c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make  
26 the public book or record available by the end of the fifth business day after the date on which  
27 the person who has legal custody or control of the public book or record received the request:

28 (1) Provide to the person, in writing, notice of the fact that it is unable to make the public  
book or record available by that date and the earliest date and time after which the governmental  
entity reasonably believes the public book or record will be available for the person to inspect or  
copy or after which a copy of the public book or record will be available to the person. If the  
public book or record or the copy of the public book or record is not available to the person by  
that date and time, the governmental entity shall provide to the person, in writing, an explanation  
of the reason the public book or record is not available and a date and time after which the  
governmental entity reasonably believes the public book or record will be available for the person

1 to inspect or copy or after which a copy of the public book or record will be available to the  
2 person.

3 (2) Make a reasonable effort to assist the requester to focus the request in such a manner as  
4 to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the  
5 public book or record as expeditiously as possible.

6 (d) If the governmental entity must deny the person's request because the public book or record,  
7 or a part thereof, is confidential, provide to the person, in writing:

8 (1) Notice of that fact; and

9 (2) A citation to the specific statute or other legal authority that makes the public  
10 book or record, or a part thereof, confidential.

11 2. If a public book or record of a governmental entity is readily available for inspection or  
12 copying, the person who has legal custody or control of the public book or record shall allow a  
13 person who has submitted a request to inspect, copy or receive a copy of a public book or record  
14 as expeditiously as practicable.”

15 To date no further response to Mr. Schmidt's requests have been received from Washoe County,  
16 Francisco Vega or any other Washoe County employee to fulfil the FIVE (5) public information  
17 requests described above, provide a date at which the records may be expected, no explanation as  
18 to why the requested records are unavailable, and no claims of privilege or confidentiality, no  
19 response other than the initial cursory email stating Mr. Schmidt's request had been received.

20 Plaintiff has repeatedly requested that any readily available information be provided as soon as  
21 possible without delay or waiting for additional or complete records to be made available.

22 13. Plaintiff had made his requests pursuant to NRS Chapter 239 and the Public Records  
23 Policy and Procedures adopted by the Washoe County Board of Commissioners.

24 14. Defendants have refused to provide Plaintiff with the documents requested or specify  
25 date and time when delivery of such records may be expected.

26 15. By reason of the foregoing, Plaintiff has been required to retain the services of an  
27 attorney to prosecute this action and is entitled to his attorney's fees and costs incurred here  
28 in accordance with NRS 239.011.

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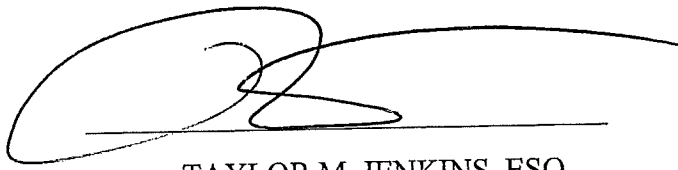
WHEREFORE Plaintiff respectfully prays for relief, as follows:

1. An Order that Defendants produce any and all documents requested by Plaintiff;
2. The costs and fees of this action;
3. Damages in excess of \$30,000.00,
4. For such other and further relief as the Court deems just and proper under the circumstances.

**AFFIRMATION**

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding COMPLAINT, does not contain the social security number of any person.

Dated this 30 day of March, 2021.



TAYLOR M. JENKINS, ESQ  
Attorney for Plaintiff  
3748 Lakeside Dr. #102  
Reno, Nevada 89509

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**INDEX OF EXHIBITS**

<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
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4.	February 24 email request	2
5.	March 1 email request	2

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**EXHIBIT 1**

**EXHIBIT 1**

## RE: A New Service Request

Vega, Francisco <FVega@washoecounty.us>

Wed 2/3/2021 11:48 AM

To: gary schmidt <nobullschmidt@hotmail.com>

Cc: Washoe311 <Washoe311@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>; Valdespin, Susy <SValdespin@washoecounty.us>; Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com <ray@raypezonella.com>; gladelhall@gmail.com <gladelhall@gmail.com>; Gary Schmidt <nrsresearch@outlook.com>

Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your public records request and will begin gathering all available information. Once the information has been compiled, it will provide it to the emails designated in your request.


Thank you,

### Francisco Vega, P.E., MBA

Director | Air Quality Management Division | Washoe County Health District  
[fvega@washoecounty.us](mailto:fvega@washoecounty.us) | (775) 784-7211 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)



 Please consider the environment before printing this e-mail.

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**From:** gary schmidt <nobullschmidt@hotmail.com>

**Sent:** Wednesday, January 27, 2021 3:23 PM

**To:** Vega, Francisco <FVega@washoecounty.us>

**Cc:** Washoe311 <Washoe311@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>; Valdespin, Susy <SValdespin@washoecounty.us>; Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com; gladelhall@gmail.com; gary schmidt <nobullschmidt@hotmail.com>

**Subject:** Re: A New Service Request

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Wednesday January 27, 2012

To Francisco Vega. AQMD  
Washoe County

Under the authority of the Nevada Public Records

Law please provide copies of ALL NESHAP documents submitted to AQMD over the last five years from ANY AND ALL PERSONS, COMPANIES, AND/OR ORGANIZATIONS along with copies of ALL documents that reflect the substance of ALL inspections by AQMD of ANY AND ALL projects or activities submitted to AQMD during that 5 year period. Include copies of ANY AND ALL notes, reports, and/or communications related to ANY AND ALL inspections on or related to these submissions and/or projects or activities as well as all communications to or from any NESHAP filers and AQMD and any and all internal communications within AQMD related in any manner to these NESHAP filings and/or the filers and/or the inspections thereof including but not limited to emails.

Please also provide copies of ANY AND ALL fines and/or citations issued over the last 5 years or threatened to be issued and/or documents related to said fines and/or citations and any documents related to any discussions of the possibility of issuing any fines or citations related to ANY AND ALL NESHAP filings and/or any failings to file any



NESHAP forms by any individuals or organizations whatsoever and/or any other actions, activities, or failings to act under the purview of AQMD.

Include any documents related to or referencing any objections and/or appeals of any fines or citations and/or assertions and/or claims by AQMD about any potential violations including any and all said issues heard before any appellant body or individual including but not limited to the Board of Health and/or the Courts.

Please also provide copies of all documents and communications related to or referencing any inspections conducted by AQMD over the last 5 years for ANY project or activity by ANY person or organization whatsoever whether or not there was a NESHAP filing and ALL communications within or to and from AQMD related to or referencing any of said inspections. Please include documents related to inspections for ALL incidents and/or projects that AQMD initially deemed or determined did not require NESHAP filings and/or ultimately determined did not require a NESHAP filing.

Time is of the essence in this matter. Please be on notice that extreme financial consequences may result as a result of any non compliance or delay on your part in regards to this request which would be in addition to any statutory penalty's you may be held accountable for. Strict adherence to the Nevada Public Records Law is demanded. Please read the provisions of NRS chapter 239 the Nevada Public Records request.

Please make note of the following provisions;

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is

located for an order:

(a) Permitting the requester to inspect or copy the book or record;

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester; or

(c) Providing relief relating to the amount of the fee,  
Ê as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or

remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue. Except as otherwise provided in NRS 239.0115, if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,  
Ê the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

(Added to NRS by 2007, 2062)

NRS 239.320 Injury to, concealment or falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record

or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[Part 1911 C&P § 80; RL § 6345; NCL § 10029] — (NRS A 1979, 1463; 1995, 1264)

NRS 239.340 Violation of chapter by governmental entity.

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:

(a) For a first violation within a 10-year period, \$1,000.

(b) For a second violation within a 10-year period, \$5,000.

(c) For a third or subsequent violation within a 10-year period, \$10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money in the account may be used only by the

Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 2019, 4002)

Please transmit said documents to

[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)

[nobullschmidt@hotmail.com](mailto:nobullschmidt@hotmail.com)

[taylor@nnvtrustlaw.com](mailto:taylor@nnvtrustlaw.com)

Sent from my iPhone

On Jan 26, 2021, at 5:41 PM, Gary Schmidt <[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)> wrote:

Please be advised the the salary chart provided is not a sufficient response to the salaries request. We have requested a document that reflects the salaries of each AQMD employee not a chart of the potential salary ranges for the varied job classifications !

---

**From:** Vega, Francisco <[FVega@washoecounty.us](mailto:FVega@washoecounty.us)>

**Sent:** Friday, January 22, 2021 3:16 PM

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**EXHIBIT 2**

**EXHIBIT 2**

## RE: Public Records Request

Vega, Francisco <FVega@washoecounty.us>

Tue 2/9/2021 12:32 PM

To: gary schmidt <nobullschmidt@hotmail.com>; kdick@washoecounty.us <kdick@washoecounty.us>  
Cc: Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com <ray@raypezonella.com>; Restori, Joshua <JRestori@washoecounty.us>; gladelhall@gmail.com <gladelhall@gmail.com>; nrsresearch@outlook.com <nrsresearch@outlook.com>; Washoe311 <Washoe311@washoecounty.us>; Valdespin, Susy <SValdespin@washoecounty.us>

Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your public records request and will begin gathering all available information. Once the information has been compiled, it will be provided to the emails designated in your request.

Thank you,

### Francisco Vega, P.E., MBA

Director | Air Quality Management Division | Washoe County Health District  
[fvega@washoecounty.us](mailto:fvega@washoecounty.us) | (775) 784-7211 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)

WASHOE COUNTY  
HEALTH DISTRICT  
ENHANCING QUALITY OF LIFE



 Please consider the environment before printing this e-mail.

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**From:** gary schmidt <nobullschmidt@hotmail.com>  
**Sent:** Tuesday, February 2, 2021 1:43 PM  
**To:** kdick@washoecounty.us; Vega, Francisco <FVega@washoecounty.us>  
**Cc:** Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com; Restori, Joshua <JRestori@washoecounty.us>; gladelhall@gmail.com; gary schmidt <nobullschmidt@hotmail.com>; nrsresearch@outlook.com  
**Subject:** Public Records Request

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Washoe County District Health Attention :  
Kevin Dick  
Francisco Vega

Tuesday February 2nd, 2021



Under the authority of the Nevada Public Records Law this Office is asking that you please provide copies of the original employment applications and any and all related documents including but not limited to resumes, interview notes, evaluation sheets, references, accreditation's and degrees, and letters of recommendation for any and all AQMD employees

"who inspect a structure or a portion of a structure and/or review plans"

Please also include any such documents that reflect that information on so qualified ("who inspect a structure or a portion of a structure and/or review plans") former employees who have left the employment of District Health within the last three years.

In addition please provide copies of all documents which identify and/or quantify all classes attended by these current and former employees ("who inspect a structure or a portion of a structure and/or review plans") including completion

certificates and/or ratings or scores of their participation in said classes for any and all classes which are under the purview and/or oversight of any continuing educational or training programs during the tenure of their employment with Washoe County.

Please also provide copies of all documents related to any performance reviews and/or evaluations, any work commendations, any internal citations or complaints, any external complaints of work or work habits, demeanor or performance, any demerits or censures, and/or any and all notices, reports, or other records of negative or less than satisfactory job performance and/or exemplary job performance.

Please note NRS 239.010 3.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is

confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

If you are making any claims of confidentiality please include the full text of the documents of which you are claiming any confidentiality with only the specific words for which you are claiming confidentiality redacted out. Dates should almost never be redacted. Neither should headings or titles. Generally speaking when it comes to personnel records the Courts have only consistently found that records pertaining to health issues are confidential. There should always be enough unredacted words like names, titles, and dates and also the line and paragraph form so that the Courts can identify the specific document(s) and then the Court can review the document unredacted and the Court can make a decision as to whether the exact wordage is disclosable. The Court is always the finale arbitrator as to whether any claims of

confidentiality were appropriate.

Additionally please do not wait until you have completely assembled the documents hereby requested before providing any of the more readily available documents. (See NRS 239.0107 2.)

Please also make note of the following provisions;

NRS 239.0107 1(d)

(d) If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

- (1) Notice of that fact; and
- (2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or unreasonably

delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record;

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester; or

(c) Providing relief relating to the amount of the fee,  
Ê as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is

entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue. Except as otherwise provided in NRS 239.0115, if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,  
Ê the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

(Added to NRS by 2007, 2062)

NRS 239.320 Injury to, concealment or falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[Part 1911 C&P § 80; RL § 6345; NCL § 10029] — (NRS A 1979, 1463; 1995, 1264)

NRS 239.340 Violation of chapter by governmental entity.

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:

(a) For a first violation within a 10-year period, \$1,000.

(b) For a second violation within a 10-year period, \$5,000.

(c) For a third or subsequent violation within a 10-year period, \$10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money in the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 2019, 4002)

Please transmit said documents to

[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)

[nobullschmidt@hotmail.com](mailto:nobullschmidt@hotmail.com)

[Taylor@nnvtrustlaw.com](mailto:Taylor@nnvtrustlaw.com)

Sent from my iPhone



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**EXHIBIT 3**

**EXHIBIT 3**

## RE: Public Records Request

Vega, Francisco <FVega@washoecounty.us>

Fri 2/12/2021 4:40 PM

To: gary schmidt <nobullschmidt@hotmail.com>; Dick, Kevin <KDick@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>

Cc: Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com <ray@raypezonella.com>; gladelhall@gmail.com <gladelhall@gmail.com>; Washoe311 <Washoe311@washoecounty.us>; Valdespin, Susy <SValdespin@washoecounty.us>

Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your public records request and will begin gathering all available public information. Once the information has been compiled, it will be provided to the emails designated in your request.

Thank you,


### Francisco Vega, P.E., MBA

Director | Air Quality Management Division | Washoe County Health District  
[fvega@washoecounty.us](mailto:fvega@washoecounty.us) | (775) 784-7211 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)

WASHOE COUNTY  
HEALTH DISTRICT  
ENHANCING QUALITY OF LIFE



 Please consider the environment before printing this e-mail.

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**From:** gary schmidt <nobullschmidt@hotmail.com>

**Sent:** Sunday, February 7, 2021 12:38 PM

**To:** kdick@washoecounty.us; Vega, Francisco <FVega@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>

**Cc:** Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com; gary schmidt <nobullschmidt@hotmail.com>; gladelhall@gmail.com

**Subject:** Public Records Request

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

[KDick@washoecounty.us](mailto:KDick@washoecounty.us)

[FVega@washoecounty.us](mailto:FVega@washoecounty.us)

JRestori@washoecounty.us

Washoe County District Health.  
Attention Kevin Dick

February 7th, 2021

Under the authority of the Nevada Public Records Law this Office is asking that you please **immediately** provide copies of any and all fines, citations, penalties, and/or warning notices that have been issued by AQMD within the last 90 days.

We believe this request for Public Records should be filled in less than 5 days

Note NRS 230.0107

“2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record as expeditiously as practicable.”

In any event do not wait until you have completely

assembled the documents hereby requested before providing any of the more readily available documents. (See NRS 239.0107 2.)

Please also make note of the following provisions with emphasis added !

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or **unreasonably** delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record;

(b) Requiring the person who has legal custody or control of the public book or record to provide a

copy to the requester; or

(c) Providing relief relating to the amount of the fee,

È as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[Part 1911 C&P § 80; RL § 6345; NCL § 10029]  
— (NRS A 1979, 1463; 1995, 1264)

NRS 239.340 Violation of chapter by governmental entity.

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:

(a) For a first violation within a 10-year period, \$1,000.

(b) For a second violation within a 10-year period, \$5,000.

(c) For a third or subsequent violation within a 10-year period, \$10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money in the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 2019, 4002)

Please transmit said documents to

[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)

[nobullschmidt@hotmail.com](mailto:nobullschmidt@hotmail.com)

[Taylor@nnvtrustlaw.com](mailto:Taylor@nnvtrustlaw.com)

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**EXHIBIT 4**

**EXHIBIT 4**

**Re: Public Records Request**

Vega, Francisco <FVega@washoecounty.us>

Wed 3/3/2021 6:37 PM

To: gary schmidt <nobullschmidt@hotmail.com>; Restori, Joshua <JRestori@washoecounty.us>; Dick, Kevin <KDick@washoecounty.us>

Cc: Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com <ray@raypezonella.com>; gladelhall@gmail.com <gladelhall@gmail.com>; Valdespin, Susy <SValdespin@washoecounty.us>

Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your request. Once the requested information has been it compiled it will be provided to the email addresses referenced in the request.

Please let me know if you have any questions.

Thanks,  
Francisco

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**From:** gary schmidt <nobullschmidt@hotmail.com>

**Sent:** Wednesday, February 24, 2021 9:45 PM

**To:** KDick@washoecounty.us <KDick@washoecounty.us>; Vega, Francisco <FVega@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>

**Cc:** Taylor Jenkins <taylor@nnvtrustlaw.com>; gary schmidt <nobullschmidt@hotmail.com>; ray@raypezonella.com <ray@raypezonella.com>; gladelhall@gmail.com <gladelhall@gmail.com>

**Subject:** Public Records Request

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

[KDick@washoecounty.us](mailto:KDick@washoecounty.us)

[FVega@washoecounty.us](mailto:FVega@washoecounty.us)

[JRestori@washoecounty.us](mailto:JRestori@washoecounty.us)

Washoe County District Health.  
Attention Kevin Dick

Wednesday, February 24th, 2021

Under the authority of the Nevada Public Records Law this Office is asking that you please **immediately** provide copies of any and all emails from Kevin Dick, Francisco Vega, Joshua Restori, and/or Mike Wolf to Kevin Dick, Francisco Vega, Joshua Restori, and/or Mike Wolf for the years 2021, 2020, and 2019.

Please start with the year 2021 and work backwards and create a file for each year.

We anticipate that the year 2021 should be available and disclosed within 5 business days !

Please note NRS 230.0107 2. (emphasis added)

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record **as expeditiously as practicable.**

In any event do not wait until you have completely assembled the documents hereby requested before providing any of the more readily available documents. (See NRS 239.0107 2.)

Please also make note of the following provisions with emphasis added !

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or **unreasonably delayed** or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

- (a) Permitting the requester to inspect or copy the book or record;
- (b) Requiring the person who has legal custody

or control of the public book or record to provide a copy to the requester; or

(c) Providing relief relating to the amount of the fee,  
Ê as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

NRS 239.320 Injury to, concealment or falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[Part 1911 C&P § 80; RL § 6345; NCL § 10029]  
— (NRS A 1979, 1463; 1995, 1264)

NRS 239.340 Violation of chapter by governmental entity.

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:

(a) For a first violation within a 10-year period, \$1,000.

(b) For a second violation within a 10-year period, \$5,000.

(c) For a third or subsequent violation within a

10-year period, \$10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money in the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 2019, 4002)

Please transmit said documents to

[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)

[nobullschmidt@hotmail.com](mailto:nobullschmidt@hotmail.com)

[Taylor@nnvtrustlaw.com](mailto:Taylor@nnvtrustlaw.com)

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**EXHIBIT 5**

**EXHIBIT 5**



## RE: Public Records Request 3/1/21

Vega, Francisco <FVega@washoecounty.us>

Tue 3/9/2021 10:45 AM

To: gary schmidt <nobullschmidt@hotmail.com>; Restori, Joshua <JRestori@washoecounty.us>; Dick, Kevin <KDick@washoecounty.us>

Cc: Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com <ray@raypezonella.com>; gladelhall@gmail.com <gladelhall@gmail.com>

Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your request. Once the requested information has been compiled it will be provided to the email addresses referenced in the request.

Please let me know if you have any questions.


Thanks,  
Francisco

### Francisco Vega, P.E., MBA

Director | Air Quality Management Division | Washoe County Health District  
[fvega@washoecounty.us](mailto:fvega@washoecounty.us) | (775) 784-7211 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

[OurCleanAir.com](http://OurCleanAir.com)



 Please consider the environment before printing this e-mail.

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**From:** gary schmidt <nobullschmidt@hotmail.com>

**Sent:** Monday, March 1, 2021 5:20 PM

**To:** KDick@washoecounty.us; Vega, Francisco <FVega@washoecounty.us>; Restori, Joshua <JRestori@washoecounty.us>

**Cc:** Taylor Jenkins <taylor@nnvtrustlaw.com>; ray@raypezonella.com; gary schmidt <nobullschmidt@hotmail.com>; gladelhall@gmail.com

**Subject:** Public Records Request 3/1/21

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

[KDick@washoecounty.us](mailto:KDick@washoecounty.us)

[FVega@washoecounty.us](mailto:FVega@washoecounty.us)

JRestori@washoecounty.us

Washoe County District Health.

Attention Joshua Restori

Monday, March 1, 2021

Under the authority of the Nevada Public Records Law this Office is asking that you please immediately provide:

A copy of every document in the possession of AQMD including but not limited to mailed communications, emails, photos, videos, recordings, charts, maps, regulations, notes, reports, analysis's, reviews, studies, filings, notices, citations, fines, permits, and drawings/sketches related to and/or referencing the Reindeer Lodge property and/or Gary Schmidt and/or any and all activities at that property or by Gary Schmidt related to the activities at that property or by Gary Schmidt at any time during the last 5 years. This should include but not be limited to any documents submitted to AQMD by Gary Schmidt or any of his agents or by members of

the public or by any other governmental agencies.

Please start with the year 2021 and work backwards and create a file for each year.

We anticipate that all the years should be available and disclosed within 5 business days as we are basically just asking for everything in the Reindeer Lodge/Gary Schmidt file.

Note NRS 230.0107 2.

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record as expeditiously as practicable.

In any event do not wait until you have completely assembled the documents hereby requested before providing any of the more readily available documents. (See NRS 239.0107 2.)

Please also make note of the following provisions with emphasis added !

NRS 239.011 Application to court for order compelling disclosure of public book or record in legal custody or control of governmental entity for less than 30 years; priority; appeal.

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or **unreasonably** delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record;

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester; or

(c) Providing relief relating to the amount of the fee,  
Ê as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by

other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.

3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.

4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 1993, 1230; A 1997, 2386; 2013, 322; 2019, 4007)

NRS 239.320 - Injury to, concealment or falsification of records or papers by public officer. An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[Part 1911 C&P § 80; RL § 6345; NCL § 10029]

— (NRS A 1979, 1463; 1995, 1264)

NRS 239.340 Violation of chapter by governmental entity.

1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:

(a) For a first violation within a 10-year period, \$1,000.

(b) For a second violation within a 10-year period, \$5,000.

(c) For a third or subsequent violation within a 10-year period, \$10,000.

2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money in the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for

expenditure as a continuing appropriation for this purpose.

3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.

(Added to NRS by 2019, 4002)

Please transmit said documents to

[nrsresearch@outlook.com](mailto:nrsresearch@outlook.com)

[nobullschmidt@hotmail.com](mailto:nobullschmidt@hotmail.com)

[Taylor@nnvtrustlaw.com](mailto:Taylor@nnvtrustlaw.com)

Sent from my iPhone

**EXHIBIT LIST**

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- 1. Submitted NESHAP Form**
- 2. AQMD Notice of Violation AQMV21-004 stating NESHAP was reviewed and approved September 14, 2020**
- 3. AQMD Permit #ASB19-0963**
- 4. Washoe County Building Permit #WBLD18-105119**
- 5. AQMD Warning issued to Washoe County Community Services Department**
- 6. Schmidt V. Washoe County, Et al CV21-00552**
- 7. Ray Pezonella Written Statement**
- 8. Don Jeppson Written Statements (2)**



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1. NESHAP form submitted September 14, 2020. AQMD admits the form was reviewed and approved on September 14, 2020. NESHAP states clearly the total volume of RACM to be removed is less than 20 Cubic Feet and no RACM measured in linear feet or square feet are present. (See Exhibit 2, page 3, last paragraph)

40 CFR § 61.145 (2) states notification is not required if the combined amount of RACM is less than 80 linear meters on pipes and less than 160 square feet on other components and there is less than 35 cubic feet off facility components where the length could not be previously measured.

The roof and ceiling had collapsed prior to this date diminishing the ability to measure components. No pipes or asbestos material were found on any pipes in the structure or debris. AQMD accepted and approved the NESHAP stating less than 20 Cubic feet of RACM. This is clearly below the 35 cf required to bring this property under this regulatory regime.

2. AQMD issued a “demo only” permit (ASB19-0963) to all-eagle construction on September 12, 2019. One year prior to receiving a NESHAP form. This is the precise behavior AQMD issued a notice of violation to Mr. Schmidt for as well as a warning to the Washoe County Community Services Department, issuance of a building permit prior to receiving an asbestos acknowledgement form.

Tenant Improvement Building permit #WBLD18-105119 issued February 25, 2019 to Collins Construction for inspection and possible removal of the damaged portion of Lodge. This is not in fact a demolition permit but a Tenant Improvement for the purposes of inspection and possible removal.

3. AQMD issued notice of violation some 19 months after the alleged date of violation. During the pendency of the project Schmidt and his associates were assured no violations would be issued. The simple fact is violations were issued after compliance was achieved. (see exhibits 7 and 8, Pezonella and Jeppson statements).

Both AQMD and the Washoe County Building department continuously performed inspections and offered approval of the progress at the site.

4. AQMD refused to comply with various public records requests made by Mr. Schmidt. Mr. Schmidt was forced to file suit in order to obtain these records (Schmidt V. Washoe County, Et al CV21-00552), specifically Mr. Schmidt requested a copy of his AQMD file. AQMD failed to provide these records and used information from this file at the APCHB appeal. This is at best foul play and at worst an attempt to hide and obfuscate exculpatory information.

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5. AQMD has offered no proof whatsoever of any actual demolition or when this alleged demolition began. No proof of any alleged measurements or quantities of RACM, quite frankly no proof of anything.

Further Mr. Schmidt has no legal standing to “issue” a building permit of any sort. AQMV21-0002 cites The Washoe County District Board of Health Regulations Governing Air Quality Management 030.107(A) which states ....A complete signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an “Asbestos Acknowledgement Form” obtained before any permit for demolition or renovation is issued. The key word here is issued, again Mr. Schmidt cannot issue a permit.

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**EXHIBIT 1**

**EXHIBIT 1**

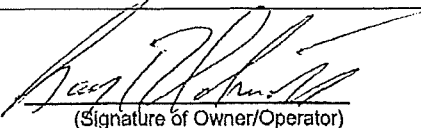
# EPA NESHAP

## Notification OF DEMOLITION AND RENOVATION

FILL IN ALL NUMBERED BLANKS

AIR QUALITY MGMT.

Operator Project #	Postmark	Notification Permit #	Date Received: 2020
1. TYPE OF NOTIFICATION (O=Original R= Revised C=Canceled) Original			WASHOE COUNTY HEALTH DIST.
2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)			
OWNER NAME: DPG SCHMIDT, INC			
Address: P O BOX 861			
City: Virginia City		State: NV	Zip: 89511
Contact Person: RAY PEZONELLA / GARY SCHMIDT			Tel: 775-742-4196
REMOVAL CONTRACTOR: ALL EAGLE, LLC			
Address: 4215 REWANA WAY			
City: RENO		State: NV	Zip: 89502
Contact Person: MAX CARDENAS JR.			Tel: 775-400-8290
OTHER OPERATOR/CONSULTANT: WISE CONSULTING AND TRAINING, INC			
Address: 5400 MILL STREET, STE A			
City: RENO		State: NV	Zip: 89505
Contact Person: TOM WISE			Tel: 775-827-2717
3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emergency Renovation)			Renovation <input checked="" type="checkbox"/>
4. IS ASBESTOS PRESENT? (Yes/No) Yes			
5. Facility Description (Include Building Name, Number, and Floor or Room Number)			
Building Name: OLD REINDEER LODGE			
Address: 9000 MT. ROSE HWY		Parcel #:	
City: Virginia City	State: NV	County: WASHOE	Zip Code: 89511
On-Site Location:			
Building Size: 4,000-5,000 sqft		# of Floors: 2	Age in Years: 60
Present Use: Unoccupied residential		Prior Use: Occupied Residential	
6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: PLM Method 600/R-93-116			
7. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:			
1. Regulated ACM to be removed.		Amount of RACM To Be Removed	Amount of Nonfriable ACM Not To Be Removed
2. Category I ACM Not Removed.			Amount of Nonfriable ACM To Be Removed
3. Category II ACM Not Removed.			
*** Note material being removed to the right of measurement ***			
Pipes (Linear Ft.)		Cat I	Cat II
Surface Area (Square Ft.)	N/A		
Vol RACM off facility Component (Cubic Ft.)			< 20 cf
8. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020			
Days Worked (circle) M T W TH F *Sat *Sun Day Shift hours: Evening Shift Hours:			
*Non-Standard Working Hours - additional \$192.00 per hour for AQM inspection			
9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: 09/01/2020 Completed: 09/10/2020			

<b>10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:</b>			
Continued removal of the debris from collapsed portion of the building which was inspected and certified to be asbestos free.			
<b>11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:</b>			
Expose Transite Siding and remove siding with standard misting and removal of largest sections practicable.			
<b>12. WASTE TRANSPORTER #1</b>			
Name: Carmen Dumpster Service			
Address: 5775 Stella Drive			
City: Sun Valley	State: Nevada	Zip: 89431	
Contact Person: Rosa		Telephone: 775-677-9079	
<b>WASTE TRANSPORTER #2</b>			
Name: All Eagle, LLC			
Address: 415 Rewana Way			
City: Reno	State: Nevada	Zip: 89502	
Contact Person: Max Caradenas Jr		Telephone: 775-400-8290	
<b>13. WASTE DISPOSAL SITE</b>			
Name: Lockwood Landfill			
Location: 2700 Mustang Road			
City: Sparks	State: Nevada	Zip: 89434	
Telephone: 775-342-0401			
<b>14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:</b>			
Name:		Title:	
Authority:			
Date of order (MM/DD/YY):		Date ordered to begin (MM/DD/YY):	
<b>15. FOR EMERGENCY RENOVATIONS:</b>			
Date and hour of emergency (MM/DD/YY - HH:MM):			
Description of Sudden, Unexpected Event: <small>Collapse of roof over main building and part of two wings during winter snow loads in 2017</small>			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden: Complete loss of the structure as a residence and severe hardship from catastrophic repairs.			
<b>16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLLED, PULVERIZED, OR REDUCED TO POWDER:</b>			
Stop work and contact asbestos consultant for evaluation and direction.			
<b>17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.</b>			
<u>J. Tom Wise</u>	<u>Consultant</u>	<u></u>	<u></u>
<small>(Print Name: Owner/Operator)</small>	<small>(Title)</small>	<small>(Signature of Owner/Operator)</small>	<small>(Date)</small>
<b>18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<u>J. Tom Wise</u>	<u>Asbestos</u>	<u>NV. IJPM 43</u>	<u>8/28/20</u>
<small>(Print Name: Owner/Operator)</small>	<small>(Affiliation)</small>	<small>(AHERA Certificate Number)</small>	<small>(Expiration Date)</small>
<b>19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT</b>			
<u>Gary Schmidt</u>	<u>Owner</u>	<u></u>	<u>8-27-20</u>
<small>(Print Name: Owner/Operator)</small>	<small>(Title)</small>	<small>(Signature of Owner/Operator)</small>	<small>(Date)</small>

**10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:**

Continued removal of the debris from collapsed portion of the building which was inspected and certified to be asbestos free.

**11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:**

Expose Transite Siding and remove siding with standard misting and removal of largest sections practicable.

**12. WASTE TRANSPORTER #1**

Name: Carmen Dumpster Service  
 Address: 5775 Stella Drive  
 City: Sun Valley State: Nevada Zip: 89431  
 Contact Person: Rosa Telephone: 775-677-9079

**WASTE TRANSPORTER #2**

Name: All Eagle, LLC  
 Address: 415 Rewana Way  
 City: Reno State: Nevada Zip: 89502  
 Contact Person: Max Caradenas Jr Telephone: 775-400-8290

**13. WASTE DISPOSAL SITE**

Name: Lockwood Landfill  
 Location: 2700 Mustang Road  
 City: Sparks State: Nevada Zip: 89434  
 Telephone: 775-342-0401

**14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:**

Name: Title:  
 Authority:  
 Date of order (MM/DD/YY): Date ordered to begin (MM/DD/YY):

**15. FOR EMERGENCY RENOVATIONS:**

Date and hour of emergency (MM/DD/YY - HH:MM):

Description of Sudden, Unexpected Event:  
 Collapse of roof over main building and part of two wings during winter snow loads in 2017  
 Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:  
 Complete loss of the structure as a residence and severe hardship from catastrophic repairs.

**16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLER, PULVERIZED, OR REDUCED TO POWDER:**

Stop work and contact asbestos consultant for evaluation and direction.

**17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.**

*supervise*  
J. Tom Wise Consultant  
 (Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

**18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT**

J. Tom Wise Asbestos NV. IJPM 43 8/28/20  
 (Print Name: Owner/Operator) (Affiliation) (AHERA Certificate Number) (Expiration Date)

**19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT**

Gary Schmidt Owner  
 (Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date) *8-27-20*

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**EXHIBIT 2**

**EXHIBIT 2**

**WASHOE COUNTY HEALTH DISTRICT  
AIR QUALITY MANAGEMENT DIVISION  
1001 East Ninth Street Suite B171  
Reno, Nevada 89512**

**NOTICE OF VIOLATION  
ISSUED TO**

**Gary R. Schmidt  
Reindeer Lodge  
9000 Mt Rose Hwy  
Reno, Nevada 89511**

**Date of Issuance: February 1, 2021  
Notice of Violation No.: AQMV21-0004**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Gary R. Schmidt owner and operator of the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada 89511 is in violation the Clean Air Act 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements for failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 C.F.R. 61, Subpart 61.145 (a) (1).

1. VIOLATION

- A. Failure to provide the AQMD with written notice of intention to demolish or renovate 10 days prior to the start of the demolition of the Reindeer Lodge as required by 40 C.F.R. 61, Subpart 61.145 (a) (1).

2. BASIS OF VIOLATION

- A. Regulatory Authority

Per section 030.105 b. 10., The Washoe County District Board of Health Regulations Governing Air Quality Management adopted by reference, 40 C.F.R. 61, Subpart M and has been delegated authority to implement and ensure compliance with this Subpart within the Washoe County Health District.

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:*





*(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.*

*(ii) At least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph (a)(4)(iii) of this section.*

*(iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section or, if the operation is a renovation described in paragraph (a)(4)(iv) of this section.*

*(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 June 10, 2019, the AQMD was made aware of demolition activity associated with the facility at the Reindeer Lodge (9000 Mt. Rose Hwy). A review of records demonstrated that a NESHAP Notification of Demolition had not been submitted 10 days prior to the start of demolition pursuant to 40 C.F.R. 61, Subpart M – National Emission Standards for Asbestos §61.145 Standards for demolition and renovation (b) Notification requirements.

On the same day, AQMD staff was able to confirm that demolition activity as defined by 40 C.F.R. 61, Subpart M had occurred in the northeast portion of the facility (Attachment 1).

Demolition is defined in 40 C.F.R. 61 Subpart M as “*the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.*”

Facility is defined in 40 C.F.R. 61 Subpart M as “*any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation, that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.*”

On August 17, 2020 the AQMD received a NESHAP Notification of Demolition and Renovation for the demolition of the Reindeer Lodge from Ray Pezonella, representative for Gary R. Schmidt (Attachment 2). The document was deemed incomplete by the AQMD as it did not contain the signatures of the owner/operator. An email was sent to Ray Pezonella on August 18, 2020 stating that the Notification was incomplete (Attachment 3).

The NESHAP Notification of Demolition and Renovation for the Reindeer Lodge was submitted with a letter from Gary R. Schmidt’s attorney, Taylor Jenkins, on September 14, 2020. The Notification was reviewed and approved on September 14, 2020 (Attachment 4).

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Gary R. Schmidt is advised that within (10) working days of the receipt of this Notice of Violation, Gary R. Schmidt may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District  
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 Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$12,500.00.

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**EXHIBIT 3**

**EXHIBIT 3**

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

Washoe County Health District  
Air Quality Management Division  
1001 East Ninth Street, Bldg B Reno, Nevada 89512  
(775) 784-7200

Permit # ASB19-0963  
Asbestos Acknowledgement



**Acknowledgement Issued To:**

All Eagle  
Max Cardenas  
4865 Joule #C3  
Reno, NV 89502

**Project Address:**

9000 MOUNT ROSE HWY, WASHOE COUNTY, NV 89511

**Project Type:**

Asbestos

**Assessment Category:**

Demo Only

**Assessment Results:**

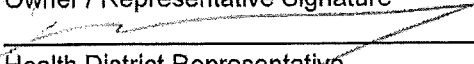
ACM Present

**Project Description:**

Removal of transite siding, acoustic ceiling, and debris pile on north west side of building. ACM detected during sampling (10 - 20% chrysotile). Abatement and clearances to be completed prior to demo of lodge building beginning. If unsampled materials are identified during abatement, work must stop until asbestos sampling is completed to the satisfaction of AQMD.

\*\*\*If asbestos is present, abatement must be conducted in accordance with NESHAP and OSHA regulations before renovation or demolition work may proceed. All Abatement and Demolition Notifications must be filed separately.\*\*\*

  
\_\_\_\_\_  
Owner / Representative Signature

  
\_\_\_\_\_  
Health District Representative

9/12/19  
\_\_\_\_\_  
Date

WASHOE COUNTY  
HEALTH DISTRICT  
ENHANCING QUALITY OF LIFE

ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT

Return to:

Washoe County Health District  
1001 E. Ninth Street, Suite B171  
Reno, Nevada 89512  
(775) 784-7200 FAX (775) 784-7225

Submit online: <https://aca.accela.com/ONE/>  
Or e-mail to: [aqmdpermitting@washoecounty.us](mailto:aqmdpermitting@washoecounty.us)

- Application must be filled out completely for all items that are applicable.
- Application must be signed by a responsible person
- An application fee of **\$125.00** must be submitted with this application.

PROPERTY BEING EVALUATED: Reindeer Lodge  
 BUSINESS AND/OR BUILDING NAME  
9000 Mount Rose Hwy      Reno      NV      89511      048-081-02  
 STREET      CITY      STATE      ZIP      PARCEL # (APN)

Do you currently have a hold on building plans due to the requirement of this form?  Yes  No  
 If yes, what is the (W), (S), BLD #: \_\_\_\_\_

Description of entire scope of project: please be specific (what materials if any, and how much will be disturbed/removed, does it include build-back? Roofing/tear off only? Overlay? Etc.), provide plans if available. AQMD does not keep plans.

Removal of transite from exterior of building, removal of popcorn ceiling from collapsed area, and clean up debris pile where transite is mixed in.

TYPE OF PROPERTY:

- SINGLE FAMILY  
 NON-RESIDENTIAL  
 MULTI-FAMILY

ASSESSMENT CATEGORY:

- TENANT IMPROVEMENT  
 DEMO ONLY  
 DEMO & BUILD BACK

CONCRETE REMOVAL?

- YES  NO  
 RECYCLE  
 WASTE DISPOSAL

\* NOTE: If this project is a partial renovation and additional work is to be conducted later, additional asbestos assessment(s) will be required unless this assessment covers all pertinent representative asbestos suspected materials throughout the building.

APPLICANT (company name): All Eagle LLC      CONTACT PERSON: Max Cardenas

4865 Joule St #C3      Reno      NV      89502  
 STREET      CITY      STATE      ZIP

TELEPHONE: 775-400-8765      E-MAIL: max@alleaglellc.com

SAME AS APPLICANT:

CONTRACTOR (company name): \_\_\_\_\_ CONTACT PERSON: \_\_\_\_\_

STREET      CITY      STATE      ZIP

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_



ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT

CONSULTING FIRM: Nova Geotechnical & inspection services PERSON CONDUCTING ASSESSMENT: Lynn Minedew  
695 Edison Way Reno NV 89502  
STREET CITY STATE ZIP  
TELEPHONE: 775-856-5566 E-MAIL: \_\_\_\_\_

ASSESSMENT RESULTS: Asbestos Present  Asbestos Absent  Friable  Non-Friable  Both  Not Tested

ASBESTOS ABATEMENT CONTRACTOR (if applicable): All Eagle LLC  
4865 Joule St #C3 Reno NV 89502  
STREET CITY STATE ZIP  
TELEPHONE: 775-400-8290 E-MAIL: admin@alleaglellc.com

ASBESTOS TO BE REMOVED: 27CY mixed debris pile, 200SF acoustic ceiling & 3180SF transite  
(QUANTITY & MATERIAL)

DATE ASBESTOS ABATEMENT COMPLETED/SCHEDULED TO BE COMPLETED 10-4-19

**\*\* NOTE: If asbestos present, abatement must be conducted in accordance with NESHAP and OSHA Regulations before renovation or demolition work may proceed.**

Signature on this asbestos assessment document does NOT constitute full Health Department approval for this project. Any additional Health permits such as are required for bar or restaurant operations, underground storage tanks, hazardous material disposal or air pollution sources must be obtained separately.

Signature by the Washoe County Health District does not warrant, nor should this report be taken to warrant, that asbestos was or was not present on stated property. Exposure to even small amounts of airborne asbestos fibers may cause cancer. For this reason the District Health Department recommends that all asbestos handling and abatement work be performed by certified asbestos contractors.

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

By signing the above I accept responsibility for the project as described and certify that the information is accurate and current. I acknowledge that any changes to the project from how it is presented on the date of signature require AQMD notification. Submitting project information that is NOT accurate and current or failure to notify AQMD of changes to the project will result in a notice of violation with associated fines assessed.

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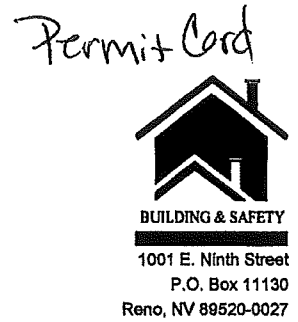
**EXHIBIT 4**

**EXHIBIT 4**





**WASHOE COUNTY**  
**Department of Building & Safety**  
*"Dedicated to Excellence in Public Service"*  
**BUILDING PERMIT**  
 INSPECTION LINE (775) 325-8000  
[www.washoecounty.us/building](http://www.washoecounty.us/building)



(775) 328-2020  
 (775) 328-8132 FAX

Address: 9000 MOUNT ROSE HWY  
 Location:  
 Parcel No: 048-081-02  
 Zoning:  
 Area: SOUTHWEST

Permit No: **WBLD18-105119**  
 Permit Type: Commercial New, Add or Tenant Improvement Permit  
 Type: Tenant Improvement  
 Occupancy:

Applied: 04/08/2018  
 Issued: 02/25/2019  
 Status: Issued  
 Expire: 08/28/2020  
 Use Code:

OWNER SCHMIDT, GARY R  
 9000 MOUNT ROSE HWY  
 RENO, NV 89511

Phone 1:  
 Phone 2:  
 Email:

CONTRACTOR COLLINS CONSTRUCTION  
 226 B STREET  
 VIRGINIA CITY, NV 89440  
 License: 0052058

Phone 1:  
 Phone 2:  
 Phone 3:  
 Email:

CONTACT GARY R SCHMIDT  
 9000 MOUNT ROSE HWY  
 RENO, NV 89511

Phone 1: 775-622-4870  
 Phone 2:  
 Phone 3:  
 Email: NOBULLSCHMIDT@HOTMAIL.COM

Permit Description: **INVESTIGATIVE WORK TO INCLUDE RECOVERY OF HISTORICAL BUILDING MATERIALS FOR REPURPOSING AND STRUCTURAL ASSESSMENT OF THE LODGE PORTION DAMAGED BY SNOW / POSSIBLE REMOVAL OF DAMAGED PORTION OF LODGE AND ROOF DEBRIS WITH INSTALLATION OF A NON-BEARING WEATHER RESISTANT END WALL / FOLLOWING PHASE WILL INCLUDE CONTRACTOR APPLYING FOR PERMITS FOR ANY STRUCTURE REPAIR OR STABILIZATION AS OUTLINED BY STRUCTURAL ENGINEERING**

Valuation: \$10,000.00

Occupancy	Type	Factor	Sq Feet	Valuation
XX Contract Price	-	1.00	10,000	\$10,000.00
Totals			10,000	\$10,000.00

<b>FEES:</b>	Building Fee:	\$216.52	Renewal Fee:	\$0.00	<b>TOTAL FEES:</b>	\$372.26
	Reinspection Fee:	\$0.00	Impact Fee:	\$0.00	<b>PAYMENTS:</b>	\$372.26
	Water Resources Fee:	\$0.00	Violation Fee:	\$0.00	<b>BALANCE DUE:</b>	\$0.00
	Plan Check Fee:	\$140.74	Regional Tech Fee:	\$0.00		
	Move/Alter Fee:	\$0.00	Other Fee:	\$15.00		RRIF & Health Fees to be determined

Signature: *James Collins*

Permission is hereby granted to do the work for the building described in this application, in accordance with the Rules, Regulations and Ordinances of the County of Washoe, along with the plans and specifications filed herewith.

Permit Card  
18-105119

**IMPORTANT TIME DEADLINES:** JE (Initial)

I UNDERSTAND THAT FINAL INSPECTION OR RENEWAL OF THIS PERMIT MUST BE MADE PRIOR TO THE EXPIRATION DATE OR NEW PLANS MUST BE SUBMITTED AND PERMIT FEES PAID PRIOR TO FINAL INSPECTION. PERMITS EXPIRE 18 MONTHS FROM THE DATE OF ISSUE, WITH NO GRACE PERIOD. IF THE DATE OF EXPIRATION FALLS ON A WEEKEND OR HOLIDAY, THE PERMIT MUST BE RENEWED ON THE LAST BUSINESS DAY PRIOR TO THE EXPIRATION. I UNDERSTAND THIS IS THE ONLY NOTICE I WILL RECEIVE FOR RENEWAL OF THE PERMIT AND KEEPING THE PERMIT RENEWED AND IN A VALID STATUS IS MY RESPONSIBILITY.

**DISCLAIMERS: INDEMNIFICATION: ACKNOWLEDGMENTS BY PERMITTEE:** JE (Initial)

I UNDERSTAND THAT THE INSPECTIONS PROVIDED BY WASHOE COUNTY ARE VERY LIMITED AND DO NOT COVER ALL OF THE WORK PERFORMED UNDER THE AUTHORITY OF THIS PERMIT. THE INSPECTIONS ARE OCCASIONAL SPOT CHECKS, MUCH LIKE AN AUDIT; THEREFORE MANY PARTS OF THE WORK ARE NOT INSPECTED. IF MORE INSPECTION IS DESIRED, A PRIVATE INSPECTOR MUST BE HIRED BY THE PERMITTEE. NEITHER THE INSPECTIONS BY THE COUNTY NOR THE CERTIFICATE OF OCCUPANCY CONSTITUTE A REPRESENTATION BY THE COUNTY THAT THE WORK WAS INSPECTED OR THAT THE WORK COMPLIES WITH COUNTY ORDINANCES.

I HEREBY AGREE TO DEFEND AND TO SAVE, INDEMNIFY AND KEEP HARMLESS THE COUNTY OF WASHOE AND ITS OFFICERS, EMPLOYEES AND AGENTS AGAINST ALL LIABILITIES, JUDGEMENTS, COSTS AND EXPENSES WHICH MAY ACCRUE AGAINST THE COUNTY IN CONSEQUENCE OF GRANTING OF THIS PERMIT OR CERTIFICATE OF OCCUPANCY, IN CONSEQUENCE OF THE COUNTY'S OWN NEGLIGENCE OR ITS OTHERS ACTS OR OMISSIONS WITH RESPECT TO THIS PERMIT OR A CERTIFICATE OF OCCUPANCY, OR IN CONSEQUENCE OF THE USE OR OCCUPANCY OF ANY WORK, SIDEWALK, SUB-SIDEWALK OR STREET, OR OTHERWISE BY VIRTUE THEREOF, AND WILL IN ALL THINGS STRICTLY COMPLY WITH THE CONDITIONS OF THIS PERMIT AND PROVISIONS OF THE RULES, REGULATIONS AND ORDINANCE OF THE COUNTY OF WASHOE.

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**EXHIBIT 5**

**EXHIBIT 5**

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

December 14, 2020

Mr. Dave Solaro  
Assistant County Manager  
Washoe County/Community Services Department  
1001 E. 9th Street  
Reno, Nevada 89512

**RE: Incident of Noncompliance Associated with Case No. 1229  
Washoe County Building Permit No. WBLD18-105119**

Dear Mr. Solaro,

On June 11, 2019, the Air Quality Management Division (AQMD) of the Washoe County Health District identified an incident of noncompliance at the Reindeer Lodge located at 9000 Mt. Rose Highway in Reno, Nevada (AQMD Case No. 1229). Specifically, the Washoe County Community Services Department issued a building permit for the renovation of the Reindeer Lodge to the owner, Mr. Gary Schmidt, without requiring the owner to conduct a thorough asbestos survey and obtain an Asbestos Assessment Acknowledgement Form from the AQMD.

**Based on the incident of noncompliance, the Washoe County Community Services Department has allegedly violated the following Section of the District Board of Health Regulations Governing Air Quality Management:**

*030.107.A. Asbestos Sampling and Notification*

*No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises. No potential asbestos containing materials may be disturbed until such a survey is performed. The person performing the survey must possess U.S. EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgment Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgment Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of asbestos, the permit applicant must adhere to the requirements of Sections 030.105 and this section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:*

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.

1. *All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet square, 260 lineal feet or 35 cubic feet whichever is most restrictive.*
2. *Notice shall be required for any building demolition, including single residential dwellings. This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board of Health must be submitted with all such notifications before they can be considered valid.*

*This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board of Health must be submitted with all such notifications before they can be considered valid.*

In response to the incident of noncompliance described above, the AQMD has made the determination to issue a **Warning** to Washoe County Community Services Department.

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) 784-7202.

Sincerely,



Joshua C. Restori  
Supervisor, Permitting and Compliance  
Washoe County Health District, Air Quality Management Division

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 0040 7076 52

# **ATTACHMENT 1**

## Penalty Table

### I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
040.005	Visible Emissions	1000	2500
040.030	Dust Control (fugitive)	1000	2000
040.035	Open Fires	500	1000
040.040	Fire Training	500	1000
040.050	Incinerator	1000	2000
040.051	Woodstoves	500	1000
040.055	Odors	1000	2000
040.080	Gasoline Transfer (maintena	1000	2000
040.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
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 2**



**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

Company Name	0
Contact Name	0
Case Number	0
Violation Number	
Violation of Section	
Permit Condition	

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

**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			

Comment:

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

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

Comment:

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

**B. Adjusted Base Penalty**

Base Penalty	0.00	x	Adjustment Factor	1	= \$	0.00
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**C. Number of Days/Weeks/Months or Units in Violation**

Adjusted Penalty \$	0.00	x	Number of Days/Weeks/		= \$	0.00
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Comment:

**D. Economic Benefit**

Avoided Costs \$		+	Delayed Costs		= \$	0.00
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Comment:

**Penalty Subtotal**

Adjusted Base Penalty \$	0.00	+	Economic Benefit \$	0.00	= \$	0.00
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**Washoe County Air Quality Management  
Permitting & Enforcement Branch  
Recommended Penalty Calculation Worksheet**

<b>III.</b>	<b>Penalty Adjustment Consideration</b>			
	<b>A. Mitigating Factors (0 +/- 25%)</b>			[ ]
	Comment: _____			
	<b>B. Compliance History</b>			
	Similar Violation < 12 months (300%)			+ [ ]
	Similar Violation < 3 years (200%)			+ [ ]
	Similar Violation > 3 years (150%)			+ [ ]
	Previous Unrelated Violations < 5 years			
	[ ] %	x	[ ] # of previous violations	+ 0%
	Comment: _____			
	<b>Total Penalty Adjustment Factors – Sum of A &amp; B</b>			[ ] 0%
<b>IV.</b>	<b>Recommended Penalty</b>			
	Penalty Adjustment:			
	\$ 0.00	x	0%	= \$ 0.00
	Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)	Total Adjustment Value
	Additional Credit for Environmental Investment/Training			- \$ [ ]
	Comment: _____			
	Adjusted Penalty:			
	\$ 0.00	+/-	\$ 0.00	= \$ 0.00
	Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)	Recommended Penalty
Senior AQ Specialist/Supervisor				Date
AQ Director				Date

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**EXHIBIT 6**

**EXHIBIT 6**

1 Code §1425  
2 Taylor M. Jenkins, SBN 14064  
3 3748 Lakeside Dr. #102  
4 Reno, NV 89509  
5 (775) 827-6886  
6 Attorney for Plaintiff  
7  
8

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10 IN AND FOR THE COUNTY OF WASHOE  
11

12 GARY R. SCHMIDT,

14 Plaintiff,

Case No.

15 vs

17 Dept No.

18  
19 WASHOE COUNTY, WASHOE COUNTY  
20 HEALTH DISTRICT, WASHOE COUNTY  
21 HEALTH DISTRICT-AIR QUALITY  
22 MANAGEMENT DIVISION, FRANCISO VEGA,  
23 and DOES 1-10, Inclusive  
24

25 Defendants.

26 \_\_\_\_\_ /

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1 COMPLAINT FOR PERFORMANCE AND DAMAGES

2  
3 COMES NOW Plaintiff, above named, by and through his attorney, Taylor M. Jenkins, Esq.,  
4 who complains and alleges against Defendants as follows:

5 GENERAL ALLEGATIONS

6 1. Plaintiff, GARY R. SCHMIDT, is an individual person with real property located in  
7 Washoe County, Nevada.

8 2. Defendant, WASHOE COUNTY, is a political subdivision of the State of Nevada.

9 3. Defendant, WASHOE COUNTY HEALTH DISTRICT, is a public agency of Washoe  
10 County, State of Nevada.

11 4. Defendant, WASHOE COUNTY HEALTH DISTRICT-AIR QUALITY  
12 MANAGEMENT DIVISION, is a division of the WASHOE COUNTY HEALTH DISTRICT.

13 5. Defendant, FRANCISO VEGA, is a Washoe County employee employed as the  
14 Director of Washoe County Air Quality Management Division.

15 6. Plaintiff is ignorant of the true names and capacities of DOES 1 through 10,  
16 inclusive and therefore sues these Defendants by such fictitious names. Plaintiff will amend  
17 this Complaint to allege their true names and capacities when ascertained.

18 7. On or about January 20, 2021, Plaintiff made a public records request via email to  
19 Francisco Vega for inspection and copies of "ALL NESHAP documents submitted to AQMD  
20 over the last five years from ANY AND ALL PERSONS, COMPANIES, AND/OR  
21 ORGANIZATIONS along with copies of ALL documents that reflect the substance of ALL  
22 inspections by AQMD of ANY AND ALL projects or activities submitted to AQMD during  
23 that 5 year period. Include copies of ANY AND ALL notes, reports, and/or communications  
24 related to ANY AND ALL inspections on or related to these submissions and/or projects or  
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1 activities as well as all communications to or from any NESHAP filers and AQMD and any and  
2 all internal communications within AQMD related in any manner to these NESHAP filings  
3 and/or the filers and/or the inspections thereof including but not limited to emails.”, “copies of  
4 ANY AND ALL fines and/or citations issued over the last 5 years or threatened to be issued  
5 and/or documents related to said fines and/or citations and any documents related to any  
6 discussions of the possibility of issuing any fines or citations related to ANY AND ALL  
7 NESHAP filings and/or any failings to file any NESHAP forms by any individuals or  
8 organizations whatsoever and/or any other actions, activities, or failings to act under the  
9 purview of AQMD. Include any documents related to or referencing any objections and/or  
10 appeals of any fines or citations and/or assertions and/or claims by AQMD about any potential  
11 violations including any and all said issues heard before any appellant body or individual  
12 including but not limited to the Board of Health and/or the Courts.”, and copies of all  
13 documents and communications related to or referencing any inspections conducted by AQMD  
14 over the last 5 years for ANY project or activity by ANY person or organization whatsoever  
15 whether or not there was a NESHAP filing and ALL communications within or to and from  
16 AQMD related to or referencing any of said inspections. Please include documents related to  
17 inspections for ALL incidents and/or projects that AQMD initially deemed or determined did  
18 not require NESHAP filings and/or ultimately determined did not require a NESHAP filing.” A  
19 true and correct copy of this email request is attached hereto as Exhibit “1” and is incorporated  
20 herein by this reference.  
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25 8. On or about February 2, 2021, Plaintiff made a public records request via email to  
26 Francisco Vega and Kevin Dick for inspection and copies of “the original employment applications  
27 and any and all related documents including but not limited to resumes, interview notes, evaluation  
28

1 sheets, references, accreditation's and degrees, and letters of recommendation for any and all  
2 AQMD employees who inspect a structure or a portion of a structure and/or review plans", "any  
3 such documents that reflect that information on so qualified ("who inspect a structure or a portion  
4 of a structure and/or review plans") former employees who have left the employment of District  
5 Health within the last three years.", "copies of all documents which identify and/or quantify all  
6 classes attended by these current and former employees ("who inspect a structure or a portion of a  
7 structure and/or review plans") including completion certificates and/or ratings or scores of their  
8 participation in said classes for any and all classes which are under the purview and/or oversight of  
9 any continuing educational or training programs during the tenure of their employment with  
10 Washoe County.", and "copies of all documents related to any performance reviews and/or  
11 evaluations, any work commendations, any internal citations or complaints, any external  
12 complaints of work or work habits, demeanor or performance, any demerits or censures, and/or any  
13 and all notices, reports, or other records of negative or less than satisfactory job performance and/or  
14 exemplary job performance." A true and correct copy of this email request is attached hereto as  
15 Exhibit "2" and is incorporated herein by this reference.

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19 9. On or about February 7, 2021, Plaintiff made a public records request via email to  
20 Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of "copies of any  
21 and all fines, citations, penalties, and/or warning notices that have been issued by AQMD  
22 within the last 90 days." A true and correct copy of this email request is attached hereto as  
23 Exhibit "3" and is incorporated herein by this reference.

24  
25 10. On or about February 24, 2021, Plaintiff made a public records request via email to  
26 Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of "any and all  
27 emails from Kevin Dick, Francisco Vega, Joshua Restori, and/or Mike Wolf to Kevin Dick,  
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Francisco Vega, Joshua Restori, and/or Mike Wolf for the years 2021, 2020, and 2019. “A true and correct copy of this email request is attached hereto as Exhibit “4” and is incorporated herein by this reference.

11. On or about March 1, 2021, Plaintiff made a public records request via email to Francisco Vega, Joshua Restori, and Kevin Dick for inspection and copies of “ every document in the possession of AQMD including but not limited to mailed communications, emails, photos, videos, recordings, charts, maps, regulations, notes, reports, analysis’s, reviews, studies, filings, notices, citations, fines, permits, and drawings/sketches related to and/or referencing the Reindeer Lodge property and/or Gary Schmidt and/or any and all activities at that property or by Gary Schmidt related to the activities at that property or by Gary Schmidt at any time during the last 5 years. This should include but not be limited to any documents submitted to AQMD by Gary Schmidt or any of his agents or by members of the public or by any other governmental agencies.” A true and correct copy of this email request is attached hereto as Exhibit “5” and is incorporated herein by this reference.

12. Defendant, Francisco Vega, responded to each of Mr. Schmidt’s requests with the following response, “Mr. Schmidt,

The Washoe County Air Quality Management Division is in receipt of your request. Once the requested information has been compiled it will be provided to the email addresses referenced in the request.

Please let me know if you have any questions.



1 Thanks,  
2 Francisco”

3  
4 Responses were received on February 3, 2021 in response to Mr. Schmidt’s January  
5 27, 2021 request, February 9, 2021 in response to Mr. Schmidt’s February 2, 2021 request,  
6 February 12, 2021 in response to Mr. Schmidt’s February 7, 2021 request, March 3, 2021 in  
7 response to Mr. Schmidt’s February 24, 2021 request, and March 9, 2021 in response to Mr.  
8 Schmidt’s March 1, 2021 request. See exhibits “1-5” attached hereto. Pursuant to NRS  
9 239.0107, which states, “Not later than the end of the fifth business day after the date on  
10 which the person who has legal custody or control of a public book or record of a  
11 governmental entity receives a written or oral request from a person to inspect, copy or  
12 receive a copy of the public book or record, a governmental entity shall do one of the  
13 following, as applicable:  
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16 (a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the  
17 public book or record or, if the request is for the person to receive a copy of the public book or  
18 record, provide such a copy to the person.

19 (b) If the governmental entity does not have legal custody or control of the public book or record,  
20 provide to the person, in writing:

21 (1) Notice of the fact that it does not have legal custody or control of the public book or  
22 record; and

23 (2) The name and address of the governmental entity that has legal custody or control of the  
24 public book or record, if known.

25 (c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make  
26 the public book or record available by the end of the fifth business day after the date on which  
27 the person who has legal custody or control of the public book or record received the request:

28 (1) Provide to the person, in writing, notice of the fact that it is unable to make the public  
book or record available by that date and the earliest date and time after which the governmental  
entity reasonably believes the public book or record will be available for the person to inspect or  
copy or after which a copy of the public book or record will be available to the person. If the  
public book or record or the copy of the public book or record is not available to the person by  
that date and time, the governmental entity shall provide to the person, in writing, an explanation  
of the reason the public book or record is not available and a date and time after which the  
governmental entity reasonably believes the public book or record will be available for the person

1 to inspect or copy or after which a copy of the public book or record will be available to the  
2 person.

3 (2) Make a reasonable effort to assist the requester to focus the request in such a manner as  
4 to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the  
5 public book or record as expeditiously as possible.

6 (d) If the governmental entity must deny the person's request because the public book or record,  
7 or a part thereof, is confidential, provide to the person, in writing:

8 (1) Notice of that fact; and  
9 (2) A citation to the specific statute or other legal authority that makes the public  
10 book or record, or a part thereof, confidential.

11 2. If a public book or record of a governmental entity is readily available for inspection or  
12 copying, the person who has legal custody or control of the public book or record shall allow a  
13 person who has submitted a request to inspect, copy or receive a copy of a public book or record  
14 as expeditiously as practicable.”

15 To date no further response to Mr. Schmidt's requests have been received from Washoe County,  
16 Francisco Vega or any other Washoe County employee to fulfil the FIVE (5) public information  
17 requests described above, provide a date at which the records may be expected, no explanation as  
18 to why the requested records are unavailable, and no claims of privilege or confidentiality, no  
19 response other than the initial cursory email stating Mr. Schmidt's request had been received.  
20 Plaintiff has repeatedly requested that any readily available information be provided as soon as  
21 possible without delay or waiting for additional or complete records to be made available.

22 13. Plaintiff had made his requests pursuant to NRS Chapter 239 and the Public Records  
23 Policy and Procedures adopted by the Washoe County Board of Commissioners.

24 14. Defendants have refused to provide Plaintiff with the documents requested or specify a  
25 date and time when delivery of such records may be expected.

26 15. By reason of the foregoing, Plaintiff has been required to retain the services of an  
27 attorney to prosecute this action and is entitled to his attorney's fees and costs incurred herein  
28 in accordance with NRS 239.011.

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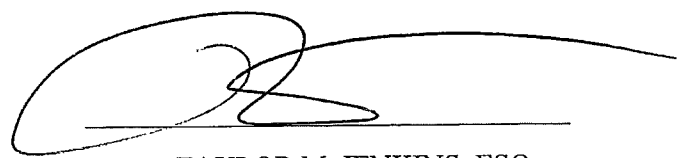
WHEREFORE Plaintiff respectfully prays for relief, as follows:

1. An Order that Defendants produce any and all documents requested by Plaintiff;
2. The costs and fees of this action;
3. Damages in excess of \$30,000.00,
4. For such other and further relief as the Court deems just and proper under the circumstances.

**AFFIRMATION**

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding COMPLAINT, does not contain the social security number of any person.

Dated this 30 day of March, 2021.



TAYLOR M. JENKINS, ESQ  
Attorney for Plaintiff  
3748 Lakeside Dr. #102  
Reno, Nevada 89509

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**INDEX OF EXHIBITS**

<u>Exhibit No.</u>	<u>Description</u>	<u>No. of Pages</u>
1.	January 20 email request	2
2.	February 2 email request	2
3.	February 7 email request	2
4.	February 24 email request	2
5.	March 1 email request	2

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**EXHIBIT 7**

**EXHIBIT 7**

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WRITTEN STATEMENT

I, RAY PEZONELLA, the undersigned, state as follows:

I wish this entire Written Statement to be distributed to all members of the Hearing Board as soon as possible whether or not they are able to attend and/or participate in this hearing.

I submit the following for the record:

1. I am unable to attend the Hearing scheduled for Friday April 9, 2021 at 6:00 P.M. due to prior commitments.
2. I am and was an associate of Gary R. Schmidt ("Schmidt") during the activities in question at the Reindeer Lodge.
3. The initial damage to the roof and structure of the Reindeer Lodge was the caused by an unusually heavy snow load during the winter of 2016-2017. The initial damage was worsened by additional snowfall and snow load on the damaged portion of the structure over the course of the next two (2) winters.
4. I am unaware of any demolition work performed prior to the issuance of a permit by AQMD to All Eagle Construction on or about September 12, 2019.
5. To my knowledge Schmidt complied with all State and County Regulations in performance of any and all work performed at the Reindeer Lodge.
6. To my knowledge Schmidt complied with all regulations under protest. It is my belief and understanding that the project at the Reindeer Lodge is and should be exempted from 40 CFR 61

1 regulations by reason of the nature of the cause of the damage to the structure, an emergency, and  
2 the quantities of regulated materials fall below the thresholds as required by statute.

3

4 7. To my knowledge all demolition work performed at the Reindeer Lodge was monitored and  
5 supervised by Josh Restori of AQMD and Tom Wise an independent consultant from Wise  
6 Consulting & Training, Inc.

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8 8. Mike Wolf assured me no action or actions would be taken if the work was completed to  
9 specification. Mike Wolf also indicated time was of the essence as neighbors had begun to  
10 complain about the state of the structure.

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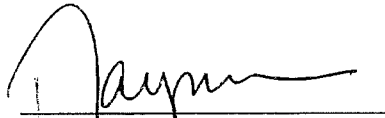
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DATED this 9<sup>TH</sup> day of April, 2021.

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RAY PEZONELLA

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**EXHIBIT 8**

**EXHIBIT 8**



## Don C. Jeppson, AIA CBO

130 Carefree Drive, Sparks Nevada 89441 (775) 762-5779

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To Whom It May Concern,

I have been assisting and consulting with Gary Schmidt regarding the partial roof failure due to excessive snow load for approximately one year. Mr. Schmidt requested my assistance shortly after I left employment with Washoe County where I was the County Building Official and Department Director of Building & Safety for over 10 years. To the best of my knowledge Washoe County has not yet appointed another Building Official as defined and regulated by NRS 278.

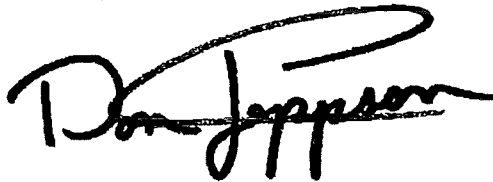
Absent of a Building Official there is no authorized authority to make the claim and demands on Mr. Schmidt's property in the notices I have reviewed. Furthermore, the original assertions and claims the County has made regarding the demolition permits and demolition are not supported. There is absolutely no need or requirement to demolish entire the building when a simple building permit for investigating and repair is the appropriate process.

The residential portion of the structure which lies to the west is essentially undamaged. The damage to the motel rooms appears to be moderate and confined to the roof and could be repaired or replaced. The restaurant area to the south received moderate to heavy damage but requires a detailed structural inspection and analysis to determine the economic feasibility of repairs. The main bar area is heavily damaged and probably needs to be remove or replace depending on the wishes of the owner.

During the last twelve months that I have been assisting Mr. Schmidt and reviewing his and the County's communications, Mr. Schmidt has always expressed his desire to return to the residence. The County's original unfounded assertions for a demolition permit appears to have obstructed Mr. Schmidt's efforts last summer to return to his property and home. This situation was further exacerbated by the fact that the County may not have a Building Official under NRS 278 and Mr. Schmidt's right to appeal the Building Official decision through the Board of Review to County Commission was impeded.

However, it is reassuring that in the last couple of months the County has reversed its position in regard to demolition and has allowed Mr. Schmidt to submit for a building permit so that he can proceed to selectively repair and/or stabilized the damaged portion of the building and move forward with his plan and efforts to reoccupy his residence.

Sincerely,

A handwritten signature in black ink that reads "Don Jeppson". The signature is written in a cursive, flowing style with a large, sweeping initial "D".

Don C. Jeppson, AIA CBO

I am a licensed architect and currently work as Chief Building Official for the City of San Rafael.

I worked for Washoe County for 20 years from 1997 to 2017; nine years as a project manager and architect for Public Works involved with over \$200 million in projects and then in 2006 I was appointed by the County Commissioners as Building Department Director and Chief Building Official, which I did for the following 11 years to retirement. I was the second longest serving CBO at Washoe County. As Chief Building Official, I directed my building staff not to participate in 3 or 4 "joint inspections" coordinated by Planning, Fire and Health onto the Reindeer Property. The property had been in continuous use and predates the adoption of the building code in 1960 by more than 20 years. I always thought these, raid like actions, were a form of harassment. Certain people in the County did not like Mr. Schimt's activism or the aesthetics of the property and the property didn't fit well under County modern regulations. To some the property was an eyesore and constant source of frustration. To my knowledge the "joint inspections" never proved any significant life safety violations.

Then the Reindeer Lodge suffered significant winter storm damaged that the County seemed determine to condemn without given Mr. Schimt much of an opportunity to assess the damage and develop solutions. During those discussion I don't recall that asbestos was a huge concern to the County in that the building was collapsed and it was not safe to enter. I believe it was assumed abatement was not necessary if the entire damaged structure was removed and in any case the amount was assumed to be minimal.

Typically, a demo permit would not be issued by the Building Department without approval from the Health District. Often times there is even a "per approval" done by Health before submitting to the Building Department. Building Permits are typical review by Public Works, Planning, Fire, Building, and the Health District. The Health District may have multiple division approvals. It should be easy under a public information request to get the permit information, including workflow history for review and approvals. I would also request any email or written internal discussion connected to this project or property leading up to and after the permit was issued. Be sure to ask for the same information of Health's permits including Air Quality's.

My understanding under State Law, is Mr. Schimt may be able to appeal the Health Districts or Building Departments decisions including fines through the Board of Review (See Chapter 100, Article 112), then to the County Board of adjustment and then appeal to the County Commission.

Chapter 100, Article 103 states the building official shall be appoint by the County Commission and shall be in charge of the Building Department. Under this section staff is also defined and should not be confused as the building official. Under Article 104, the building official shall have the authority to render interpretations of the code and may be reviewed by the Board of Review as stated above. I am not aware what arrangement, if any, the County has done to appoint a Building Official since 2017. If that is the case, then there is really no one in charge or to interpret the code per Chapter 100.

Don C. Jeppson, AIA CBO

(775)762-5779

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**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 24, 2021  
**TO:** District Board of Health  
**FROM:** Francisco Vega, P.E., Division Director  
775-784-7211, [fvega@washoecounty.us](mailto:fvega@washoecounty.us)  
**SUBJECT:** Review, discussion, and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for July 22, 2021, at 1:00 pm.

**SUMMARY**

The Washoe County District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management (Regulations). Per NRS 237, Business Impact Statements “must be considered by the governing body at its regular meeting next preceding any regular meeting held to adopt” the proposed revisions.

**District Health Strategic Priority 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**

The Emergency Episode Plan was last revised on March 23, 2006. This revision superseded the previous federally enforceable version that was in effect since February 1, 1972.

**BACKGROUND**

The Emergency Episode Plan is an element of the federally enforceable Truckee Meadows PM10 and Carbon Monoxide State Implementation Plans. It is activated by the Health Officer (acting as the Air Pollution Control Officer) when air pollution levels reach Emergency Episode levels defined in the rule. The primary actions related to the Emergency Episode Plan are to: 1) Implement actions to reduce emissions contributing to the air pollution episode, and 2) provide recommendations to the public to reduce exposure and severity of health impacts of the air pollution episode. Since the Emergency Episode Plan was most recently revised in 2006, the particulate matter and ozone National Ambient Air Quality Standards (NAAQS) have been strengthened. Below is a summary of the proposed revisions:

**AIR QUALITY MANAGEMENT**

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

1. To improve clarity of the geographic applicability of this rule, the term “Health District” was replaced with “Washoe County”.
2. Definitions have been removed as the proposed revision does not include definitions unique to Section 050.001.
3. Emergency episode stage levels reflect the current NAAQS.
4. To improve clarity, actions that may be taken under emergency episode stages were reorganized to build upon each Stage. In addition to issuing public health notifications, the following actions will be implemented at each Stage.
  - a. Stage 1: Mandatory curtailment of residential wood-burning devices, open burning, and prescribed burning.
  - b. Stage 2: Stage 1 actions, and possible curtailment of all commercial solid fuel burning and incinerator and crematorium operations.
  - c. Stage 3: Stage 1 and 2 actions, and possible shelter-in-place or evacuation order and curtailment of specific public, commercial, and industrial sources of air pollution.
  - d. Stage 4: Stage 1, 2, and 3 actions, and possible curtailment of all air pollution stationary sources.
5. Inspection of stationary sources subject to curtailment to evaluate compliance with the appropriate emergency episode stage.
6. New recordkeeping requirements for the Health District.

The following methods were used to provide notice of the proposed revisions and public workshops:

1. A public notice of the proposed revisions and public workshops was published in the Reno Gazette-Journal on May 5 and June 7, 2021.
2. A notification of the proposed revisions and public workshop information was:
  - a. Posted in the “Public Notices” section of the AQMD website (OurCleanAir.com) on May 5, 2021.
  - b. Posted with a link to OurCleanAir.com on AQMD’s Facebook and Twitter on May 6, 2021.
  - c. Emailed to the Reno and Sparks City Managers, Washoe County Manager, Washoe County School District, and National Weather Service - Reno.

Virtual public workshops were held on May 12 and May 19, 2021, with zero attendees from outside of the AQMD. As of June 4, 2021, one written comment was received. The comment, from the National Weather Service - Reno was neutral.

Attached to this staff report are the following:

1. Business Impact Statement
2. Notification posted on the AQMD website regarding the public workshops, DBOH adoption of the BIS, DBOH adoption of the proposed rule revision.
3. May 5, 2021, versions of the “As Proposed” and “As Adopted” rule.
4. Public workshop materials including:
  - a. Sign in sheets.
  - b. Presentation.
  - c. Public comment form.

**FISCAL IMPACT**

There are no fiscal impacts resulting from the Board approving and adopting the Business Impact Statement.

**RECOMMENDATION**

Staff recommends the District Board of Health approve and adopt the Business Impact Statement for the proposed revisions to District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan, and set a public hearing for possible adoption of said revisions for July 22, 2021, at 1:00 pm.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to approve and adopt the Business Impact Statement for the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan. Further move to set a public hearing for possible adoption of the District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan for July 22, 2021, at 1:00 pm”.

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of the revision to the DBOH Regulations Governing Air Quality Management, Section 050.001 (Emergency Episode Plan).

1. The following constitutes a description of the manner in which comment was solicited from affected businesses and citizens, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(List all trade association or owners and officers of businesses likely to be affected by the proposed rule that have been consulted).*  
A public notice of the proposed revisions and public workshops was published in the Reno Gazette-Journal on May 5 and June 7, 2021.

A notification of the proposed revisions and public workshop information was:

- Posted in the "Public Notices" section of the AQMD website (OurCleanAir.com) on May 5, 2021.
- Posted with a link to OurCleanAir.com on AQMD's Facebook and Twitter on May 6, 2021.
- Emailed to the Reno and Sparks City Managers, Washoe County Manager, Washoe County School District, and National Weather Service - Reno. Two virtual public workshops were held on May 12 and 19, 2021 with zero attendees from outside of the AQMD.

Virtual public workshops were held on May 12 and May 19, 2021 with zero attendees from outside of the AQMD. As of June 4, 2021, one written comment was received. The comment, from the National Weather Service - Reno was neutral.

2. The estimated economic effect of the proposed rule on businesses and citizens, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:  
Adverse effects: At Stage 1 Levels, no changes are expected to businesses and citizens from the proposed revisions. At Stage 2 Levels and higher, businesses may need to shut down if those businesses are substantially contributing to the air pollution episode. Since 2013, wildfire smoke has been the primary cause of pollution reaching Stage 2 levels or higher. No businesses have been required to shut down due to the Emergency Episode Plan.

Beneficial effects: The proposed rule will incorporate current National Ambient Air Quality Standards (NAAQS) to determine emergency episode stages. The ozone and particulate matter NAAQS have been strengthened since the Emergency Episode Plan was last revised in 2006.

Direct effects: The proposed rule will avoid preventable air pollution episodes that can jeopardize attainment with the NAAQS.

Indirect effects: At the higher Stage Levels, possible additional staff time for AQMD staff to evaluate businesses for compliance with curtailment requirements.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and citizens and a statement regarding whether any, and if so, which of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business or citizen; and if applicable, modifying a fee or fine set forth in the rule so that business could pay a lower fee or fine).  
The proposed rule clarifies specific requirements at each Stage Level and provides the Control Officer the ability to address the local sources, if any, contributing to the air pollution episode.
4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:  
There is no increase in anticipated annual cost as the work is already being conducted.
5. The proposed rule provides for a new fee or increases and existing fee and the total annual amount expected to be collected is:  
No new fees or fee increases are proposed.

6. The money generated by the new fee or increase in existing fee will be used by the local government to:

N/A.

7. The proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains when such duplicative or more stringent provisions are necessary:

The proposed rule is more stringent than existing federal statute (40 CFR Appendix L to Part 51).

The existing federal statute has not been updated since 1987 and does not address National Ambient Air Quality Standards that have been strengthened including ozone and particulate matter.

8. The following constitutes an explanation of the reasons for the conclusions regarding the impact of the proposed rule on businesses:

The proposed rule will have no impact on businesses.

To the best of my knowledge or belief, the information contained in this statement is prepared properly and is accurate.

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Kevin Dick, District Health Officer

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Date

May 5, 2021

**Subject:** Revision to the District Board of Health Regulations Governing Air Quality Management, Section 050.001 Emergency Episode Plan

The Washoe County Health District is proposing revisions to the District Board of Health Regulations Governing Air Quality Management Section 050.001, Emergency Episode Plan. Last revised in 2006, these revisions incorporate updates to emergency episode stage levels based on National Ambient Air Quality Standards (NAAQS), public notification and inspection requirements, and curtailments in compliance with the Air Quality Management Division's PM10 and CO State Implementation Plans and 40 CFR Subpart H. The proposed revisions are available at the AQMD office and website ([www.OurCleanAir.com](http://www.OurCleanAir.com)). Two virtual public workshops will be held to provide individuals affected by these revisions with additional information and opportunity for input. Interested persons who may be affected or wish to comment should attend the workshops to submit oral testimony, or may submit comments in written form to Daniel Inouye, Branch Chief by:

Mail to: Washoe County Health District, Air Quality Management Division  
1001 East Ninth Street, B-171  
Reno, NV 89512, or

Email to: [KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us), or

FAX to: 775-784-7225.

The public workshops will be held virtually:  
Wednesday, May 12, 2021 from 2:00 to 4:00 pm  
Wednesday, May 19, 2021 from 9:00 to 11:00 am

Preregistration is required to attend the virtual workshops. Please send an email to [KeepItClean@washoecounty.us](mailto:KeepItClean@washoecounty.us) with your name, job title, and business/organization to receive the Microsoft Teams Meeting invite. Written comments will be accepted until the close of business on Monday, May 24, 2021 and will be considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the District Board of Health for consideration of acceptance at a public hearing to be held at 1:00 p.m. on June 24, 2021, at the Board of County Commissioners Chambers, located at 1001 East Ninth Street, Building A, Reno, NV. If the Business Impact Statement is accepted, adoption of the proposed regulations will be considered at the next District Board of Health meeting scheduled at 1:00 pm on July 22, 2021, at the same location. If adopted, this revision will be submitted to the U.S. Environmental Protection Agency as a revision to the Washoe County portion of the Nevada State Implementation Plan.



050.001 EMERGENCY EPISODE PLAN (Adopted 03/23/2006; Revised 07/22/2021)

SECTION A – GENERAL:

1. PURPOSE: The purpose of this rule is to:
  - a. Advise the residents of Washoe County of air pollution levels which may be harmful to their health; and
  - b. Initiate corrective control measures to prevent elevated concentrations of criteria air pollutants to levels which would cause harm to the population within Washoe County.
2. APPLICABILITY: The provisions of this rule shall apply to identified geographies within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this rule, the following definitions shall apply.

None

SECTION C – STANDARDS: The following standards shall apply:

1. An emergency episode stage will be declared after prompt acquisition of forecasts of atmospheric stagnation conditions and updates of such forecasts by the National Weather Service and ambient air monitoring networks:
  - a. whenever the concentrations of a criteria air pollutant at a state or local air monitoring station (SLAMS) or a special purpose monitor (SPM) operated in accordance with 40 CFR 58 Appendix D or 40 CFR 58.20, respectively and under the jurisdiction of the Washoe County Health District:
    - (1) reach or are predicted to reach the levels specified in **Table 1** of this section; or
    - (2) are expected to persist at or above the levels specified in **Table 1** of this section;

**TABLE 1  
EMERGENCY EPISODE  
STAGE LEVELS**

Air Pollutant	Averaging Time	Stage 1	Stage 2	Stage 3	Stage 4
Particulates (PM <sub>2.5</sub> )	24 Hour	35.4 µg/m <sup>3</sup>	55.4 µg/m <sup>3</sup>	150.4 µg/m <sup>3</sup>	250.4 µg/m <sup>3</sup>
Particulates (PM <sub>10</sub> )	24 Hour	154 µg/m <sup>3</sup>	254 µg/m <sup>3</sup>	354 µg/m <sup>3</sup>	424 µg/m <sup>3</sup>
Ozone (O <sub>3</sub> )	8 Hour	0.070 ppm	0.085 ppm	0.105 ppm	0.2 ppm
Carbon Monoxide (CO)	8 Hour	9.4 ppm	12.4 ppm	15.4 ppm	30.4 ppm
Sulfur Dioxide (SO <sub>2</sub> )	1 Hour	75 ppb	185 ppb	304 ppb	n/a
Nitrogen Dioxide (NO <sub>2</sub> )	1 Hour	100 ppb	360 ppb	649 ppb	1249 ppb

2. The Control Officer shall issue a public health notification and take the following actions based upon declaration of the following stages:
  - a. Stage 1:
    - (1) Whenever the concentrations of PM2.5, PM10, or carbon monoxide reach, or are predicted to reach a Stage 1 level and adverse meteorological conditions are expected to persist:
      - i. Operation of any wood-burning device shall be curtailed unless it can be demonstrated, in accordance with procedures established by the Control Officer, that such fuels supply the only heat available within the dwelling unit.
      - ii. Open Burning and Prescribed Burning as defined in Sections 040.035 and 040.037, respectively, of these Regulations shall be curtailed.
  - b. Stage 2: Control measures specified in **Section C.2.a.** of this rule may be implemented under a Stage 2 episode. The Control Officer may also:
    - (1) Curtail all commercial solid fuel burning.
    - (2) Curtail all incinerator and crematorium operations.
  - c. Stage 3: Control measures specified in **Sections C.2.a. and C.2.b.** of this rule may be implemented under a Stage 3 episode. The Control Officer may also:
    - (1) Issue a shelter-in-place or evacuation order.
    - (2) Curtail operations of specific public, commercial, and industrial establishments which are not deemed necessary by the Control Officer for public health and safety and are contributing to the declared emergency episode.
  - ci. Stage 4: Control measures specified in **Sections C.2.a., C.2.b., and C.2.c.** of this rule may be implemented under a Stage 4 episode. The Control Officer may also:
    - (1) Curtail all public, commercial, and industrial establishments which are not deemed necessary by the Control Officer for public health and safety and are contributing to the declared emergency episode.
3. The Control Officer shall declare an episode stage terminated when the criteria air pollutant concentration(s) fall or are expected to fall below the emergency episode stage levels indicated in **Section C.1** of this rule.

#### **SECTION D – ADMINISTRATIVE REQUIREMENTS:**

1. Notification of an episode stage. When an emergency episode stage is declared, the Control Officer shall notify:
  - a. The news media and shall request that they publish or broadcast all appropriate public health notifications;
  - b. The Washoe County Manager and the managers of the cities of Reno and Sparks;

- c. The managers and operators of public, commercial, and industrial establishments which are not deemed necessary by the Control Officer for public health and safety that may be subject to curtailment of operations; and
  - d. Other agencies which, in the opinion of the Control Officer, should be notified.
2. Notification Information. Notification of an emergency episode stage shall include information as to which stage has been forecasted or reached, the expected duration of the episode, the geographic boundaries of the affected area, the specific criteria air pollutant(s) for which the stage has been declared, a statement of the public health significance of the episode stage, and the appropriate voluntary or mandatory control measures to be taken, as described in **Section C.2.** of this rule.
3. Episode Termination. Upon declaration of termination of an episode stage, the Control Officer shall notify those persons and offices specified in **Section D.1.** of this rule. The notice shall also advise which public, commercial, and industrial establishments and curtailed activities may resume, and which operations and/or activities must remain curtailed, as specified in **Section C.2.** of this rule.

#### **SECTION E – COMPLIANCE AND RECORDS:**

1. Upon declaration of any emergency episode stages listed in **Section C.2.** of this rule in which the Control Officer requires the curtailment of activities or of public, commercial, or industrial establishments, an inspection of curtailed sources until Episode Termination detailed in **Section D.3.** of this rule shall be conducted.
2. All records, public health notifications, and supporting documentation deemed necessary in the determination, justification, declaration, and termination of all emergency episodes shall be retained by the Control Officer.

SECTION A – GENERAL:

1. PURPOSE: The purpose of this ~~regulation~~ rule is to:
  - a. Advise ~~persons~~ *the residents of Washoe County* ~~with respiratory or cardiac problems~~ of air pollution levels which may be harmful to their health; and
  - b. Initiate corrective control measures to prevent ~~buildup~~ *elevated concentrations* of *criteria* air ~~contaminants~~ *pollutants* to levels which would cause ~~significant~~ harm to ~~a significant portion of~~ the population ~~in the~~ *within* Washoe County ~~Health District~~.
2. APPLICABILITY: The provisions of this ~~regulation~~ rule shall apply to *identified geographies* ~~the entire Health District~~ *within Washoe County*.

SECTION B – DEFINITIONS: For the purpose of this ~~regulation~~ rule, the following definitions shall apply.

- ~~1. [Air Quality Index. The Air Quality Index (AQI) is an index for reporting daily air quality. It reports how clean or polluted the air is, and what associated health effects might be a concern. The AQI focuses on health effects that may be experienced within a few hours or days after breathing polluted air.]~~
- ~~2. Control Officer. Control Officer means the District Health Officer of the Washoe County Health District or the person designated by said District Health Officer to enforce these local air pollution control ordinances and regulations as approved by said District Board of Health created pursuant to the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada. (As noted also in Section 010.042)~~
- ~~3. District Health Officer. The District Health Officer is the person appointed by the District Board of Health of the Washoe County Health District to administer activities of the District Health Department of said Health District in all matters directly or indirectly affecting public health, pursuant to the authority of state and local health laws, ordinances, and regulations. (As noted also in Section 010.048)~~
- ~~4. PM2.5. PM2.5 means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.~~
- ~~5. PM10. PM10 means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.~~
- ~~6. Solid Fuel Burning Device. Solid fuel burning device means a device that burns wood, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space heating purposes including but not limited to a fireplace, wood stove, or pellet stove.]~~

None

SECTION C – STANDARDS

1. ~~Whenever the concentrations of an air contaminant~~ *An emergency episode stage will be declared after prompt acquisition of forecasts of atmospheric stagnation conditions*

and updates of such forecasts by the National Weather Service and ambient air monitoring networks:

- a. whenever the concentrations of a criteria air pollutant at an a state or local air monitoring station (SLAMS) or a special purpose monitor (SPM) operated in accordance with 40 CFR 58 Appendix D or 40 CFR 58.20, respectively and under the jurisdiction of the Washoe County Health District Health Department:
- (1) reach or are predicted to reach the levels specified in Table 1 of this section; and
  - (2) are expected to persist at or above the levels specified in Table 1 of this section;

The Control Officer shall declare that an emergency episode stage exists and take the actions specified in Sections C.2 and D of this regulation.

TABLE 1  
EMERGENCY EPISODE  
CRITERIA STAGE LEVELS:

<u>Pollutant</u>	<u>Averaging Time</u>	<u>Stage 1 (Alert)</u>	<u>Stage 2 (Warning)</u>	<u>Stage 3 (Emergency)</u>
<u>Carbon Monoxide</u>	<u>8 Hour</u>	<u>9.4 ppm</u>	<u>15.4 ppm</u>	<u>30.4 ppm</u>
<u>Particulates (PM10)</u>	<u>24 Hour</u>	<u>154 ug/m3</u>	<u>354 ug/m3</u>	<u>424 ug/m3</u>
<u>Particulates (PM2.5)</u>	<u>24 Hour</u>	<u>65.4 ug/m3 (AQI-150)</u>	<u>150.4 ug/m3</u>	<u>250.4 ug/m3</u>
<u>Ozone</u>	<u>8 Hour</u>	<u>0.084 ppm</u>	<u>0.124 ppm</u>	<u>0.404 ppm</u>

\* Stage 1 (Alert), Stage 2 (Warning), and Stage 3 (Emergency) episode criteria levels are associated with an AQI of 100, 200, and 300 respectively, unless otherwise noted.

<i>Air Pollutant</i>	<i>Averaging Time</i>	<i>Stage 1</i>	<i>Stage 2</i>	<i>Stage 3</i>	<i>Stage 4</i>
<i>Particulates (PM<sub>2.5</sub>)</i>	<i>24 Hour</i>	<i>35.4 µg/m<sup>3</sup></i>	<i>55.4 µg/m<sup>3</sup></i>	<i>150.4 µg/m<sup>3</sup></i>	<i>250.4 µg/m<sup>3</sup></i>
<i>Particulates (PM<sub>10</sub>)</i>	<i>24 Hour</i>	<i>154 µg/m<sup>3</sup></i>	<i>254 µg/m<sup>3</sup></i>	<i>354 µg/m<sup>3</sup></i>	<i>424 µg/m<sup>3</sup></i>
<i>Ozone (O<sub>3</sub>)</i>	<i>8 Hour</i>	<i>0.070 ppm</i>	<i>0.085 ppm</i>	<i>0.105 ppm</i>	<i>0.2 ppm</i>
<i>Carbon Monoxide (CO)</i>	<i>8 Hour</i>	<i>9.4 ppm</i>	<i>12.4 ppm</i>	<i>15.4 ppm</i>	<i>30.4 ppm</i>
<i>Sulfur Dioxide (SO<sub>2</sub>)</i>	<i>1 Hour</i>	<i>75 ppb</i>	<i>185 ppb</i>	<i>304 ppb</i>	<i>n/a</i>
<i>Nitrogen Dioxide (NO<sub>2</sub>)</i>	<i>1 Hour</i>	<i>100 ppb</i>	<i>360 ppb</i>	<i>649 ppb</i>	<i>1249 ppb</i>

2. The Control Officer and the appropriate law enforcement and public health officials shall issue a public health notification and take the following control actions based upon

declaration of the following stages:

a. Stage 1:

~~(1) [A health warning for sensitive persons shall be included in all notifications given pursuant to Section D.1 of this regulation.]~~

~~(2) All open and prescribed burning must be terminated.~~

~~(3) The use of permitted incinerators shall be terminated. Crematoriums or pathological incinerators may continue to operate if the Control Officer determines that cessation of operation will cause a greater health hazard.~~

~~(4) A request shall be made to the public to curtail any unnecessary motor vehicle operations.]~~

~~(5) —~~

(1) Whenever the measurements of PM2.5, PM10, or carbon monoxide reach, or are predicted to reach a Stage 1 ~~[levels]~~ *level* and adverse meteorological conditions are ~~[predicted]~~ *expected* to persist.; ~~[operation of any solid fuel burning device shall be suspended unless it can be demonstrated, in accordance with the procedures established by the Control Officer.]~~

*i. Operation of any wood-burning device shall be curtailed unless it can be demonstrated, in accordance with procedures established by the Control Officer, that such fuels supply the only heat available within the dwelling unit.*

*ii. Open Burning and Prescribed Burning as defined in Sections 040.035 and 040.037, respectively, of these Regulations shall be curtailed.*

~~[that such fuels supply the only heat available to the person burning it. The suspension shall remain in effect until all episode stages have been terminated.]~~

~~(6) [Sources subject to Section E.1 of this regulation must commence curtailment of operations as per their submitted and approved plans.]~~

b. Stage 2: ~~[All of the control]~~ *Control* measures specified in Section C.2.a of this ~~[regulation]~~ *rule* ~~[shall]~~ *may* be implemented under a Stage 2 episode. *The Control Officer may also:*

~~(1) [The public notification shall be updated to reflect the more severe conditions.]~~

~~(2) For ozone episodes — programs which involve physical exertion by persons using public parks or public recreational facilities shall be suspended. All commercial and industrial activities such as dry cleaning, spray painting and degreasing that emit reactive organic~~

~~compounds shall be notified to cease operations. Such activities as roofing, asphalt paving and surface coating where the use of large quantities of volatile organic material is involved shall also be prohibited.~~

~~(3) For carbon monoxide episodes — if the occurrence of this stage is determined to have been due to traffic congestion in that area, take measures to reduce the traffic congestion in that area.~~

~~(4) For PM10 episodes — dust emitting construction and agricultural activities such as grading, leveling, plowing and digging shall be prohibited.~~

~~(5) A request shall be made to the general public to avoid the area of the episode.~~

(1) *Curtail all commercial solid fuel burning.*

(2) *Curtail all incinerator and crematorium operations.*

c. Stage 3: ~~[In addition to the control]~~ *Control* measures specified in Sections C.2.a and C.2.b of this ~~[regulation] rule,~~ ~~[the appropriate law enforcement and civil defense agencies]~~ may be ~~[requested to:]~~

~~(1) [Close all public, commercial and industrial establishments which are not immediately necessary for public health and safety and are within the affected area;~~

~~(2) Close principal streets within the affected area to the general public;~~

~~(3) Require emergency carpooling or use of mass transit by the public; and~~

~~(4) Setup and implement evacuation procedures if deemed necessary.]~~

(1) *Issue a shelter-in-place or evacuation order.*

(2) *Curtail operations of specific public, commercial, and industrial establishments which are not deemed necessary by the Control Officer for public health and safety and are contributing to the declared emergency episode.*

d. Stage 4: *Control measures specified in Sections C.2.a., C.2.b., and C.2.c. of this rule may be implemented under a Stage 4 episode. The Control Officer may also:*

(1) *Curtail all public, commercial, and industrial establishments which are not deemed necessary by the Control Officer for public health and safety and are contributing to the declared emergency episode.*

3. The Control Officer shall declare an episode stage terminated when the *criteria air pollutant [concentration] concentration(s) [of contaminant falls] fall* below the ~~[criteria level shown]~~ *emergency episode stage levels indicated* in Section C.1 of this ~~[regulation and/or when meteorological data indicate that the contaminant concentration~~

~~will decrease to below the criteria level.] rule.~~

## SECTION D – ADMINISTRATIVE REQUIREMENTS

1. Notification of an episode stage. When an episode stage is declared, the Control Officer shall notify:
  - a. The news media and shall request that they publish or broadcast all appropriate ~~[warnings, notices and advisories]~~ **public health notifications**;
  - b. The Washoe County Manager and the managers of the cities of Reno and Sparks;
  - c. **The managers and operators of ~~[all stationary sources subject to Section E.1 of this regulation]~~ public, commercial, and industrial establishment which are not deemed necessary by the Control Officer for public health and safety that may be subject to curtailment of operations;** and
  - d. Other agencies which, in the opinion of the Control Officer, should be notified.
2. Notification **Information. Notification** of an **emergency** episode stage shall include information as to which stage has been ~~[predicted]~~ **forecasted** or reached, the expected duration of the episode, the geographic boundaries of the affected area, the specific **criteria** air ~~[contaminant]~~ **pollutant(s)** for which the stage has been declared, a statement of the public health significance of the episode stage, and the appropriate voluntary or mandatory control measures to be taken, as described in Section C.2 of this ~~[regulation]~~ **rule**.
- ~~3. ~~[If an episode Stage 2 or 3 is declared, the Control Officer may request that the Director of the Division of Emergency Management for Washoe County coordinate all emergency control measures.]~~~~
3. Episode Termination. Upon declaration of termination of an episode stage, the Control Officer shall notify those persons and offices specified in Section D.1 of this ~~[regulation]~~ **rule**. The notice shall also advise which **public, commercial, and industrial establishments and** curtailed activities may resume, and which **operations and/or** activities must remain curtailed, as specified in Section C.2 of this ~~[regulation]~~ **rule**.

## SECTION E – COMPLIANCE AND RECORDS

- ~~1. ~~[Control Plan for Emission Curtailment. The owner or operator of any stationary or mobile source with the potential to emit fifty (50) tons or more per year of an air contaminant shall, upon request of the Control Officer, prepare and submit a plan for reducing or eliminating such emission in accordance with the episode stages of Alert, Warning and Emergency as defined in these regulations.]~~~~
1. **Upon declaration of any emergency episode stages listed in Section C.2. of this rule in which the Control Officer requires the curtailment of activities or of public, commercial, or industrial establishments, an inspection of curtailed sources until Episode Termination detailed in Section D.3. of this rule shall be conducted.**
2. **All records, public health notifications, and supporting documentation deemed**



*necessary in the determination, justification, declaration, and termination of all emergency episodes shall be retained by the Control Officer.*

REVISED DRAFT  
May 5, 2021



**Public Health**  
Prevent. Promote. Protect.

# Sign-In Sheet

Air Quality Management Division  
**050.001 Emergency Episode Plan Rule Revision Workshop**  
May 12, 2021 2:00 to 4:00 · Teams Meeting

Name	Organization	E-mail
Brendan Schnieder	WCHD-AQMD	bschnieder@washoecounty.us
Daniel Inouye	WCHD-AQMD	dinouye@washoecounty.us



**Public Health**  
Prevent. Promote. Protect.

# Sign-In Sheet

Air Quality Management Division  
**050.001 Emergency Episode Plan Rule Revision Workshop**  
May 19, 2021 9:00 to 11:00 · Teams Meeting

Name	Organization	E-mail
Brendan Schnieder	WCHD-AQMD	bschnieder@washoecounty.us

Proposed Revisions to District Board of Health Regulations Governing Air Quality Management  
Section 050.001 Emergency Episode Plan

May 12, 2021  
&  
May 19, 2021

Daniel Inouye  
Monitoring and Planning Branch Chief  
&  
Brendan Schnieder  
Air Quality Specialist

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1

050.001 Emergency Episode Plan

- Revised Emergency Episode Stages found in Table 1
  - Corresponds with current National Ambient Air Quality Standards (NAAQS)
  - Added Sulfur Dioxide and Nitrogen Dioxide
  - Removed Warning, Alert, Emergency Stage Labels
  - Added Stage 4.

Air Pollutant	Averaging Time	Stage 1	Stage 2	Stage 3	Stage 4
Particulates (PM <sub>10</sub> )	24 Hour	35.4 µg/m <sup>3</sup>	55.4 µg/m <sup>3</sup>	150.4 µg/m <sup>3</sup>	250.4 µg/m <sup>3</sup>
Particulates (PM <sub>2.5</sub> )	24 Hour	15.4 µg/m <sup>3</sup>	25.4 µg/m <sup>3</sup>	35.4 µg/m <sup>3</sup>	42.4 µg/m <sup>3</sup>
Ozone (O <sub>3</sub> )	8 Hour	0.070 ppm	0.085 ppm	0.105 ppm	0.2 ppm
Carbon Monoxide (CO)	8 Hour	9.4 ppm	12.4 ppm	15.4 ppm	30.4 ppm
Sulfur Dioxide (SO <sub>2</sub> )	1 Hour	75 ppb	185 ppb	304 ppb	n/a
Nitrogen Dioxide (NO <sub>2</sub> )	1 Hour	100 ppb	360 ppb	649 ppb	1249 ppb

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2

050.001 Emergency Episode Plan

- Emergency Episode Stages must be declared by the Control Officer (Health Officer) or his/her designee.
- Every Emergency Episode Stage declared results in a public health notification being issued.
- Every Emergency Episode Stage terminated results in an updated public health notification (if going to a lower Stage) and what curtailments are rescinded/remains.



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3

**050.001 Emergency Episode Plan**

- Due to last year’s PM2.5 max 24-hour average at Spanish Springs monitoring station (189.7 µg/m³), we are considered a Priority II area according to 40 CFR 51.151 and 51.152.
- A Priority II area is must provide:
  - (1) *Prompt acquisition of forecasts of atmospheric stagnation conditions and of updates of such forecasts as frequently as they are issued by the National Weather Service.*
  - (2) *Inspection of sources to ascertain compliance with applicable emission control action requirements.*

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**050.001 Emergency Episode Plan**

- Under a PM10, PM2.5, or CO Stage 1 Emergency Episode during stagnant air conditions, residential wood-burning, prescribed and open burning shall be curtailed (Red Burn Code).
- For any pollutant in a Stage 2 or higher, commercial/industrial solid fuel sources and incinerators/crematoriums may be curtailed.
- For any pollutant in a Stage 3 or higher, specific public/commercial/industrial sources may be curtailed.
- For any pollutant in a Stage 4, all public/commercial industrial sources may be curtailed.
- Inspections must be conducted during any curtailments.

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**What’s next?**

- Public comments – Business Impact Statement
- Business Impact Statement
  - District Board of Health (DBOH) June 24, 2021
- Adoption of revised regulation
  - DBOH July 22, 2021
- If adopted by the DBOH, revision will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the Washoe County portion of Nevada State Implementation Plan (SIP).

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**Discussion and Questions**

Contact Information:  
Daniel Inouye  
Monitoring and Planning Branch Chief  
1001 E. 9<sup>th</sup> Street, B171  
dinouye@washoecounty.us  
(775) 784-7214  
Revised Regulation: OurCleanAir.com

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7

Air Quality Management Division  
**050.001 Prescribed Burning Regulation Revision Public Comment**  
May 12, 2021 · 2:00 to 4:00 · Teams Meeting

**Contact Information**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

How did you hear about the workshop?

- Email
- Air Quality website
- Social Media
- Word of mouth
- Other \_\_\_\_\_

**Regulation revision comments:**

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DD\_ED\_\_\_\_  
DHO\_\_\_\_\_ KD

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 10, 2021  
**TO:** District Board of Health  
**FROM:** David Kelly, EHS Supervisor  
775-328-2630, [dakelly@washoecounty.us](mailto:dakelly@washoecounty.us)  
**SUBJECT:** Recommendation for the reappointment of Nick Vestbie, P.E. and Matt Buehler, MS, MBA as members of the Sewage, Wastewater and Sanitation Hearing Board (SWS Board), reappoint Matt Smith as an alternate, and appoint Frank Kurnik, Jr. as an alternate to the SWS Board for a three-year term beginning June 25, 2021 and ending on June 24, 2024.

**SUMMARY**

The appointments of Mr. Nick Vestbie and Mr. Matt Buehler as members of the Sewage, Wastewater and Sanitation Hearing Board (SWS Board) are expired on April 25, 2021. Both have indicated their willingness to continue to serve. The appointment of Mr. Matt Smith as an alternate to the SWS Board expired on April 25, 2021. He has indicated his willingness to continue to serve. Mr. Kurnik applied for and submitted an application in accordance with the District Board of Health public recruitment guidance. The applications for all candidates that submitted applications are attached. The new three-year terms would begin June 25, 2021 and end on June 24, 2024.

**District Health Strategic Priority supported by this item:**

**1. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

**PREVIOUS ACTION**

During the April 25, 2021 DBOH meeting, Environment Health Services staff recommended the reappointment of Mr. Vestbie and Mr. Buehler as members of the SWS Board and Mr. Pezonella and Mr. Smith as alternates to the SWS Board. The DBOH requested that a public recruitment be undertaken to open the positions to more candidates.

On April 29, 2021, the DBOH SWS Board webpage was updated with an application, overview of the SWS Board and expiration dates of currently sitting members. In May, the posting was announced through social media channels and analytics indicated that it had satisfactory viewing. A link was also forwarded to the DBOH. This recruitment process will remain in place, with applications being held and processed each time a position on the SWS Board comes available.

The recruitment process yielded a single new candidate, Mr. XXX, who is now being recommended for appointment as an alternate to the SWS Board.



## **BACKGROUND**

The SWS Board considers regulation changes, appeals and variance applications pertaining to sewage, wastewater, sanitation and well drilling. Over the years, staff has sought professionals in these fields to provide valuable expertise to support and enhance technical knowledge provided by program staff. Mr. Buehler has served on the SWS Board since March of 2015 and Mr. Vestbie, and Mr. Smith have served since April of 2018. They have served well and provided thoughtful counsel on issues brought before them. Mr. Kurnik brings over 10 years of well industry experience which will provide valuable insight into committee proceedings.

Appointment of the recommended four individuals will fill all but one seat on the five-member and two alternate SWS Board. EHS will continue to pursue options to fill the seventh position which must be filled by an attorney who practices law in Nevada.

## **FISCAL IMPACT**

There is no fiscal impact from these reappointments to the SWS Board.

## **RECOMMENDATION**

Environmental Health Services Staff recommend reappointing Mr. Nick Vestbie and Matt Buehler as members, Mr. Matt Smith as an alternate, and appointing Mr. Kurnik as an alternate to the Sewage, Wastewater and Sanitation Hearing Board (SWS Board) for a three-year term beginning June 25, 2021 and ending on June 24, 2024.

## **POSSIBLE MOTION**

Should the Board agree with the staff recommendation, a possible motion would be: "Move to reappoint Mr. Nick Vestbie and Matt Buehler as members, Mr. Matt Smith as an alternate, and appointing Mr. Kurnik as an alternate to the Sewage, Wastewater and Sanitation Hearing Board (SWS Board) for a three-year term beginning June 25, 2021 and ending on June 24, 2024."

**Sewage, Wastewater and Sanitation (SWS) Hearing Board  
Volunteer Application**

I am interested in volunteering with the SWS Hearing Board:

Name:

Address:

City, ST ZIP:

Contact #1:

Contact #2:

Email:

Reason for Interest in joining the SWS Hearing Board:

List your relevant qualifications below:

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

WASHOE COUNTY HEALTH DISTRICT  
ENVIRONMENTAL HEALTH SERVICES DIVISION  
1001 East 9th Street, Building B • Reno, NV 89512  
Telephone (775) 328-2434 • Fax (775) 328-6176  
[www.washoecounty.us/health](http://www.washoecounty.us/health)  
[health@washoecounty.us](mailto:health@washoecounty.us)

**Sewage, Wastewater and Sanitation (SWS) Hearing Board  
Volunteer Application**

I am interested in volunteering with the SWS Hearing Board:

Name: Matt Smith

Address: 14085 Bihler Rd

City, ST ZIP: Reno, NV 89511

Contact #1: 775-825-1595

Contact #2: 775-691-7866

Email: [msmith@watersvacuum.com](mailto:msmith@watersvacuum.com)

Reason for Interest in joining the SWS Hearing Board:

I have always been interested in the process of rules and regulations. I think with my experience in the installation of septic systems I can offer a different point of view.

List your relevant qualifications below:

20 years installing septic systems  
Installed standard rock trench systems  
Installed sand filter systems  
Installed infiltrator systems  
Have worked with most engineers in the area  
Very knowledgeable of the rules and regulations

**Sewage, Wastewater and Sanitation (SWS) Hearing Board  
Volunteer Application**

I am interested in volunteering with the SWS Hearing Board:

Name: Nicholas S. Vestbie

Address: 300 Western Road , #3

City, ST ZIP: Reno, Nv. 89506

Contact #1: Nicholas S. Vetsbie

Contact #2: Lori Mays

Email: Nick@nortechltd.com: lori@nortechltd.com

Reason for Interest in joining the SWS Hearing Board:

Interested in allowing a venue for people to gain project acceptance for septic improvements that do not strictly meet the SWS regulations. Variances will be granted to those projects based on confirming there are no additional health risks, and based on a valid hardship conditions.

List your relevant qualifications below:

Registered civil engineer in Nevada,  
Registered civil engineer in California,  
Registered geotechnical engineer in California  
Civil engineers in Nevada can practice geotechnical engineering based on accrued training and knowlege in the field.

46 years experience, 42 years as P.E. in Nevada

**Sewage, Wastewater and Sanitation (SWS) Hearing Board  
Volunteer Application**

I am interested in volunteering with the SWS Hearing Board:

Name: Frank Andrew Kurnik Jr

Address: 13345 Damonte View Ln

City, ST ZIP: Reno NV 89511

Contact #1: 775-560-3922

Contact #2: 775-851-1600

Email: [frank@brucemackay.com](mailto:frank@brucemackay.com)

Reason for Interest in joining the SWS Hearing Board:

I am interested in helping out on the board to contribute my knowledge and experience to the community.

List your relevant qualifications below:

Employee of Bruce MacKay Pump & Well Service, Inc. 2011-2015  
Owner of Bruce MacKay Pump & Well Service, Inc. 2015 - Present.

DD_ND____
DHO_____KD

**Staff Report**  
**Board Meeting Date: June 24, 2021**

**DATE:** June 17, 2021  
**TO:** District Board of Health Members  
**FROM:** Nancy Diao, Division Director of Epidemiology and Public Health Preparedness  
[ndiao@washoecounty.us](mailto:ndiao@washoecounty.us)  
**THROUGH:** Kevin Dick, District Health Officer  
[kdick@washoecounty.us](mailto:kdick@washoecounty.us)  
**SUBJECT:** Discussion and recommendation to approve the Academic Health Initiative Agreement between the Washoe County Health District and the University of Nevada, Reno.

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**SUMMARY**

The Washoe County Health District and the University of Nevada, Reno drafted and reviewed an agreement to establish an Academic Health Department partnership between the two parties for mutual public health and academic advancements. This agenda item is for discussion and approval of the Academic Health Initiative Agreement between the Washoe County Health District and the University of Nevada, Reno.

**District Health Strategic Priority supported by this item:**

**Impactful Partnership:** Extend our impact by leveraging partnerships to make meaningful progress on health issues.

**PREVIOUS ACTION**

- Legal counsel and risk management teams from both the University of Nevada, Reno, and the Washoe County Health District have reviewed and approved the agreement.

**BACKGROUND**

The Academic Health Initiative Agreement serves to establish an Academic Health Department (AHD) partnership between the Washoe County Health District and the University of Nevada, Reno. The AHD enhances the collaboration between government health departments and academic institutions in terms of public health education, training, research, and service. AHDs are already present in communities across the United States and have proven benefits that ultimately increase community health standards.

Subject: Academic Health Initiative Agreement

Date: June 24, 2021

Page 2 of 2

This partnership between the Washoe County Health District and the University of Nevada, Reno, recognizes the linkage that exists between academia and public practice, and the shared benefits resulting from such a linkage. This partnership will drive advancements in both public health and academia, with an emphasis on improving public health services, research collaboration opportunities and student training initiatives.

### **FISCAL IMPACT**

There is no fiscal impact to the Board on this agenda item.

### **RECOMMENDATION**

The Staff recommends the Board to approve the Academic Health Initiative Agreement between the Washoe County Health District and the University of Nevada, Reno.

### **POSSIBLE MOTION**

Should the Board agree with the Staff's recommendation, a possible motion would be:

“Move to approve the Academic Health Initiative Agreement between the Washoe County Health District and the University of Nevada, Reno.”

### **ATTACHMENTS**

- Academic Health Initiative Agreement final draft

## **ACADEMIC HEALTH INITIATIVE AGREEMENT BETWEEN**

Washoe County Health District  
1001 East Ninth Street  
Reno, Nevada 89512

and

The Board of Regents  
Of the Nevada System of Higher Education on Behalf of the  
University of Nevada, Reno, School of Community Health Sciences  
1001 East Ninth Street  
PO Box 11130

This Agreement is made and entered into between the Washoe County Health District (“Health District”) and the Board of Regents of The Nevada System of Higher Education on Behalf of the University of Nevada, Reno, School of Community Health Sciences (“University”) (collectively the “Parties”).

WHEREAS, Health District is the public health entity organized pursuant to Nevada Revised Statutes Chapter 439 and has jurisdiction over all public health matters within Washoe County Nevada; and

WHEREAS, Health District recognizes the quality of its services can be enhanced through organized efforts in public health education and research; and

WHEREAS, University is committed to the improvement of public health services for the residents and visitors of the State of Nevada; and

WHEREAS, Parties recognize the linkage that exists between academia and public health practice, and the shared benefits resulting from such a linkage; and

WHEREAS, Parties recognize that the quality of public health services and public health education programs will be enhanced by collaborative efforts; and

WHEREAS, Parties agree to combine efforts and activities for the formation, operation, and effective administration of an Academic Health Initiative.

NOW THEREFORE, the Parties mutually agree as follows:

### **I. PURPOSE/PRINCIPLES**

a. The purpose of this Agreement is, through academic and educational cooperation, to establish an Academic Health Initiative (“AHI”) that allows the Parties to share certain assets by aligning economic, management,



and strategic interests, thereby enhancing public health practice, instruction, research, workforce development and improving community health in Nevada.

b. In furtherance of the above-noted purpose, the Parties will adhere to the following principles:

- i. Joint efforts will have a population-health orientation and work to promote equity and social determinants of health;
- ii. Respect the unique nature and contribution of the Parties to this Agreement;
- iii. The formal education of undergraduate and graduate students shall continue to be University's sole responsibility;
- iv. Execution of public health programs at the Health District shall continue to be the Washoe County Health District's sole responsibility; and
- v. Establish clear and open communication by striving to understand each other's needs, interests, and potential contributors.

## II. AUTHORITY

a. Nothing in this Agreement is intended to lessen the responsibility or restrict the authority of the Health District or University to act as provided by law or regulation.

b. NRS 277.180 authorizes public entities to contract with one or more other public agencies to perform any governmental service activity or undertaking which any of the public agencies entering into the contract is authorized to perform.

c. The Parties shall continue under the control of their respective officers and boards of directors or trustees, and shall remain solely responsible in all respects for the management of each party's own affairs.

## III. TERM, TERMINATION, AND AMENDMENT

a. This Agreement shall become effective upon signature of this document by authorized representatives of the Health District and University and is valid for five (5) years from the latest signature, unless otherwise terminated as provided herein.

b. The Parties may terminate this Agreement by mutual written agreement. Activities in progress pursuant to specific activity agreements shall continue until concluded by the Parties in accordance with their terms or as otherwise agreed to in writing by the Parties.

c. This Agreement may be amended only by the written agreement of the Parties.

IV. PAYMENT. This Agreement does not involve the exchange of money between the Parties, except where agreed upon in writing by mutual agreement for specific activities.

V. SCOPE OF ACTIVITIES

a. Areas of joint cooperation include, but are not limited to, opportunities for:

- i. Collaborative public health professional preparation. Health District will host, as appropriate, graduate and professional students, and undergraduate students for internship according to Health District and University guidelines. Health District and University shall enter into appropriate educational affiliation agreements to accomplish these objectives.
- ii. Workforce development.
- iii. Planning and implementing workforce development training based on identified needs.
- iv. Enhanced public health practice and collaborative research.
- v. Collaboration on research projects, including communicating research interests, applying for joint funding, supplying letters of support, writing joint publications, and following all proper Institutional Review Board (IRB) protocols.
- vi. The Parties may participate on joint community health initiatives.
- vii. The Parties will provide technical assistance and consultation to each other as requested and when appropriate.

b. Shared resources. When appropriate, the Parties will identify areas where resources can be leveraged or shared.

c. Joint Advisory Committee

- i. The Parties shall form a Joint Advisory Committee ("JAC") whose purpose will be to oversee and inform all activities of the Agreement including new research opportunities, student projects, workforce development training needs, latest developments in the field, and the like.
- ii. The JAC will be comprised of two members of University and up to two (2) members of the Health District.

- iii. The District Health Officer and the University Dean of Community Health Sciences will select their respective staff members to participate as JAC members.
- iv. JAC members shall each name a coordinator from their respective institution to serve as a liaison for implementing this Agreement and facilitating interactions and data requests between the Parties. The coordinators may also serve as members of the JAC.
- v. Before any activity may be implemented, the JAC shall discuss the relevant issues to the satisfaction of the Parties and enter into specific written activity agreements based on mutually agreed to objectives and outcomes.
- vi. The JAC will annually assess the effectiveness of communication between the Parties and, as appropriate, provide recommendations.

VI. APPOINTED OR ADJUNCT FACULTY. Health District staff may serve in non-tenure track faculty appointments at University, including adjunct and LOA appointments. Such appointments will be made at the sole discretion of University and in accordance with University's personnel policies and guidelines, including but not limited to those addressing adjunct faculty and LOA appointments. Library services and electronic access to publications shall be available to Health District staff in these appointments as allowed by University policy.

VII. CONTINUING EDUCATION/INFORMATION EXCHANGE

a. The Parties will work to provide continuing education programs and information exchanges:

- i. To the extent possible, University will make educational opportunities open and available to Health District staff at regular cost and pursuant to applicable policies and procedures of University.
- ii. University will assist Health District in providing graduate and continuing education programs. Such education programs include workshops focused on specific topics, symposiums, academic meetings, seminars and other special sessions as agreed upon.
- iii. The Parties will agree upon and establish specific mechanisms for the regular sharing of information. This communication will pertain to current activities, potential areas of research collaboration, student opportunities, training and consultation needs, and other

categories of information deemed relevant.

- VIII. COLLABORATIVE RESEARCH ACTIVITIES. University and Health District may engage in collaborative research activities in accordance with the following parameters (this is a non-exhaustive list and may be amended, revised, or changed if mutually agreed to in writing and signed by the Parties):
- a. Research projects will be determined in advance by the Parties and shall enumerate the responsibilities of the respective Parties in writing.
  - b. The Parties will encourage their respective faculty and/or employees to engage in collaborative research in areas of mutual interest.
  - c. Research projects approved by the Parties will be subject to review and approval by the applicable Institutional Review Board. Each research project plan shall specify the scope of services and deliverables consistent with the purposes of the research objectives.
  - d. Health District agrees to encourage its staff to provide facilities and access to data for research to University's faculty consistent with its capabilities and any applicable legal and/or regulatory requirements.
  - e. The Parties agree to provide consultants to each other on a paid, unpaid, and/or quid pro quo basis as recommended by the JAC, and approved by University's Dean of Community Health Sciences and the District Health Officer. Consultation and technical assistance will be determined by the Parties based on the priorities communicated by the JAC.
  - f. Grant funds obtained for joint research projects shall be distributed by the granting agency or on such equitable basis as may be agreed upon in advance and in writing by Parties.
  - g. Any publications resulting from investigative findings shall acknowledge the Health District, the University, and where applicable, grant funding sources.
    - i. Parties reserve the right to publish, present, use, or otherwise disseminate research results for their own instructional, research, or publication objectives consistent with the terms and conditions stated in the research agreement.
    - ii. In the event the Parties agree to jointly prepare a publication of the results of any AHI-related research in a mutually acceptable peer reviewed journal, the Parties shall: i) jointly draft such publication through the research representatives; ii) prepare such publication within a mutually agreed upon time; and iii) have such joint publication reviewed and approved by their respective duly

authorized officers prior to submission of the article to the agreed upon peer reviewed journal. Except by mutual written consent of the respective Parties involved, the results from any research shall not be released or otherwise transferred to any third party or the public prior to the date on which such joint publication will be released.

- IX. DATA SHARING AND CONFIDENTIALITY. University and the Health District will be allowed to share data to conduct research activities, community assessments, and grant applications in accordance with the following parameters (this is a non-exhaustive list and may be amended, revised, or changed if mutually agreed to in writing and signed by the Parties):
- a. Data security shall be maintained by the Parties
    - i. Data so shared will be maintained by the Parties in a secure network, with access limited to authorized staff within University and the Health District. Data will not be placed on laptops or other electronic media such as jump drives. Data will only be accessed by those authorized by the Parties. Computers must have password protected screen savers. Hard drives for computers that store or utilize the datasets will be reformatted before further use or destroyed.
    - ii. Further, the Parties will maintain the confidentiality and security of the information in the records in the manner required by relevant Nevada law, including but not limited to NRS and NAC 205,239, 239A, 440,457,597,603, and 603A; as well as any future changes to any of these requirements. Additionally, any publications containing aggregated data that was obtained at line-level from the datasets and aggregated by University or the Health District will be published only upon written approval by the Parties.
    - iii. Under no circumstances shall University pass on any of the data it receives from the Health District in whole or in part to any third-party unless the Health District agrees in writing in advance to the involvement of any third-party and is satisfied by the security and confidentiality procedures University and that third-party have established. Under no circumstances shall Health District pass on any of the data it receives from the University in whole or in part to any third-party unless the University agrees in writing in advance to the involvement of any third-party and is satisfied by the security and confidentiality procedures Health District and that third-party have established.

- iv. Data will be maintained by the Parties for as long as it is required for the purposes stated above. In the event that this agreement is terminated, or the data is no longer needed, the data will be destroyed or returned to the respective Parties within 10 days of the termination. Appropriate proof of the destruction of the data will be supplied to the Parties as required by each Party.

X. GENERAL PROVISIONS

a. PUBLICITY. Except as otherwise expressly permitted herein, the Parties shall not use the name, mark, logo, design, or other symbol of the Health District or University in the performance of their services, in their advertising, or in the production of any materials related to this Agreement, without the prior written approval of the Health District or University.

b. INDEPENDENT ENTITIES. The Parties are associated with each other only for the purposes and to the extent set forth in this Agreement. Nothing herein shall create or be construed to create an employer-employee, agency, joint venture, or partnership between the Parties.

c. GOVERNING LAW. This Agreement and the rights and obligations of the Parties hereto shall be governed by and construed according to the laws of the State of Nevada, without regard to any conflicts of laws principles, with Washoe County, Nevada, as the exclusive venue of any action or proceeding related to or arising out of this Agreement.

d. NOTICES. All notices permitted or required under this Agreement shall be made via U.S. certified mail, postage prepaid to the other Parties at their address set out below or subsequently advised in writing:

Washoe County Health District  
1001 E. Ninth St.  
Reno, NV 89512

University of Nevada, Reno  
School of Community Health Sciences  
Dean  
1664 N. Virginia St., MS 0274  
Reno, NV 89557

e. PUBLIC RECORDS. Parties are public entities. As such, pursuant to NRS Chapter 239, information or documents, including this Agreement and

any other documents generated incidental thereto may be opened to public inspection and copying unless a particular record is made confidential by law or a common law balancing of interests.

f. **NO PRIVATE RIGHT CREATED.** The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary and this Agreement shall not be construed to create such status. The rights, duties, and obligations contained in this Agreement shall operate only between the Parties to this Agreement and shall inure solely to the benefit of the Parties determining and performing their obligations under this Agreement.

g. **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but which together shall constitute one instrument. Facsimile or electronic transmissions of documents and signatures shall have the same force and effect as originals.

h. **BREACH; REMEDIES.** Failure of either University or the Health District to perform any obligation of this Agreement shall be deemed a breach. Except as otherwise provided for by law or this Agreement, the rights and remedies of the Parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs.

i. **LIMITED LIABILITY.** The Parties will not waive and intend to assert available NRS Chapter 41 liability limitations in all cases. Liability of both Parties shall not be subject to punitive damages. To the extent applicable, actual damages arising out of this agreement for any breach shall be limited by NRS 354.626.

j. **INDEMNIFICATION.** To the extent limited in accordance with NRS 41.0305 to NRS 41.039, the Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno shall indemnify, defend and hold harmless the Health District from and against any and all liabilities, claims, losses, lawsuits, judgments, and/or expenses, including attorney fees, arising either directly or indirectly from any act or failure to act by the Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno or any of its officers or employees, which may occur during or which may arise out of the performance of this Agreement. The Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno will assert the defense of sovereign immunity as appropriate in all cases, including malpractice and indemnity actions. The Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno's indemnity obligation for actions sounding tort is limited in accordance with

the provisions of NRS 41.035.

To the extent limited in accordance with NRS 41.0305 to NRS 41.039, the Health District shall indemnify, defend and hold harmless the University, its officers, employees, and agents from and against any and all liabilities, claims, losses, lawsuits, judgments, and/or expenses, including attorney fees, arising either directly or indirectly from any act or failure to act by the Health District or any of its officers or employees, which may occur during or which may arise out of the performance of this Agreement. The Health District will assert the defense of sovereign immunity as appropriate in all cases, including malpractice and indemnity actions. The Health District's indemnity obligation for actions sounding tort is limited in accordance with the provisions of NRS 41.035.

k. **FORCE MAJEURE.** Neither University nor the Health District shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, governmental restrictions, governmental regulations, governmental controls, act of public enemy, pandemics, epidemics or other outbreaks of diseases or other infections accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Agreement after the intervening cause ceases.

l. **HIPAA.** The Parties acknowledge the applicability of the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191 ("HIPAA") to any covered functions which may be performed pursuant to this Agreement.

m. **FERPA.** The Health District understands and agrees that all student education records regarding University's students belong to University, including those created by the Health District, that the confidentiality of all such records are protected by the Federal Family Education and Privacy Rights Act (FERPA), 20 U.S.C. § 1232(9) and as applicable, that the Health District will abide by all of FERPA's provisions, including not releasing any such records to third parties.

n. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any breach of the Agreement or its material or nonmaterial terms by the Parties shall not operate as a waiver of any of its rights or remedies as to any other breach.

o. **SEVERABILITY.** If any provision contained in this Agreement is held to be unenforceable by a court of law or equity, this Agreement shall be construed as if such provision did not exist and the non-enforceability of such



provision shall not be held to render any other provision or provisions of this Agreement unenforceable.

p. ASSIGNMENT. Neither University nor the Health District shall assign, transfer, or delegate any rights, obligations, or duties under this Agreement without the prior written consent of the other entity.

q. CONFIDENTIALITY. The Parties shall keep confidential all information, in whatever form, produced, prepared, observed, or received to the extent that such information is confidential by law or otherwise required by this Agreement.

r. PROPER AUTHORITY. The Parties hereto represent and warrant that the person executing this Agreement on behalf of University and the Health District has full power and authority to enter into this Agreement and that the Parties are authorized by law to perform the service set forth in this Agreement.

s. ENTIRE AGREEMENT AND MODIFICATION. This Agreement constitutes the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the Parties unless the same is in writing and signed by the respective parties hereto.

IN WITNESS THEREOF, the Parties here to have caused this Agreement to be executed by their undersigned officials as duly authorized.

WASHOE COUNTY DISTRICT BOARD OF HEALTH

Recommended By:

\_\_\_\_\_

Oscar Delgado  
Chair, District Board of Health

Date: \_\_\_\_\_

BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION ON  
BEHALF OF THE UNIVERSITY OF NEVADA, RENO

Recommended by:

\_\_\_\_\_

Dean, School of Community Health Sciences

Date: \_\_\_\_\_

Approved by:

\_\_\_\_\_

Jeff Thompson, PhD  
Acting Executive Vice President and Provost

Date: \_\_\_\_\_



## STAFF REPORT

BOARD MEETING DATE: June 24, 2021

**DATE:** Thursday, June 17, 2021  
**TO:** District Board of Health  
**FROM:** Dania Reid, Deputy District Attorney  
[dreid@da.washoecounty.us](mailto:dreid@da.washoecounty.us)  
**775-337-5700**

**SUBJECT:** Review, discussion and direction to staff regarding the provisions of the Interlocal Agreement (ILA) entered into by the Cities of Reno and Sparks and Washoe County for the creation of the Health District. Take action to accept the ILA in its current form *or* direct staff to forward any recommendations for possible amendments to Reno, Sparks and Washoe County.

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### SUMMARY

Section 7(c) of the Interlocal Agreement requires annual review of the Agreement by the Board and that recommendations for possible amendments may be made to Reno, Sparks and Washoe County.

#### **District Health Strategic Priority supported by this item:**

**4. Impactful Partnerships:** Extend our impact by leveraging partnerships to make meaningful progress on health issues.

### BACKGROUND

On November 27, 1972, the governing bodies of the Cities of Reno and Sparks and the County of Washoe formed the Washoe County Health District by adopting an Interlocal Agreement in conformance with the provisions of NRS 439.

The Interlocal Agreement was amended in August of 1986 to delegate to the Health District the powers granted to the Cities and County to displace or limit competition in the grant of any franchise for ambulance services.

The Interlocal Agreement was further amended in August of 1993 after a legislative revision to the composition of the Board of Health pursuant to NRS 439.390. The revision required the seventh member of the board, the member appointed by the other six, to be a physician.

There have been no further amendments to the Agreement.

The Interlocal Agreement will be calendared for review annually.

The Interlocal Agreement may be amended by mutual consent of the Cities and County not later than 90 days before its annual renewal date of January 1, 2022.

**FISCAL IMPACT**

There are no fiscal impacts for the Board's review of the Interlocal Agreement.

**RECOMMENDATION**

Staff recommends the District Board of Health review, discuss and provide direction to staff regarding the provisions of the Interlocal Agreement entered into by the Cities of Reno and Sparks and Washoe County for the creation of the Health District. Staff further recommends the Board take action to accept the ILA in its current form *or* direct staff to forward any recommendations as discussed for possible amendments to Reno, Sparks and Washoe County.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be "Move to accept the ILA in its current form *or* direct staff to forward any recommendations as discussed for possible amendments to Reno, Sparks and Washoe County."



## DISTRICT HEALTH DEPARTMENT

June 28, 1993

TO: John MacIntyre, Manager  
FROM: Dave Rice  
SUBJECT: Interlocal Agreement



At the regular scheduled meeting of the Washoe County District Board of Health (DBOH), June 23, 1993, the DBOH approved an amendment to the Interlocal Agreement Concerning the Washoe County District Health Department. This amendment brings our interlocal agreement into compliance with changes made to the Nevada Revised Statutes during the last legislative session, which ended in June, 1991. A copy of the amendment has been included for your consideration.

To summarize the changes to NRS 439.390 District board of health: Composition; qualifications of members, the requirement for the physician appointment was moved from the Board of County Commission appointed member to the DBOH appointed member. Currently, the DBOH appointed member is a non physician whose term will expire in December 1994. Upon completion of this term, the DBOH appointed position will be required to be a physician licensed to practice medicine in the state of Nevada.

Please place this needed change to the Interlocal Agreement Concerning the Washoe County District Health Department on your next available agenda for consideration by the Board of County Commissioners. We will be able to attend your meeting and will be prepared to present this item.

Thank you for your time and assistance.

David E. Rice, MPH  
District Health Officer

DER/ct

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93-731

INTERLOCAL AGREEMENT  
CONCERNING THE WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

MATERIAL CONTAINED IN BRACKETS IS TO BE DELETED, WHILE UNDERLINED LANGUAGE IS NEW.

SECTION 2.D.

Two members of the Board shall be appointed by the Board of County Commissioners [. One of those members shall be a physician licensed to practice medicine in this State and the other] only one of whom shall be an elected member of the governing body.

SECTION 2.E.

The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. This member must be a physician licensed to practice medicine in this state. If the members of the Board appointed by Reno, Sparks and the County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

93-731

A RESOLUTION IN SUPPORT OF AMENDING  
THE INTERLOCAL AGREEMENT CONCERNING  
THE WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

WHEREAS the Washoe County District Health Department has been established in accordance with Chapter 439 of the Nevada Revised Statutes; and

WHEREAS the City of Reno, the City of Sparks and Washoe County entered into an Interlocal Agreement adopted on November 27, 1972, outlining the composition of the representatives appointed by the respective governing bodies; and

WHEREAS the District Board of Health has exercised all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS the 1991 Nevada Legislature amended Nevada Revised Statute 439.390(2) requiring that the additional member of the Board of Health be a physician licensed to practice medicine in the state; and

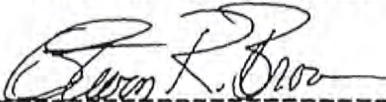
WHEREAS the District Board of Health at their meeting of June 23, 1993 approved amendments to the Interlocal Agreement and directed the District Health Officer to forward the amendments to the City of Reno, the City of Sparks and Washoe County to be placed on the next available agenda for ratification;

NOW THEREFORE, BE IT RESOLVED, that the Interlocal Agreement Concerning the Washoe County District Health Department be amended to read as follows:

Section 2.D. Two members of the Board shall be appointed by the Board of County Commissioners [. One of those members shall be a physician licensed to practice medicine in the this State and the other] only one of whom shall be an elected member of the governing body.

Section 2.E. The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. This member must be a physician licensed to practice medicine the this state. If the members of the Board appointed by the Reno, Sparks and Washoe County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

ADOPTED AND APPROVED this 23<sup>RD</sup> day of JUNE, 1993.



Chairman

ATTEST:



Secretary of the Board



93-731

AMENDMENT TO THE  
INTERLOCAL AGREEMENT CONCERNING THE  
WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

WHEREAS, the Washoe County Health District has been established with a District Health Department including a District Health Officer and a District Board of Health, composed of representatives appointed by the governing bodies of the cities of Reno and Sparks and Washoe County, together with one member appointed by the members of the Board of Health, all in accordance with Chapter 439 of the Nevada Revised Statutes, and pursuant to an Interlocal Agreement adopted as of November 27, 1972, by those governing bodies and amended from time to time; and

WHEREAS, the District Board of Health of the Washoe County Health District has exercised, since its creation, all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS, it is the desire of the District Board of Health and of the governing bodies of the cities of Reno and Sparks and Washoe County that certain revisions be made to the Interlocal Agreement by which the Board and the Department were created in order to comply with legislative amendments to Chapter 439 of the Nevada Revised Statutes;

NOW THEREFORE, Sections 2.D. and E. of the Interlocal Agreement Concerning the Washoe County Health District are hereby amended to read as follows:

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93-731



2. D. Two members of the Board shall be appointed by the Board of County Commissioners only one of whom shall be an elected member of the governing body.

2. E. The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. This member must be a physician licensed to practice medicine in this state. If the members of the Board appointed by Reno, Sparks and the County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

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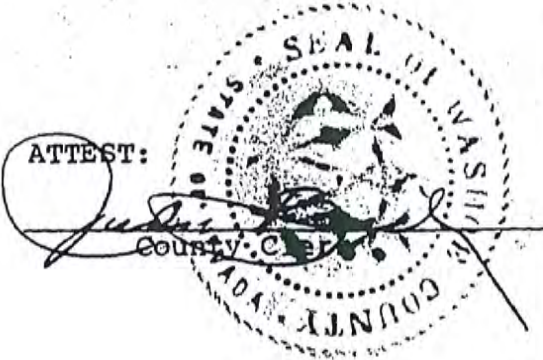
93-731

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and in the year appearing by the signatures below.

WASHOE COUNTY, by and through its Board of County Commissioners

By *James Cornwall*  
Chairman

Date *July 20, 1993*



CITY OF RENO, by and through its City Council

By \_\_\_\_\_  
Mayor

Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF SPARKS, by and through its City Council

By \_\_\_\_\_  
Mayor

Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

*93-731*

AMENDMENT OF INTERLOCAL AGREEMENT  
 CONCERNING THE WASHOE COUNTY HEALTH DISTRICT

WHEREAS, the Washoe County Health District has heretofore been established with a District Health Department including a District Health Officer and a District Board of Health, composed of representatives appointed by the governing bodies of the cities of Reno and Sparks and Washoe County, together with one member appointed by the members of the Board of Health, all in accordance with Chapter 439 of Nevada Revised Statutes and an Interlocal Agreement adopted as of November 27, 1972, by those governing bodies; and

WHEREAS, the District Board of Health of the Washoe County Health District has exercised, since its creation, all the powers, duties and authority of a District Board of Health pursuant to Chapter 439 of the Nevada Revised Statutes; and

WHEREAS, it is the desire of the District Board of Health that certain revisions be made to the Interlocal Agreement by which the Board and the Department were created;

NOW, THEREFORE, the Interlocal Agreement Concerning the Washoe County Health District is hereby amended to read as follows:

INTERLOCAL AGREEMENT CONCERNING THE  
 WASHOE COUNTY DISTRICT HEALTH DEPARTMENT

SECTION 1. Definitions.

A. As used in this agreement, unless the context otherwise requires:

1. "Board" means the Washoe County District Board of Health.

2. "Chairman" means the chairman of the Board.

3. "County" means Washoe County, a political subdivision of the State of Nevada.

4. "Department" means the Washoe County District Health Department.

5. "Health Officer" means the health officer of the Washoe County Health District.

6. "Reno" means the City of Reno, Nevada.

7. "Sparks" means the City of Sparks, Nevada.

B. Except as otherwise expressly provided in this agreement or required by the context:

1. The masculine gender includes the feminine and neuter genders.

2. The singular number includes the plural number, and the plural includes the singular.

3. The present tense includes the future tense.

The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

SECTION 2. District Board of Health; Creation; composition.

A. The Washoe County District Board of Health, consisting of seven members appointed by Reno, Sparks and the County is hereby created.

B. Two members of the Board shall be appointed by the Reno Council only one of whom shall be an elected member of the governing body.

C. Two members of the Board shall be appointed by the Sparks Council only one of whom shall be an elected member of the governing body.

D. Two members of the Board shall be appointed by the Board of County Commissioners. One of those members shall be a physician licensed to practice medicine in this State and the other shall be an elected member of the governing body.

E. The remaining member of the Board shall be appointed by the other members of the Board at their organizational meeting. If the members of the Board appointed by Reno, Sparks and the County fail to choose the additional member within 30 days after January 1, 1979 or within 30 days after the term of the additional member becomes vacant or expires, that member shall be appointed by the State Health Officer.

F. Except as provided in subsection J, below, members of the Board shall serve four year terms commencing January 1, 1979. Each member may be reappointed in the same manner as their original appointment to serve not more than two additional terms. Upon the expiration of this term of office, a member shall continue to serve until his successor is appointed and qualifies.

G. Not later than January 31, 1979, the Board shall meet and conduct an organizational meeting. At that meeting, the Board shall select a chairman and vice-chairman from among its members and may appoint such officers from among its members as it deems necessary to assist it in carrying out its prescribed duties. The chairman and vice-chairman shall serve two years and until their successors are appointed by the Board and qualify.

H. Except as otherwise provided in this Agreement or by law, a majority of the Board constitutes a quorum for the conduct of business and a majority vote of the quorum is necessary to act on any matter.

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I. If a vacancy occurs on the Board, the entity which appointed the member whose position is vacated shall appoint a person to fill the remainder of that member's unexpired term. At the end of that term, the appointee may be reappointed to serve not more than two additional terms.

J. When a person appointed to the Board as a member of the governing body of Reno, Sparks or the County no longer qualifies to serve as a member of that governing body, his term of office on the Board expires and a vacancy automatically occurs. That vacancy shall be filled in the same manner specified in subsection I, above.

K. If the boundaries of the Health District are enlarged to include any additional political subdivision of the State of Nevada, or if any additional political subdivision is created within the District's boundaries, the political subdivision, upon request, may become a party to this agreement. In that event, the number of members on the Board shall be increased by appointment of two persons by the political subdivision, only one of whom shall be an elected member of the governing body of that political subdivision, and this agreement shall apply in all particulars to the new party thereto.

L. The Board may adopt procedural rules for the organization of its meetings and may adopt any other operational or procedural rules and guidelines to carry out their assigned functions and duties in an efficient and orderly manner. Such operational or procedural rules and guidelines must be consistent with the other terms of this agreement.

SECTION 3. Board of Health; Jurisdiction; powers; duties.

A. The Board, through the Department, has jurisdiction over all public health matters in the Health District. As used

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in this subsection, "Health District" means the Washoe County Health District with boundaries conterminous with the boundaries of the County and as those boundaries may be amended from time to time.

B. The Board may exercise all powers conferred on such boards by the Nevada Revised Statutes, regulations and other laws.

C. The Board shall perform, or cause to be performed through the Department, all duties prescribed by Nevada Revised Statutes, regulations and other laws.

D. The Board of Health may exercise the power granted to the cities of Reno and Sparks regarding ambulance services specifically set forth in NRS 268.081 and NRS 268.083 and may exercise the power granted to Washoe County regarding ambulance services specifically set forth in NRS 244.187 and NRS 244.188. In that regard, the District Board of Health may displace or limit competition in the grant of any franchise for ambulance service.

E. The Board of County Commissioners shall assist the Board by providing the administrative procedures by which the Board, through the Department, shall exercise the powers and perform the duties specified in Subsections B, C and D of this section. However, the Councils of Reno and Sparks and the Board of County Commissioners recognize and agree that ultimate responsibility for establishing policies and procedures relating to public health programs rests solely with the Board.

SECTION 4. Preparation of annual budget; accounting for funds of District Health Department; supervision of District Health Department.

A. A proposed annual budget for the Department including estimates of revenues to be derived from service

charges, permits, donations, contracts, grants and any other sources other than local tax resources for the budget period as well as planned operating expenditures shall be prepared by the Health Officer or his designee prior to the start of the fiscal year for which that budget is prepared and in accordance with the budget preparation time frame established by the County. Copies of the proposed budget shall be transmitted to the City Managers of Reno and Sparks and to the County Manager for their review or a review by their designated representatives.

B. Prior to the adoption of a final budget by the Board of County Commissioners, the Board shall review the proposed annual budget for the Department. Comments received from the City Managers of Reno and Sparks and the County Manager shall be presented to the Board for consideration as part of that budget review. The Board will approve a tentative budget for the Department and transmit that budget, in a format designated by the County, to the County for action by the Board of County Commissioners and inclusion within the County budget documents, being separately designated a special revenue fund known as the Health Fund in accordance with the Local Government Budget Act.

C. The Board of County Commissioners shall allocate the local tax resources and approve a final budget for the Department using the same policies and procedures that are used to allocate and approve budgets for County Departments. However, the allocation shall not be determined on the basis of the public health policies, procedures or programs established by the Board pursuant to Subsection E of Section 3 of this Agreement. The Board of County Commissioners shall notify the Board of the total amount of the allocation for each fiscal year. The Board shall be responsible for carrying out the public health goals, objectives and priorities established for the Department within the limits of that final budget as approved by the Board of County Commissioners.



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D. Once the budget for the Department has been included within the final approved budget for the County and filed with the State in accordance with applicable law, it cannot be reduced, increased or otherwise altered by the County without the approval of the Councils of Reno and Sparks except under the circumstances hereinafter described. 1) Should it become necessary to increase the budget as a result of salary and/or benefit increases negotiated with recognized employee associations of the County in effect now and in the future, the budget for the Department will be increased by that necessary amount through appropriation of local tax resources by the County in the same manner as County Department budgets are increased as a result of those negotiations and in accordance with the provisions of the Local Government Budget Act. 2) Any nonlocal funds made available to the Department from such sources as the State or Federal government, foundations or through donations may be added to the final approved budget upon approval by the Board and through action of the Board of County Commissioners in accordance with the provisions of the Local Government Budget Act and consistent with County policy or ordinance on budget amendments. Any proposed decrease by the County in the unappropriated fund balance of the Health Fund will be brought to the notice of the Board who may make comment to the County regarding the proposed action.

E. The Health Officer or his designee shall keep a proper accounting for all expenses incurred and revenues received in the operation of the Department.

F. No obligation may be incurred or payment made in the operation of the Department except by the approval of the Health Officer or his designee. Approved claims shall be submitted to the Office of the County Comptroller who shall execute payment of such approved claims.

G. The County Treasurer's Office is hereby designated as the office to and from which funds of the Department shall be deposited or disbursed.

H. The County Purchasing Department is hereby designated as the office through which the Board shall exercise its authority under the Local Government Purchasing Act.

I. The Board shall establish a policy for supervision of all public health programs of the Department.

J. The Board may authorize new public health programs upon the recommendation of the Health Officer or his designee provided sufficient funds are available to carry out such programs at the time they are authorized.

K. In the event that grant, donation, contract or foundation funds for a specific program are terminated, that program will also be terminated, including its personnel, unless it is determined by the Board that continuation of the program is necessary and sufficient local tax resources are appropriated by the Board of County Commissioners for the program.

L. If insufficient funds are available to maintain a program and it becomes necessary to restrict or eliminate the program, the Board shall notify the City Managers of Reno and Sparks and the County Manager of the proposed restriction or elimination.

M. If an external fiscal audit of a grant or contract funded program requires a fiscal adjustment in the benefit of the contractor or grantor, such fiscal adjustment will be made within the existing appropriations of the Department.

SECTION 5. Health Officer; position created; appointment; qualifications; powers; duties and authority.

A. There is hereby created the position of Health Officer of the Washoe County Health District.

B. The Health Officer shall be appointed, and may only be removed, by a majority vote of the total membership of the Board. The Health Officer shall hold his position and serve at the pleasure of the Board. He shall reside within the boundaries of the Washoe County Health District.

C. The Board may only appoint as Health Officer a person who possesses the qualifications set forth by law for that position.

D. The salary of the Health Officer shall be established and approved in the manner specified in Chapter 439 of the Nevada Revised Statutes.

E. The Health Officer is empowered to appoint such deputies and delegate such authority as he deems necessary to carry out the authorized health programs of the Washoe County Health District and those deputies shall receive such compensation for the classification designated as provided in the approved salary schedule of the County and as adopted by the Board of County Commissioners; provided sufficient funds are available in the approved annual budget of the Department. In addition, the Health Officer shall comply with the provisions of Section 6 below in making any such appointment to the staff of the Department.

F. The Health Officer shall be responsible to the Board for the proper administration of the Department in areas not directly subject to the supervision and control of the Board as set forth above.

G. The Health Officer and his deputies shall maintain complete records concerning public health programs provided by the Department.

H. The Health Officer, upon request, shall provide to the City Managers of Reno and Sparks, the County Manager and to any member of the Board a copy of any report or record of any activity of the Department.

I. The Health Officer shall cooperate with the State Board of Health, State Health Division and Federal agencies in all matters affecting public health. He shall make such reports and provide such information as the State Board, State Health Division and Federal agencies require.

J. The Health Officer shall designate a person to act in his stead during his temporary absence from the District or during his temporary disability. The Health Officer shall make such designation by letter to the Chairman of the Board, to the staff of the Department, to the City Managers of Reno and Sparks and the County Manager. The person so designated shall occupy the position of "Acting Health Officer" during the Health Officer's absence or disability. If necessary, the Health Officer shall also designate a physician licensed to practice medicine in this state to act as a consultant on all medical matters with which the Department is involved. If the Health Officer fails to make the designation or designations required by this subsection, the Board may do so by resolution.

K. If the position of Health Officer becomes vacant, an Acting Health Officer shall be appointed by the Board to fill the position until the Board appoints a new Health Officer.

L. No member of the Board may be appointed as Health Officer or Acting Health Officer.

SECTION 6. District Health Department of Washoe County Health District.

There is hereby established a District Health Department of the Washoe County Health District, subject to the following provisions:

A. The Department shall be organized in the same manner as divisions, departments, agencies, offices, etc. of the County are organized for the purpose of providing a structure for the day-to-day execution of the public affairs of the Department.

B. The Department has jurisdiction over all public health matters arising within the Washoe County Health District and shall carry out all public health programs approved by the Board.

C. All personnel matters in the Department shall be regulated by those ordinances applicable to County employees, except as otherwise provided herein.

D. The Health Officer or his designee shall employ qualified persons under the County's Merit Personnel Ordinance. Those persons shall receive the compensation specified for the classification designated in the approved salary schedule adopted by the Board of County Commissioners provided sufficient funds are available in the approved budget of the Department. The Health Officer or his designee may only select persons to fill authorized vacancies within the Department.

E. The Health Officer or his designee may take disciplinary action against any employee, including suspension or termination of any employee of the Department in accordance with any applicable provisions of County ordinances in effect now and in the future and any negotiated contracts with recognized employee associations in effect now and in the future.

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F. The Department shall cooperate with the State Health Division and State Board of Health in carrying out all public health programs within the Washoe County Health District as permitted or required by the Nevada Revised Statutes and other laws.

SECTION 7. Term of agreement.

A. Except as provided in subsection D, this agreement shall be in effect for a period of one year from January 1, 1979.

B. After the initial one-year term has expired, this agreement shall automatically be renewed for a one-year period on each anniversary date after December 31, 1979, unless either Reno, Sparks, or the County serves by certified mail on the other parties to this agreement a written notice of termination 15 days prior to the date of expiration (which shall coincide with each anniversary date of this agreement), in which event this agreement shall terminate on the day of expiration. As used herein, "the expiration date" or "day of expiration" means the last day of this agreement or the last day of any extended one-year period under the terms of this agreement. If no written notice of termination has been received by any party to this agreement from any other party to this agreement at the end of its initial term or at the end of any one-year renewal period after the initial term of this agreement has expired, it shall automatically be renewed for another one-year period and will continue in full force and effect during such renewal.

C. This agreement shall be reviewed annually by the Board, and recommendations for possible amendments may be made to Reno, Sparks and the County.

B2409P0446

D. This agreement may be amended by mutual consent of the parties hereto not later than 90 days before its annual renewal date.

E. Reno, Sparks or the County may terminate this agreement for cause, including the breach of any provision thereof, upon written notice to the other parties to this agreement. In that event, the agreement shall terminate 60 days after the parties have received the written notice of termination for cause.

SECTION 8. Property acquired by District Health Department.

A. All property acquired by the Department during the term of this agreement shall be subject to the jurisdiction and control of the Board through the Health Officer and the Department.

B. Upon termination of this agreement, all property acquired by or held in the name of the Department shall become the property of the County, except that any property purchased with Federal funds must be disposed of in accordance with Federal Grants Administration policies.

B2409P0447

IN WITNESS WHEREOF, the parties hereto have executed this amended agreement on the day and in the year appearing by the signatures below.

WASHOE COUNTY, by and through its Board of County Commissioners

By [Signature]  
Chairman

Date August 26, 1986



ATTEST

[Signature]  
County Clerk

CITY OF RENO, by and through its City Council

By [Signature]  
Mayor

Date 8/25/86



ATTEST

[Signature]  
City Clerk

CITY OF SPARKS, by and through its City Council

By [Signature]  
Mayor

Date 8/25/86



1101865

ATTEST

[Signature]  
City Clerk

OFFICIAL RECORDS  
WASHOE CO., NEVADA  
RECORD REQUESTED BY  
WASHOE COUNTY DA  
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ED TADDAN CIVIL DIV

B2409P0448



**Air Quality Management  
Division Director Staff Report  
Board Meeting Date: June 24, 2021**

**DATE:** June 24, 2021  
**TO:** District Board of Health  
**FROM:** Francisco Vega, P.E., Division Director  
 775-784-7211; fvega@washoecounty.us  
**SUBJECT:** Program Update - AB 349 Closing “Classic Car” Loophole, SB 448 Clean Energy Investments and Infrastructure, Clean Cars Nevada, Monitoring and Planning, Permitting and Compliance.

**1. Program Update**

**a. AB 349 Closing “Classic Car” Loophole**

With a 25-17 vote in the Assembly and a corresponding 12-9 vote in the Senate, Assembly Bill 349, sponsored by Assemblyman Howard Watts III (D-Las Vegas), helps reduce harmful smog pollution from cars driving around with a “classic vehicle” license plate that are not defined as classic. To fix the problem, the legislation requires classic-vehicle drivers to hold classic-car insurance. The bill was received with wide support from environmental groups, the Nevada Public Health Association, the American Lung Association, and health districts in Clark County and Washoe County.

While closing “classic car” loophole helps reduce emissions, the legislation also allows Clark and Washoe counties to impose new fees that support vehicle emission reductions. The amendment requires that any new funds be used by local air quality agencies, with at least 50 percent of the funding going “to

reduce emissions from a motor vehicle for the benefit of historically underserved communities.” The idea is that the additional fees would be used to assist eligible people with older vehicles that struggle to pass an emission test, repair, or replace the vehicle.



“The whole reason that I’m working on this revenue piece is to be able to provide a way to help people, sooner rather than later, be able to afford and transition into cleaner vehicles,” Assemblyman Watts said.

“Reducing smog pollution so that our families can breathe cleaner air has long been one of Nevada Latinxs’ priorities,” said Rudy Zamora, Program Director for Chispa Nevada, a community organizing program of the League of Conservation Voters. “Closing the “Classic Cars” smog check loophole was a great way to achieve this, but we couldn’t close the loophole without finding a way to help vehicle owners whose cars will not be able to pass an emissions test. That is why we’re particularly excited for the county programs that will help low-income vehicle owners get access to cleaner transportation. We thank the Senate for following the Assembly’s lead in supporting AB 349, and we urge Governor Sisolak to quickly sign the bill so that we can make its promise a reality.”

AB 349 made other changes to the state’s vehicle emissions program. It includes provisions to use remote sensing for emissions testing and exempts new, less-polluting cars from emissions testing for the first three years of the vehicle’s life.

More information available at:

<https://nevadaconservationleague.org/ab-349-passes-senate-one-step-closer-to-cleaner-air-in-clark-washoe-counties/>

or

<https://thenevadaindependent.com/article/assembly-finally-moves-to-close-the-classic-car-loophole-as-end-of-session-looms>

**b. SB 448 Clean Energy Investments and Infrastructure**

On May 31<sup>st</sup>, the Nevada Assembly passed SB 448 which was introduced by Senator Chris Brooks. SB 448 will address key issues in energy transmission, electric transportation, rooftop solar, clean electricity, renewable energy storage, energy efficiency and help will align electric utility plans and investments with state climate goals.

Key elements of Senate Bill 448 include:

- Supporting regional electric grid planning to ensure that Nevada and neighboring states can provide reliable, affordable, clean electricity to their residents in the years to come.
- Strengthening Nevada’s transmission infrastructure through smart planning to ensure reliability and resiliency as well as access to expanded renewable generation of all types.
- Accelerating the transition to electric vehicles through a \$100 million investment from NV Energy to invest in new electric vehicle charging stations and electric buses, with at least 40% of this infrastructure located in historically underserved communities.



- Increasing opportunities for rooftop solar in commercial and apartment buildings by clarifying existing laws and programs.
- Aligning the utility planning process with state climate goals by requiring utilities to forecast how they could achieve an 80% reduction in their carbon dioxide emissions from 2005 levels by the year 2030;
- Expanding the successful Renewable Energy Tax Abatement program to include renewable energy storage facilities in addition to the renewable energy generation facilities that are currently covered; and
- Doubling funding for energy efficiency programs that serve low-income customers and public schools in historically underserved communities.

“WRA praises the Nevada Legislature’s strong support of Senate Bill 448, which will build Nevada’s new energy economy. Nevada is taking bold strides to build out our electric transportation and transmission infrastructure and implement long-term decarbonization planning to reduce the harmful fossil-fuel emissions that cause climate change,” said Cameron Dyer, Western Resource Advocates’ staff attorney in Nevada. “Senate Bill 448 provides important investment in low-income communities that bear the greatest burdens of both climate change and air pollution and will spur job creation and economic benefits through an accelerated transition to clean energy.”

More information available at:

[https://westernresourceadvocates.org/blog/nevadalegisature\\_sb448passage\\_supportscleanenergyeconomy/](https://westernresourceadvocates.org/blog/nevadalegisature_sb448passage_supportscleanenergyeconomy/)

or

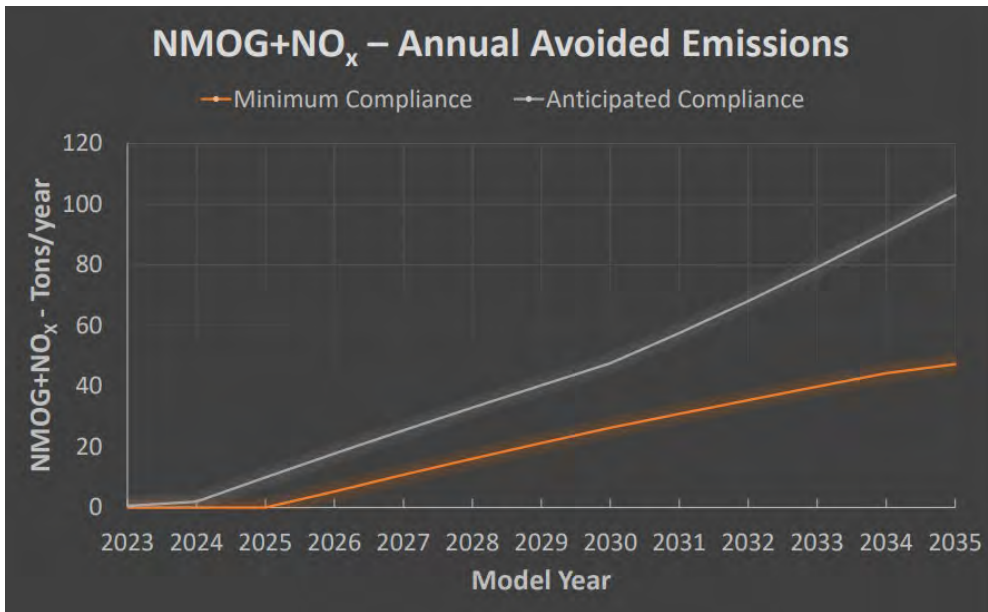
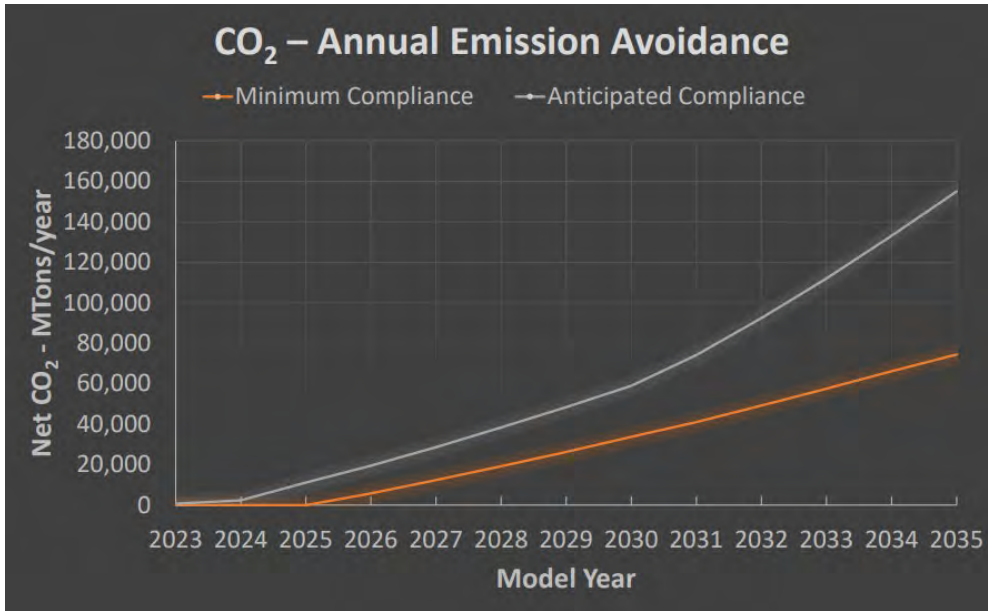
<https://nevadaconservationleague.org/nevada-conservation-league-applauds-passage-of-major-clean-energy-bill-in-nevada/>

### **c. Clean Cars Nevada**

The Nevada Division of Environmental Protection (NDEP) held the second Clean Cars Nevada air quality impacts analysis session on May 27, 2021. During the session, NDEP presented the air quality benefits of both the proposed Low Emission Vehicle (LEV) and Zero Emission Vehicle (ZEV) programs in Nevada.

Based on anticipated compliance with the program, the emissions reductions could be as much as 160,000 tons of CO<sub>2</sub> per year and over 100 tons per year of Non-Methane Organic Gas plus Nitrogen Oxides (NMOG+NO<sub>x</sub>). The tables presented below provide a comparison of emissions reductions between the minimum compliance and anticipated compliance assumptions.

It should also be noted that NDEP is proposing to not allow proportional credits as part of the Nevada program. This will have a direct positive impact on emission reductions experienced in Nevada.

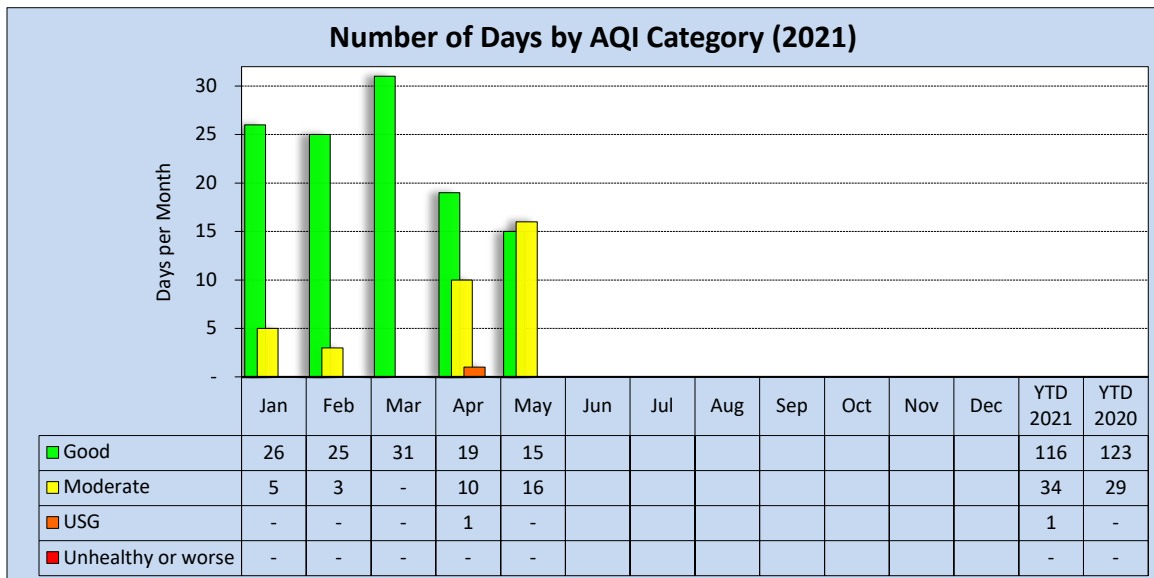
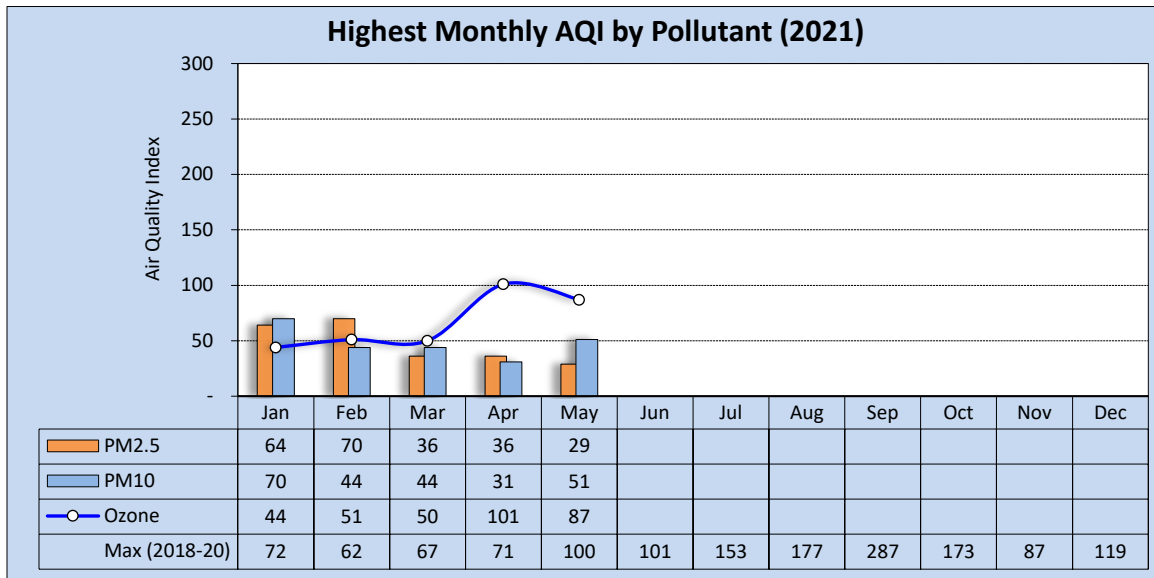


More information available at:  
<https://ndep.nv.gov/air/clean-cars-nevada>

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

May Air Quality: There were no exceedances of the any National Ambient Air Quality Standard (NAAQS) during the month of May. 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	Site	Notes
Ozone (8-hour)	0.066 ppm	05/12	Incline	---
PM <sub>2.5</sub> (24-hour)	7 µg/m <sup>3</sup>	05/31	Sparks	---
PM <sub>10</sub> (24-hour)	55 µg/m <sup>3</sup>	05/06	Spanish Springs	High Winds



The Unknown \$780 Transportation Benefit: UNR and TMCC students, faculty, and staff have a free transportation option. It's called a U-Pass for UNR and ED-Pass for TMCC. Students, faculty, and staff ID cards are their pass to ride any of RTC's fixed-route buses for free. The RTC is excited about this new program and its potential to increase ridership and reduce congestion in our community. Having lunch in Midtown is not practical when having to drive from UNR, find parking in Midtown, then find parking back at UNR. RTC's Rapid Virginia Line is the smart option. It has service every 10 minutes from Lawlor Events Center and can drop you off at your favorite Midtown restaurant in about 11 minutes! When you consider parking can cost hundreds of dollars per year and an adult monthly transit pass costs \$65, this is one of the most valuable student discounts around.

Wildfire Smoke Season: As temperatures increase and vegetation dries out, we will start seeing wildfires and wildfire smoke. Megafires can grow tens of thousands of acres in a single day. These larger fires produce dense smoke plumes which can push AQI levels in the Unhealthy range or worse. Knowing what to do to protect your health is very important during wildfire season. Look for the AQMD's "Be Smoke Smart" campaign via OurCleanAir.com, Facebook, and Twitter.

Most Popular Tweet for May

Impressions: 4,514

Daniel K. Inouye  
 Supervisor, Monitoring and Planning

b. Permitting and Compliance

**May**

Staff reviewed forty-four (44) sets of plans submitted to the Reno, Sparks or Washoe County Building Departments to assure the activities complied with Air Quality requirements.

In May 2021, Staff conducted thirty-eight (38) stationary source inspections; twenty-one (21) gasoline station inspections; and seven (7) initial compliance inspection. Staff was also assigned nineteen (19) new asbestos abatement projects, monitoring the removal of approximately eighty-two thousand six hundred ninety-six (82,696) square feet and one thousand two-hundred ninety (1,290) linear feet of asbestos-containing materials. Staff received eleven (11) facility demolition projects to monitor. Each asbestos demolition and renovation notification and construction notification projects are monitored regularly until each project is complete and the permit is closed. Further, there were nineteen (19) new construction/dust projects comprised of an additional one-hundred ninety-nine (199) acres. Staff documented thirty (30) construction site inspections. During the month enforcement staff also responded to twenty-eight (28) complaints.

Type of Permit	2021		2020	
	May	YTD	May	Annual Total*
<b>Renewal of Existing Air Permits</b>	126	503	126	1,088
<b>New Authorities to Construct</b>	6 (New and Major Modifications)	26	4	60
<b>Dust Control Permits</b>	19 (199 acres)	99 (1,990 acres)	18 (117 acres)	238 (3,708 acres)
<b>Wood Stove (WS) Certificates</b>	39	165	22	418
<b>WS Dealers Affidavit of Sale</b>	3 (3 replacements)	41 (27 replacements)	7 (6 replacements)	108 (65 replacements)
<b>WS Notice of Exemptions</b>	918 (5 stoves removed)	3,916 (36 stoves removed)	401 (2 stoves removed)	8,740 (58 stoves removed)
<b>Asbestos Assessments</b>	67	293	51	648
<b>Asbestos Demo and Removal (NESHAP)</b>	30	110	36	242

\*Totals have been adjusted to reflect the addition of April 2021.

COMPLAINTS	2021		2020	
	May	YTD	May	Annual Total
Asbestos	0	0	1	10
Diesel Idling	0	2	0	3
Dust	25	54	14	141
Nuisance Odor	2	31	1	36
Permit to Operate	1	5	0	4
Burn Code	0	0	0	0
General	0	0	5	0
<b>TOTAL</b>	<b>28</b>	<b>92</b>	<b>21</b>	<b>194</b>
NOV's	May	YTD	May	Annual Total
Warnings	8	41	0	5
Notice of Violation	13	24	0	3
<b>TOTAL</b>	<b>21</b>	<b>65</b>	<b>0</b>	<b>8</b>

Joshua C. Restori,  
 Supervisor, Permitting & Compliance



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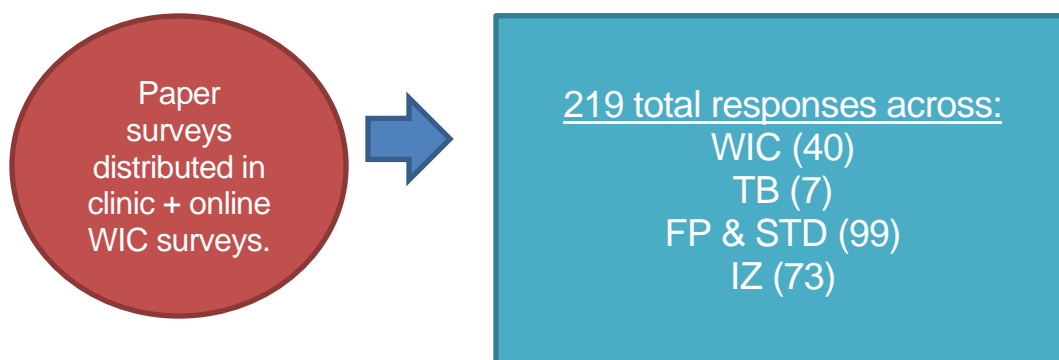
**Community and Clinical Health Services  
Director Staff Report  
Board Meeting Date: June 24, 2021**

**DATE:** June 4, 2021  
**TO:** District Board of Health  
**FROM:** Lisa Lottritz, MPH, RN  
775-328-6159; llottritz@washoecounty.us  
**SUBJECT:** Divisional Update – Client Satisfaction Survey Results 2020; Data & Metrics; Sexual Health (HIV and Disease Investigation), Immunizations, Tuberculosis Prevention and Control Program, Reproductive and Sexual Health Services, Chronic Disease Prevention Program, Maternal Child and Adolescent Health and Women Infants and Children; COVID-19 Testing; COVID-19 Vaccinations.

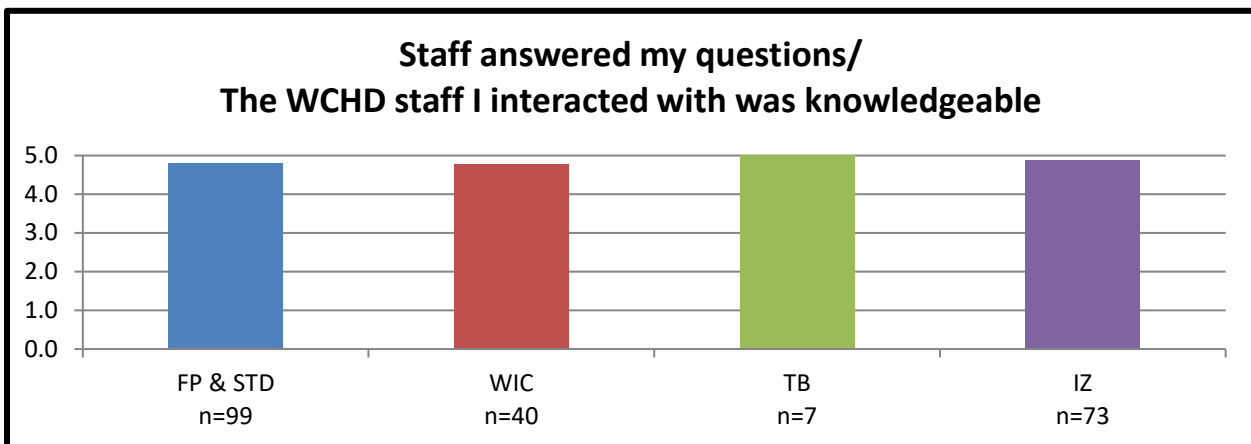
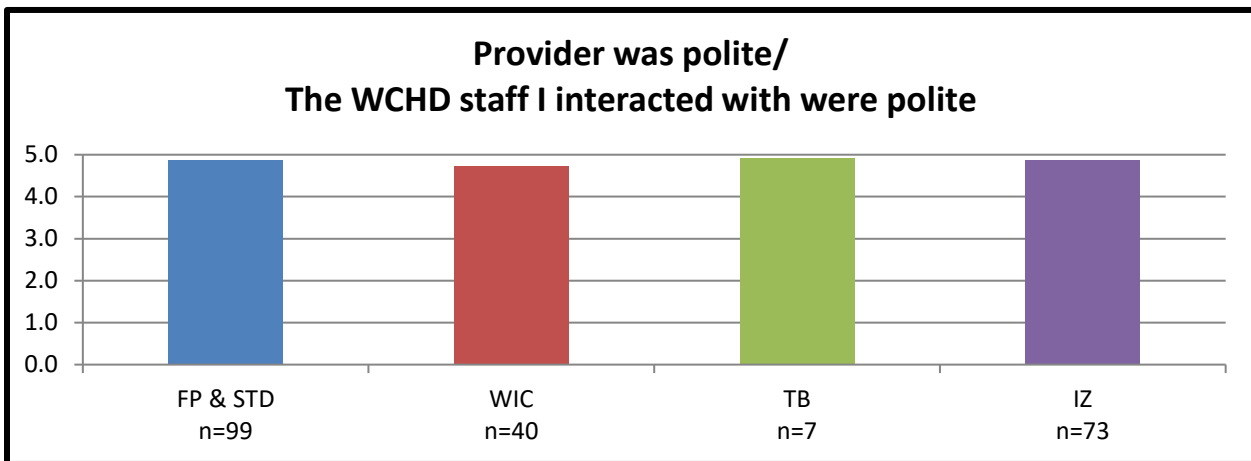
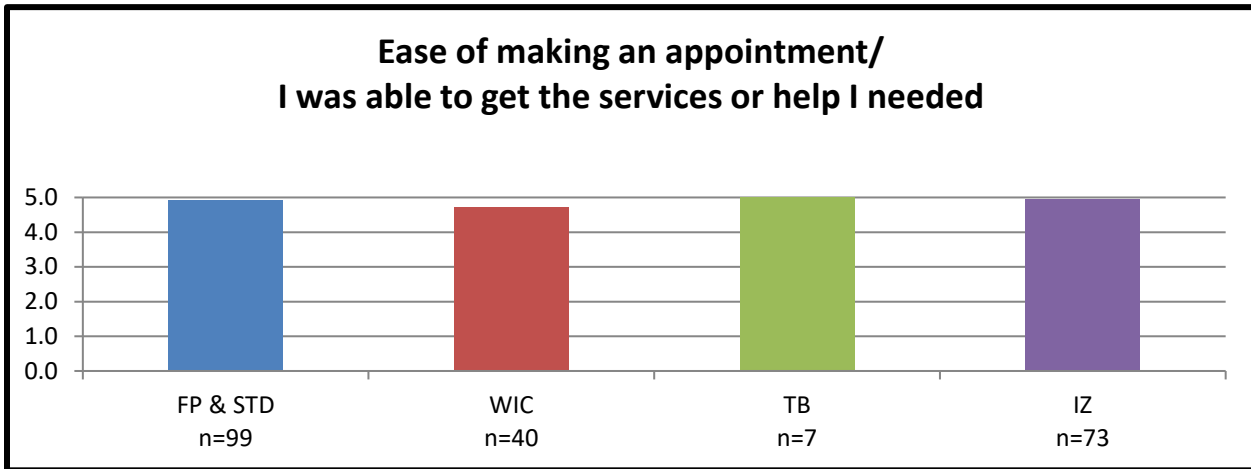
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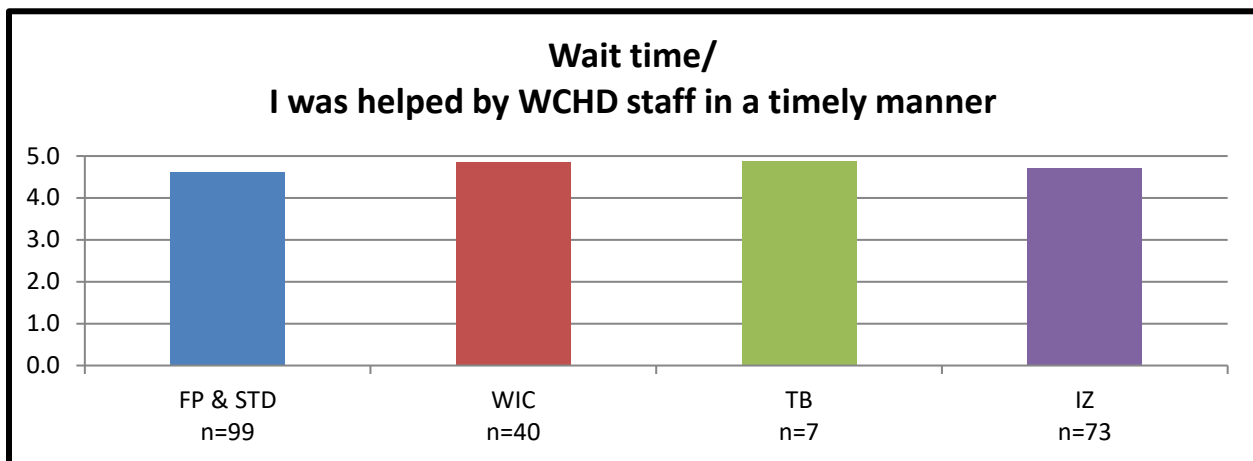
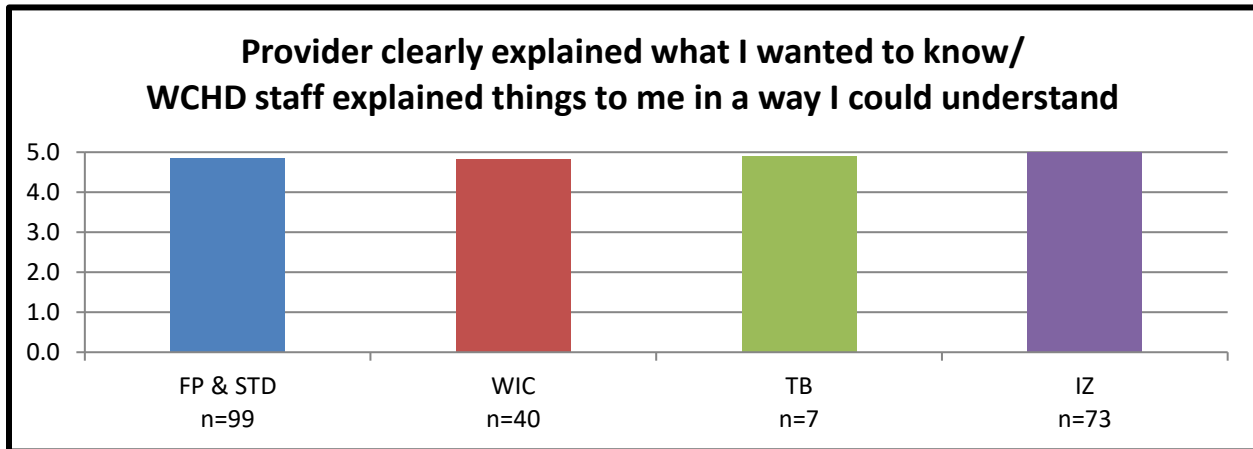
**1. Divisional Update –**

**a. Client Satisfaction Survey Results 2021**



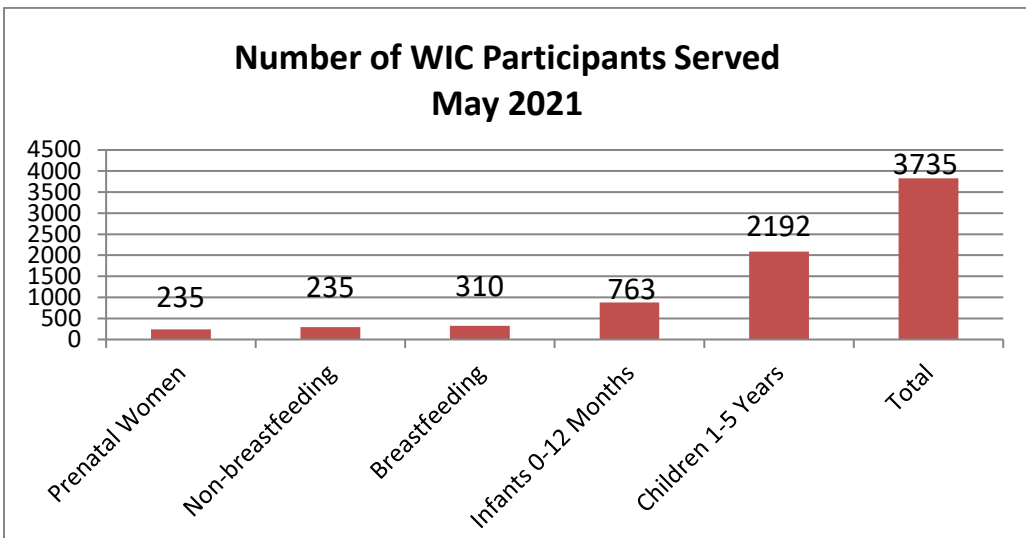
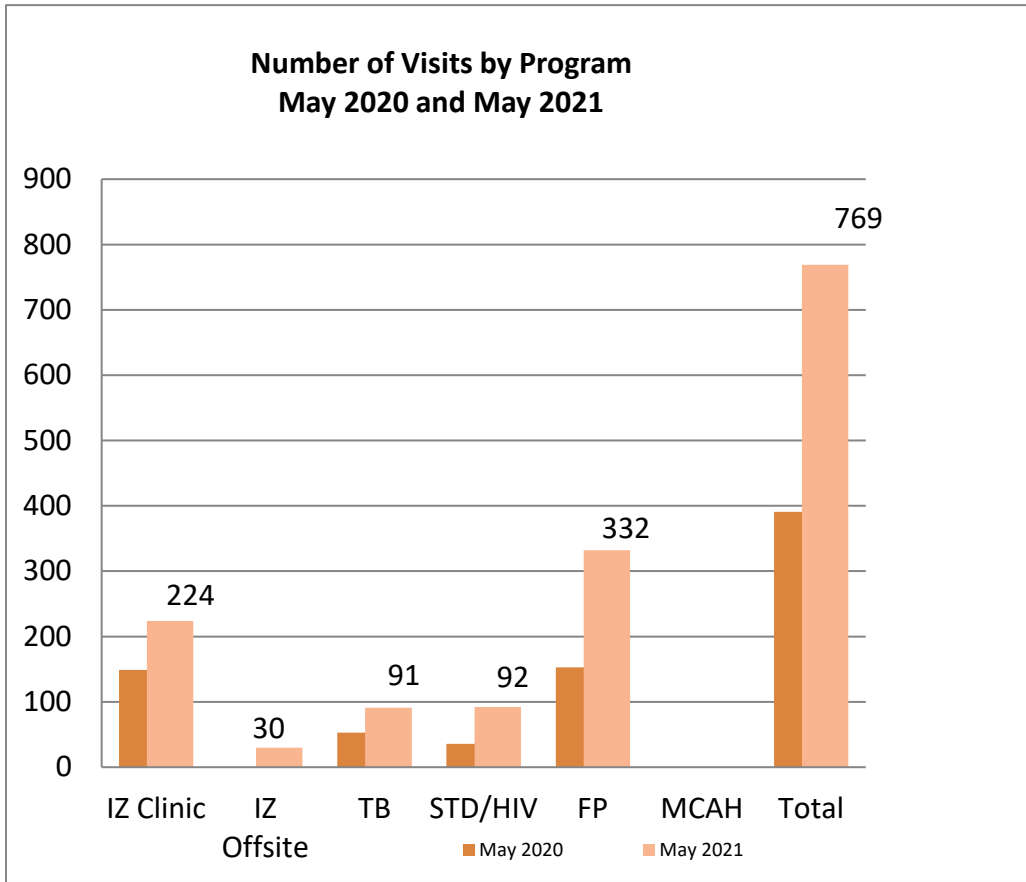
As has been the norm in our surveys over the past few years, client responses were overwhelmingly positive.





Opportunities for improvement, while minor, will be reviewed by CCHS programs. Areas for improvement included wait times for clients in the WIC, Immunization, and Family Planning/STD Programs. The continued positive survey responses and favorable client comments highlight the incredible services staff provided through the CCHS programs.

## 2. Data & Metrics



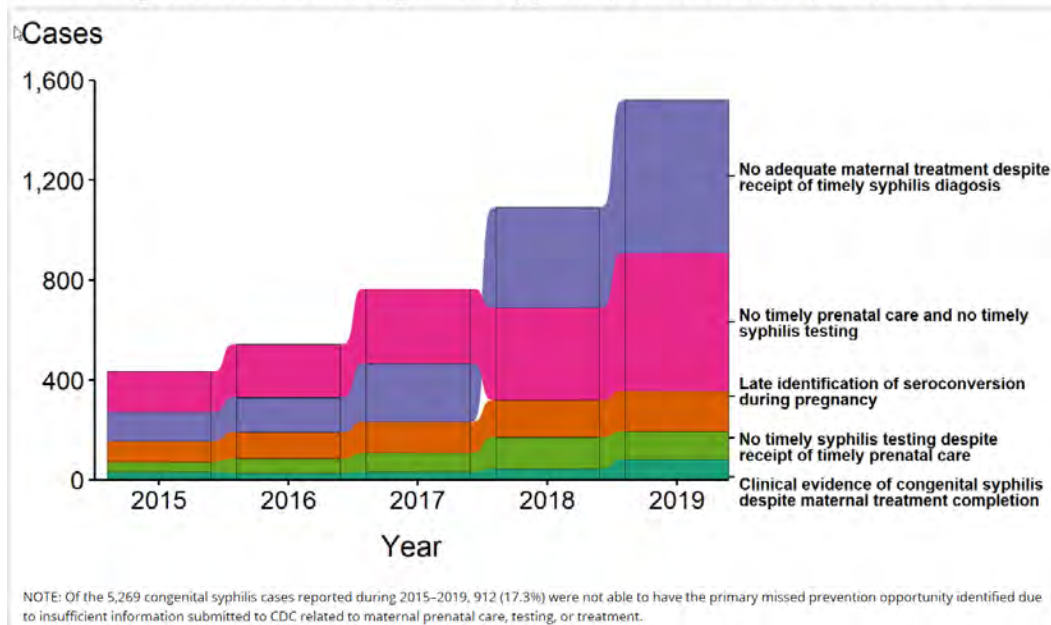
Changes in data can be attributed to several factors – fluctuations in community demand, changes in staffing and changes in scope of work/grant deliverables, all which may affect the availability of services.

### 3. Program Reports – Outcomes and Activities

- a. **Sexual Health (Outreach and Disease Investigation)** – Staff prepared an Epi-News article covering HIV and STDs in Washoe County. A publish date will occur after the Governor’s deadline to consider bills passed from Nevada’s 2021 Legislative Session. Two bills, AB192 and SB211 focus on HIV and STD testing in pregnant women (AB192) and to the general public (SB211). Information on the bills will be provided in the article as the initial steps to informing the community of the legislative changes.

National STD data was released from CDC for 2019. Nevada remains first in the nation for Primary & Secondary (P&S) syphilis, the most infectious stages of disease. The state rate of P&S syphilis is 26.6 per 100,000 population (2019), an increase from 22.7 per 100,000 population in 2018. A decrease in ranking for congenital syphilis occurred in the state with Nevada moving from #2 in the U.S. to #4. However, the rate of 114.7 cases per 100,000 population in 2019 is significantly higher than the 2018 rate of 85.5 per 100,000 population.

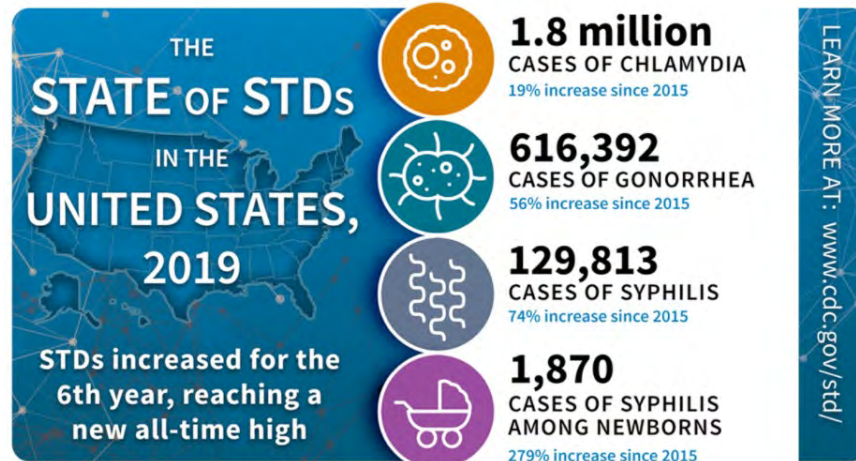
**Congenital Syphilis — Missed Prevention Opportunities Among Mothers Delivering Infants with Congenital Syphilis, United States, 2015–2019**



Available at: <https://www.cdc.gov/std/statistics/2019/overview.htm>

While Nevada dropped in rankings with chlamydia and gonorrhea, the rates increased. Chlamydia cases indicated a rate of 587.5 per 100,000 (2019), with a state ranking of 17<sup>th</sup> in the country. This drops Nevada from 14<sup>th</sup> in the U.S. in 2018, yet the rate has increased from 584.0 per 100,000 during that year. Gonorrhea cases did not increase by rate, comparing the two years. During 2018, Nevada ranked 12<sup>th</sup> in the country with a rate of 216.0 per 100,000 population. The ranking

dropped Nevada to 17<sup>th</sup> in the U.S. in 2019, with a rate of 214.8 per 100,000 population, which is a slight decrease from the prior year. The increases have been experienced across the United States, with new all-time highs of all reported STDs.



- b. **Immunizations** – Kaleigh Behrendt joined the Immunization Program as a Public Health Nurse II on May 24, 2021. She previously worked as a Senior Public Health Nurse for San Diego County and brings with her broad-base Public Health experience in both immunization and communicable disease. The Immunization Program will be interviewing for 2 Public Health Nurse positions to meet the needs of the new COVID-19 vaccine grant.

Immunization Program staff continue to lead and support COVID-19 vaccination activities at the Point of Dispensing (POD) events 5 days a week as well as lead community events, train new staff and volunteers, redistribute COVID-19 vaccine to community providers, and provide support and assistance to community partners who provide COVID-19 vaccination. Additionally, nurses are conducting phone calls to clients with vaccine related incidents at the POD and responding to medical questions related to COVID-19 vaccine. POD nursing staff trained approximately 35 staff this month including 12 United States Forest Service (USFS) EMTs and RNs from FEMA, 20 MRC medical volunteers and 3 temporary RN staff.

Immunization staff completed 1 VFC provider compliance visit and 2 VFC provider trainings. Staff continue to support VFC vaccine providers by training new provider coordinators and staff to ensure safe vaccine storage and handling and relocating publicly funded vaccine(s) to ensure providers have adequate vaccine on hand and reduce vaccine wastage.

Immunization Program staff conducted a Back-to-School clinic in collaboration with The Discovery and Immunize Nevada. The team vaccinated 27 kids and gave 94 doses of vaccine. Two adults were vaccinated for COVID-19 at this event. Immunization clerical staff continue to help with data cleaning for the COVID-19 vaccine data entries as well as staff the onsite

Immunization clinic which provides routine immunizations to the community. The Immunization Clinic served 224 community members and administered 610 doses of childhood and adult vaccines during the month of May.

- c. **Tuberculosis Prevention and Control Program** - TB program staff continue to provide case management for two active extra-pulmonary cases. Both are tolerating treatment well and cooperating with Direct Observation Therapy. Staff are providing long term monitoring for a presumptive extrapulmonary case who did not tolerate treatment. Monitoring will be completed via a series of screenings to include urine, sputum, and radiology through 2023. If active infection is detected an alternative treatment regimen will be created. TB staff have also provided testing and evaluation for multiple cases suspect of pulmonary TB. Some of these cases are still pending test results, others have been ruled out for active TB.

Immigration cases are on the rise with four referrals coming from the CDC EDN system and many more coming through local Civil Surgeons. Intake/evaluations for some have been initiated, others are out a few weeks due to staffing shortages within the clinic.

As of June 14, 2021, TB nursing staff will be back to normal as Tasha Pascal moves into her new role full time. Finally, program staff have been working on an article for the Epi News. The article is nearly completed and will be published soon.

- d. **Reproductive and Sexual Health Services** – Family Planning staff resumed services at the Washoe County Sheriff's Office on May 26, 2021. The Family Planning Program has been providing service onsite at the Women's and Families Homeless Shelter monthly. Services are now being provided to clients of the Eddy House. Staff continue to educate and administer flu, Tdap, HPV and Hepatitis A & B vaccines in the Family Planning/Sexual Health clinic to participants 18 years and older through a grant funded by the State of Nevada. Staff completed State Audit with no findings.
- e. **Chronic Disease Prevention Program (CDPP)** – CDPP staff participated in promoting and celebrating May as Bike Month by planning and executing events, activities, and messaging with community partners.

CDPP staff partnered with the University of Nevada Reno Office of Diversity & Inclusion (OD&I) to host a panel discussion: Commercial Tobacco: Flavors as a Social Justice Issue. The panel was part of the OD&I's Dialogue, Equity, & Democracy Series, and was held on Monday, May 24, 2021. Panel members discussed the history of flavoring as a marketing strategy in commercial tobacco, the impact on youth of flavoring in e-cigarettes, policy history leading to the proposed menthol ban and its implications for consumers, among other topics.

WCHD health educators were among the first volunteers allowed to enter Boys and Girls Club Truckee Meadows (BGCTM) after COVID 19 restrictions to discuss e-cigarette prevention and use with youth groups and staff. All five campuses of BGCTM received e-cigarette education and cessation materials for staff, parents, and youth.

Staff at organizations such as Boys and Girls Club Truckee Meadows, Washoe County Juvenile Services, JTNN, school nurses and health teachers are among the 12 adults working with youth who have been selected by CDPP to be trained in the American Lung Association's NOT™ cessation program for youth.

f. **Maternal, Child and Adolescent Health (MCAH)** – FIMR staff completed State grant audit on May 18, 2021. Staff continue to attend Washoe County Child Death Review and provide information on fetal infant deaths in our community. Staff is disseminating information and gathering donations for the Pregnancy Infant Loss Organization of the Sierras Annual Garage Sale to be held June 12, 2021. Maternal Child Health staff continue to follow lead cases in children and newborn screenings upon request.

g. **Women, Infants and Children (WIC)** – WIC has a long-standing history of improving the overall health and nutrition of its participants. The program provides Women, Infants, and Children up to the age of 5, who are at nutritional risk, with healthy foods to supplement their diets as well as health care referrals and nutrition education. Agriculture Secretary Tom Vilsack stated that “Nowhere is nutrition security more important than in our WIC program to support mothers and young children. To more effectively promote healthier eating patterns, we need to promote nutrition security alongside food security to ensure all people at all times have access to nutritious foods and beverages that meet their nutritional needs for an active and healthy life.”

American Rescue Plan Act of 2021 provided the option of boosting the cash-value voucher benefit by more than three times the current amount for up to four months to provide additional relief during this challenging time. The cash-value voucher allows participants to purchase fruits and vegetables as part of their WIC food package. Under normal circumstances, the monthly cash-value voucher is \$9 per child and \$11 for pregnant, postpartum, and breastfeeding women. The American Rescue Plan allows state agencies to temporarily provide up to \$35 per child and adult, per month. These additional funds will increase the purchasing power of WIC participants so they can buy and consume more healthy fruits and vegetables. “This temporary increase in benefits will further ensure that individuals at nutritional risk and those who are disproportionately affected by hunger have greater purchasing power for the healthy and nutritious foods they need,” said Stacy Dean, deputy undersecretary of food, nutrition, and consumer services.

WCHD-WIC participants are being provided with additional cash benefits from June -September 2021.



- h. **COVID-19 Testing** – 532 COVID-19 tests were conducted at the Point of Screening and Testing (POST) site in May. Current testing schedule is Monday, Wednesday, and Friday.
  
- i. **COVID-19 Vaccinations** - There were 40 COVID vaccination clinics in May at the Reno-Sparks Livestock Events Center and 4 community vaccination PODs. Approximately 26,062 individuals were vaccinated in May.

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**Environmental Health Services  
Division Director Staff Report  
Board Meeting Date: June 24, 2021**

**DATE:** June 7, 2021  
**TO:** District Board of Health  
**FROM:** Erin Dixon, Division Director  
775-328-2644; [edixon@washoecounty.us](mailto:edixon@washoecounty.us)  
**SUBJECT:** Environmental Health Services (EHS) Division: **Program Updates;**  
**Consumer Protection** (Food/Food Safety, Commercial Plans, Permitted Facilities);  
**Environmental Protection** (Land Development, Safe Drinking Water, Vector-Borne  
Diseases, Waste Management); and **Inspections.**

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**Consumer Protection**

Food/Food Safety

- The Food Safety Program is revamping the mobile food inspection program. The Food Safety team has updated plan review applications, servicing area agreements, and put together a new 'FAQ' document that will help streamline new applications from prospective businesses. The Food Team will be presenting the revised program to staff and incorporating any new feedback. Once finalized, an announcement will be sent to all Washoe County permit holders to increase public awareness.
- The Food Safety Program has been assisting with new hire training and field inspection standardization in our continued efforts with the FDA Retail Program Standards. The Food Program has contracted with former FDA Retail Food Specialist, Mario Seminara, to certify EHS management. Having additional FDA Standardized Training Officers in the division will support our quality assurance program to generate more consistency during inspections and focus our efforts on eliminating foodborne illness risk factors in our community.
- Epidemiology (EPI) –
  - Samples were collected and a site visit conducted for one child care outbreak with Norovirus GII being implicated as the cause of the outbreak.
  - An investigation was conducted, and a validated foodborne illness investigation fee was charged to a facility after multiple critical violations were observed that could have contributed to foodborne illness.
  - Staff met with the Washoe County School District to review their outbreak response procedures and update their plan.

<b>Epidemiology</b>	<b>JAN 2021</b>	<b>FEB 2021</b>	<b>MAR 2021</b>	<b>APR 2021</b>	<b>MAY 2021</b>	<b>2021 YTD</b>	<b>2020</b>
Foodborne Disease Complaints	8	6	4	8	9	35	130
Foodborne Disease Interviews	4	5	2	5	4	20	66
Foodborne Disease Investigations	0	1	0	0	1	2	7
CD Referrals Reviewed	13	13	13	18	20	77	82
Product Recalls Reviewed	13	19	26	27	26	111	61
Child Care/School Outbreaks Monitored	1	1	2	10	6	20	64

- Temp Foods/Special Events – Events held in past years have already been scheduled for this season. EHS has received applications for Street Vibrations, River Festival, Reno Rodeo, Barbecue Brews and Blues, Hot August Nights, Rib Cook Off, Italian Festival and Air Races. In addition to the larger events, numerous applications have been received for smaller farmers markets, food truck events and smaller multi-day events.

### Commercial Plans

- 102 plan reviews were conducted during May 2021.
  - The average monthly plan review for 2021 is 94 reviews per month.
- 35 construction inspections were performed during May 2021.
- 32 pre-development reviews were conducted during May 2021.
- Midyear submittal rates indicate the Commercial Plans program will continue at the current pace exhibited over the past several months.

<b>Community Development</b>	<b>JAN 2021</b>	<b>FEB 2021</b>	<b>MAR 2021</b>	<b>APR 2021</b>	<b>MAY 2021</b>	<b>2021 YTD</b>	<b>2020</b>
Development Reviews	41	28	50	34	32	185	357
Commercial Plans Received	83	73	113	100	102	471	1,059
Commercial Plan Inspections	22	33	36	41	35	167	396
Water Projects Received	1	5	1	10	5	22	64
Lots/Units Approved for Construction	251	233	197	192	228	1,101	1,685

### Permitted Facilities

- Child Care – The licensing inspectors and supervisor from Washoe County Human Services Agency (HSA) attended a joint meeting with EHS staff on May 13 to discuss the roles of the various agency as well as licensing inspections and health inspections. The session was very informative and provided a forum for EHS staff to meet the HSA inspectors, all of whom are relatively new.
- Public Bathing – As of June 1, 60% of all permitted pools and spas have received their first inspection for 2021. Pool opening requests are continuing to come in following the Memorial Day Weekend rush and it is expected that most facilities that intend to open in 2021 will be inspected by July 1. It is also expected that 10-20% of permitted pools and spas may not open at all in 2021 due in part to maintenance issues from prolonged closures, shortages of qualified lifeguards, and prior health violations that have not been corrected. Additionally, staff from Environmental Health Services will be checking on pools that may have opened unlawfully without an opening inspection.
- Public Schools – All permitted school and school kitchen facility inspections have been completed for the Spring 2021 semester.

- Training – One REHS trainee completed their EHS Permitted Facilities Training Program on May 7 and another new hire started in the program on May 10. All four of the recently hired trainees successfully completed their Certified Pool Operators (CPO) course in May as well. One seasonal pool inspector who completed the training module for pool and spa inspections also successfully completed the CPO course. The seasonal pool inspector is currently assisting REHS staff with pool openings.

**Environmental Protection**

Land Development

- Septic plan numbers are 46% higher than May 2020. These numbers appear to be in line with pre-COVID plan review demand.
- Well plan numbers are even with May 2020 but 46% higher than May 2019. Local drillers have stated they are 6-9 months out on drilling new wells so customers are applying earlier than usual.
- The first draft of the Sewage, Wastewater, and Sanitation regulations are nearing completion. The next steps will be an internal staff review, followed by the public and board review processes.
- Four individuals have submitted a volunteer application to be appointed to the Sewage Wastewater and Sanitation Hearing Board. Three are seeking re-appointment and one is seeking a first term appointment.

<b>Land Development</b>	<b>JAN 2021</b>	<b>FEB 2021</b>	<b>MAR 2021</b>	<b>APR 2021</b>	<b>MAY 2021</b>	<b>2021 YTD</b>	<b>2020</b>
Plans Received (Residential/Septic)	79	75	83	90	80	407	705
Residential Septic/Well Inspections	109	99	136	114	107	566	1,075
Well Permits	13	11	16	23	13	76	131

Safe Drinking Water (SDW)

- Water project reviews and the Interlocal Agreement audit functions are continuing as agreed. All Safe Drinking Water functions remain suspended with the cancellation of the contract other than minor communications between the agencies as needed. With the approval of the new contract by the District Board of Health in April, staff are working with BSDW staff to ensure a smooth transition of this workload back to EHS.
- One staff member attended a virtual Sanitary Survey training that was provided at no-charge by the EPA.

Vector-Borne Diseases (VBD)

- Aerial larvicide treatments were conducted on May 5 covering approximately 600 acres. The product used included Altosid P35, an insect growth regulator that lasts up to 35 days.
- Program staff have started routine adult mosquito population monitoring using 13 New Jersey trap stations throughout the Truckee Meadows. These traps provide a weekly population count and alert the program of any significant changes in mosquito numbers.
- The program has started weekly adult mosquito collections for West Nile virus testing.
- Fogging equipment calibrations were conducted on May 26. This ensures that fogging chemicals are administered within the EPA specified product label rates.

<b>Vector</b>	<b>JAN 2021</b>	<b>FEB 2021</b>	<b>MAR 2021</b>	<b>APR 2021</b>	<b>MAY 2021</b>	<b>2021 YTD</b>	<b>2020</b>
Total Service Requests	1	0	2	9	12	24	135
Mosquito Pools Tested	0	0	0	0	5	5	280
Mosquito Surveys and Treatments	0	2	1	63	66	132	72

Waste Management (WM)

- EHS has had numerous complaints on trailers camping at the south end of Leon Drive, which is a County road and the roads department, code enforcement and sheriff's office have been notified of ongoing and growing issues.
- Five bear/garbage can interaction letters were sent out at the request of NDOW after residents in the Joy Lake Road area continued to put their garbage out the night before pick up.

Underground Storage Tanks (UST)


- Two UST systems were decommissioned over the past month, one has completed an upgrade, and another is midway through the upgrade process.

NAC447E – SB-4

- A separate update will be provided to the DBOH on SB-4 inspections.

**Inspections**

<b>EHS 2020 Inspections</b>	<b>JAN 2021</b>	<b>FEB 2021</b>	<b>MAR 2021</b>	<b>APR 2021</b>	<b>MAY 2021</b>	<b>2021 YTD</b>	<b>2020</b>
Child Care	5	8	5	4	8	30	142
Food/Exempt Food	354	496	602	558	365	2,375	4,264
Schools/Institutions	9	25	32	35	37	138	199
Tattoo/Permanent Make-Up (IBD)	5	7	9	8	9	38	112
Temporary IBD Events	0	0	0	0	0	0	1
Liquid Waste Trucks	5	4	4	2	0	15	110
Mobile Home/RV Parks	6	8	5	10	14	43	202
Public Accommodations	17	19	22	6	6	70	130
Aquatic Facilities/Pools/Spas	4	19	13	35	31	382	408
RV Dump Station	2	1	1	1	1	6	17
Underground Storage Tanks	0	0	0	0	3	3	10
Waste Management	11	6	8	19	8	52	211
Temporary Foods/Special Events	0	0	0	5	12	17	48
Complaints	47	40	41	55	55	238	911
<b>TOTAL</b>	<b>465</b>	<b>633</b>	<b>742</b>	<b>738</b>	<b>829</b>	<b>3,407</b>	<b>6,765</b>
EHS Public Record Requests	331	393	655	375	719	2,473	3,249

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**Epidemiology and Public Health Preparedness  
Division Director Staff Report  
Board Meeting Date: June 24, 2021**

**DATE:** June 3, 2021

**TO:** District Board of Health

**FROM:** Nancy Diao, ScD, EPHP Division Director  
775-328-2443, [ndiao@washoecounty.us](mailto:ndiao@washoecounty.us)

**SUBJECT:** Communicable Disease, Public Health Preparedness, Emergency Medical Services, Vital Statistics

**Communicable Disease (CD)**

**SARS-CoV-2 (COVID-19)** - By end of May, Washoe County Health District’s COVID Epidemiology Unit received reports of 46,241 cumulative cases of COVID-19. November case counts were the highest on record to date, contributing to one-quarter (24.6%) of cumulative cases reported by month.

At this time, 92% of the cases reported in the past 14 days have been assigned to a disease investigator.

<b>Table 1: Number and Percent of Total COVID-19 Cases Reported by Month and Year, Washoe County, March 2020 – May 2021</b>			
Month Reported	# COVID-19 Cases Reported	Avg # Cases per Day	% of Cumulative Cases
<b>2020</b>			
March	143	5	0.3%
April	767	26	1.7%
May	659	21	1.4%
June	1228	41	2.7%
July	2368	76	5.1%
August	2099	68	4.5%
September	2300	77	5.0%
October	4034	130	8.7%
November	11356	379	24.6%
December	10313	333	22.3%
<b>2021</b>			
January	5534	179	12.0%
February	1637	58	3.5%
March	1424	46	3.1%
April	1481	49	3.2%
May	898	29	1.9%

Figure 1 below provides an overview to date of the total number of confirmed COVID-19 cases reported to Washoe County on a weekly basis since its first appearance.

Fig 1: Total Number of Confirmed COVID-19 Cases by Week Reported in Washoe County, 2020-2021

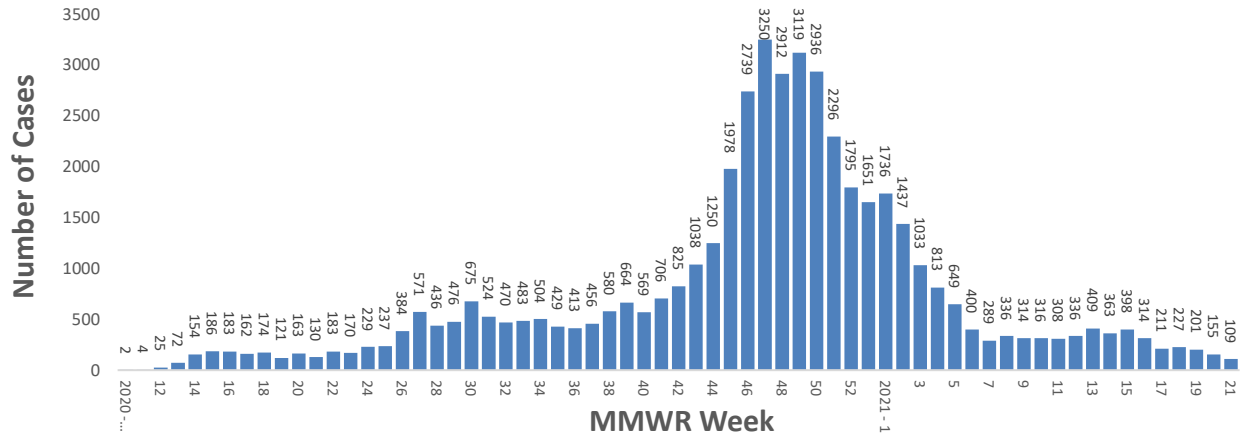


Figure 2 illustrates the number of new cases per 100,000 over the course of an eight-week period, starting from the second week in March to end of May. The case rates fluctuated weekly ranging from 21.12 cases (MMWR week 21) to 84.70 cases (MMWR week 15) per 100,000 population. The low and substantial thresholds per 100,000 population are based on the CDC's indicators of community transmission.<sup>1</sup>

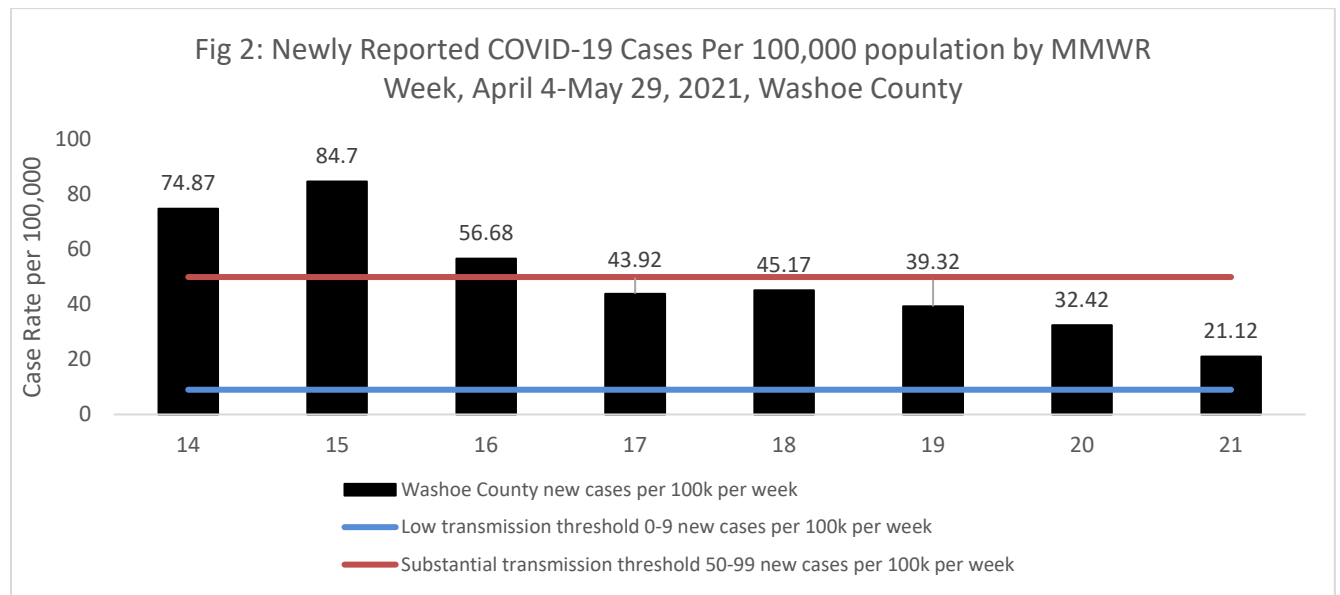
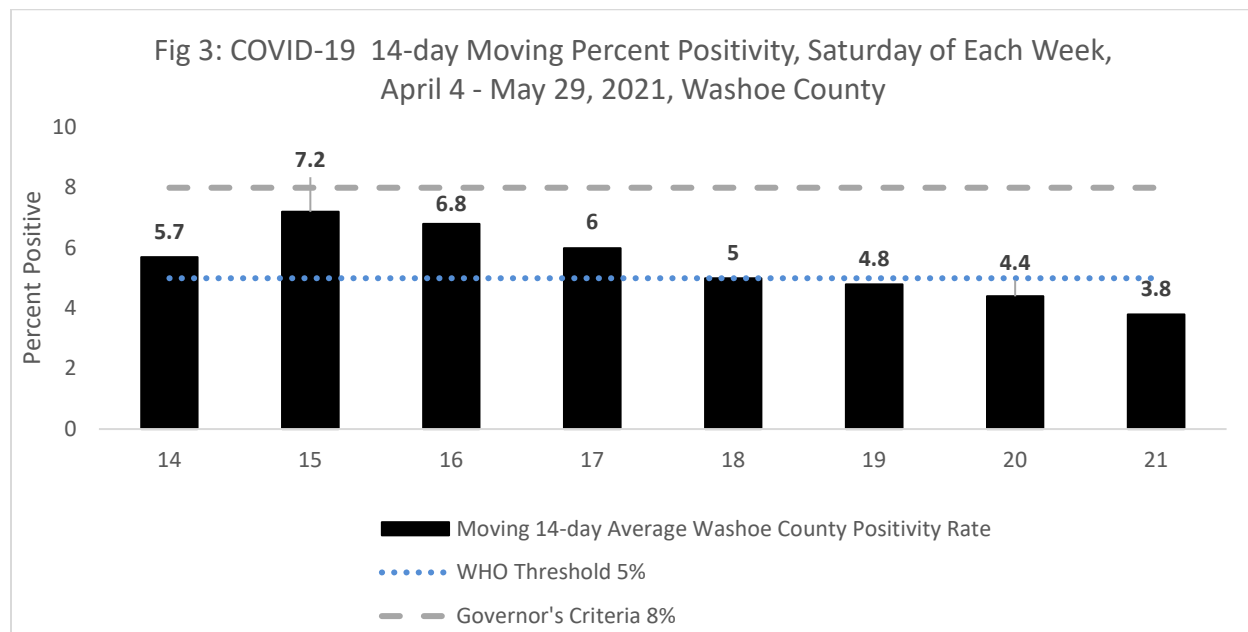


Figure 3 illustrates the percent positivity on the Saturday of each week. Percent positivity is defined as the number of tests that are positive divided by the total number of tests conducted on a given date.

<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html#footnote-1a>

These data are calculated on a daily basis by the Nevada Department of Health and Human Services and the trends are provided in context with the Governor's COVID-19 Task Force threshold of 8% and the World Health Organizations' threshold of 5%. The percent positivity has fluctuated between 3.8% and 7.2% over the past 8 weeks.



A Pediatric Task Force was created August of 2020 to triage the intensive case identification and contact tracing efforts anticipated in school and daycare settings. The Task Force was composed of 17 members, with at least six working each day, seven days a week, prioritizing investigations of any case 0 to 18 years, to identify possible school and daycare exposures.

The County has since redirected approximately 30 County staff to be stood up to conduct disease investigation and contact tracing for Washoe County School District. These individuals were trained by the Epidemiology Program and COVID disease investigation staff and guided by Pediatric Technical Advisors who are experts in contact tracing in school settings. The Epidemiology Program Manager and Disease Investigator Team Leads meet weekly with the Washoe County School District's Student Health Services staff and School District leadership to update processes. Currently the County staff are assisting the School District personnel to conduct contact tracing in classrooms, while the Washoe County Health District staff are focused on conducting the case investigation and identifying contacts outside the school setting.

On May 25, 2021 the Washoe County School District Board of Trustees (BoT) voted to approve full in person learning for elementary, middle and high school starting fall of 2021. The Epidemiology Program Manager attended the meeting to answer any questions regarding a presentation to the BoT which included a summary of a contact tracing pilot program being implemented for the 2021 summer school session. The contact tracing pilot program drastically reduces the burden on principals, school nurses, and teachers as it relates to contact tracing efforts and utilizes Washoe County School District



clinical aides, who will be incorporated into the WCHD COVID Epidemiology Unit to help expedite information necessary to complete contact tracing in the classroom setting. If successful, this pilot program will be extended into the fall for the 2021-2022 school year in public schools.

Since January 2020, the Epidemiology Program Manager has hosted a weekly local provider call Fridays at 0900. This call offers an opportunity for the Nevada State Public Health Laboratory, area hospitals, first responder agencies, IHCC members and local physicians to provide updates and ask questions as they relate to COVID-19. As of late September, vaccine partners have joined this call to provide weekly updates. On average there are 65 persons who attend this virtual meeting each week. On Friday, May 28, an announcement was made to transition to email format for the time being, unless indicators climb or there are substantial changes to vaccine which may warrant reinstating the call once more.

Outbreaks – There have been six declared outbreaks over the course of May, a marked decreased from April (n=14), four of the six were gastrointestinal (GI) outbreaks in school/daycare/childcare settings. One outbreak was a group A Streptococcus outbreak (causing strep throat) and another was COVID-like illness (CLI), both in school/daycare/childcare settings.

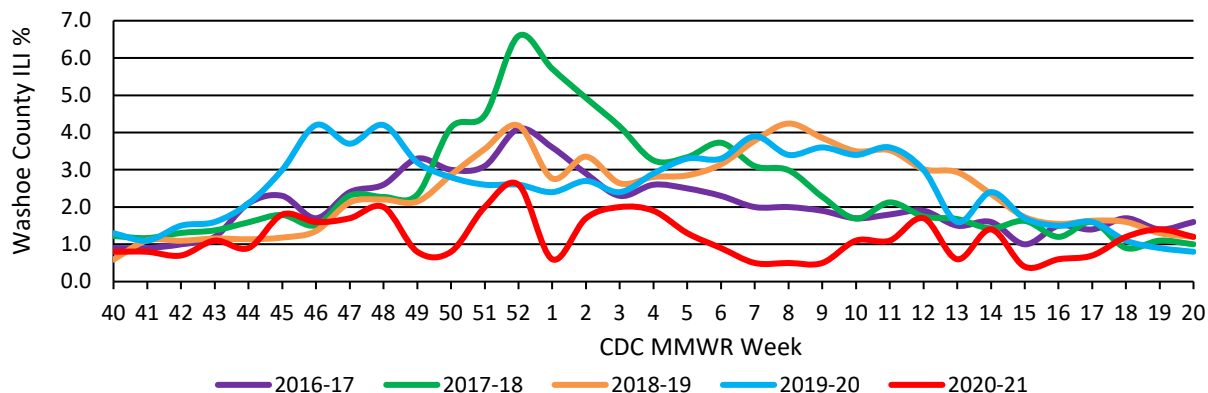
Type	January	February	March	April	May
GI - Gastrointestinal	1	1	2	12	4
ILI – Influenza-like illness	0	0	0	1	0
CLI – COVID-like illness	1	0	0	0	1
Other	0	0	0	1	1
<b>Total</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>14</b>	<b>6</b>

Epi News – Epi News is a brief (1-3 page) newsletter that has been produced and disseminated by the Washoe County Health District Epidemiology Program since 1997. Epi News publications are emailed and faxed to 200-300 subscribers and are available on the County website at <https://www.washoecounty.us/health/programs-and-services/ephp/communicable-diseases-and-epidemiology/epi-news/index.php>. During May (Hepatitis Awareness Month) Epi News topics included the following:

- Perinatal Hepatitis B Prevention Amid COVID-19
- Tickborne Diseases – Series Lyme Disease
- Hepatitis A
- Hepatitis C

Seasonal Influenza Surveillance - Influenza surveillance season officially started the week of September 27, 2020 (MMWR week 40) and ended May 22, 2021 (MMWR week 20). Washoe County continued to experience low levels of influenza-like illness (ILI) activity. As of the last week of flu season, Washoe County's ILI activity was below the Nevada and Regional baselines. There were 11 hospitalizations and one influenza associated death. Figure 4 illustrates the 2020-2021 seasonal ILI activity has remained lower compared to the past four seasons across the majority of the season.

Fig 4. ILI Activity Reported by Sentinel Providers, Washoe County Influenza Surveillance, 2016-2021 Seasons



General Communicable Diseases – During the month of May, 250 positive labs for reportable conditions were investigated by the Epidemiology team, this was nearly identical to April (n=248).

There was a backlog of data in the 2020 calendar year, during which the epidemiology staff were operating in the COVID response. To date the epidemiology program has caught back up with all diseases, with the exception of hepatitis B and C.

### **Public Health Preparedness (PHP)**

Preparedness Planning Efforts – PHEP program will be presenting the Medical Countermeasure Plan and the Chemical, Biological, Radiological, Nuclear and Explosive Annex to the Local Emergency Planning Committee (LEPC) on June 17<sup>th</sup> to provide education on public health emergency response plans as well as garner feedback to improve the planning assumptions. These documents are expected to be completed by the end of the fiscal year.

The Medical Reserve Corps (MRC) volunteers were activated to assist with a Red Cross Shelter established in the wake of a local fire that displaced residents from an apartment community. MRC medical volunteers screened residents for COVID-19 and responded to first aid requests over the course of May 14-May 27, 2021.

COVID-19 Response – The PHEP program finalized the vaccine administration After Action Report-Improvement Plan (AAR-IP) for the initial vaccine push from December 17<sup>th</sup>, 2020 to May 18<sup>th</sup>, 2021. The break in the structure of the AAR-IP is based on the move of vaccine operations from the East side of the Reno-Spark Livestock Events Center (RLEC) to the new operational area on the West side of the RLEC. A total of 27 action items under 5 Federal Emergency Management Agency (FEMA) capabilities were identified and corrected during the Point of Dispensing (POD) operations. PHEP staff continues to conduct weekly debriefs (hot

washes) with vaccine operation staff at the POD site. The intent of the regular debrief is to capture operational improvement items across all the activities in vaccine operations. The AAR-IP items directly inform the continued development of WCHD plans such as the Medical Countermeasures Plan, Pandemic Influenza Plan and the POD Operations Manual. The intent is to continuously improve operations and the planning documents that ultimately will be the blueprint for the next public health emergency response.

The Medical Reserve Corps (MRC) volunteers are individuals who are either medical (e.g., EMT, RN, MD) or non-medical experience/professional training. These volunteers staff a variety of positions such as Medical Recovery Lot, Vaccinators, Forms, etc., based on their professional certification(s). Public Health Preparedness (PHP) is also coordinating with a variety of community partners who are volunteering their time to support the COVID-19 Vaccine Operations. Due to the reduction of vaccinations being distributed, the number of active volunteers involved at the PODs will decrease.

<b>Organization</b>	<b>Role</b>	<b>Number of Volunteers</b>
WCHD MRC	Medical and Non-medical, vaccinators, evaluators, recovery lot, traffic	464
National Guard	POST & POD	35
State of Nevada Board of Pharmacy	Pharmacists and Pharmacy Techs, drawing vaccine	62
CERT	Traffic	10
Federal Agencies* (FEMA, USDA)	Operations, vaccinators	13
<b>Total</b>		<b>584</b>

In the month of May, WCHD partnered with Sparks Fire and Reno Fire to host remote COVID-19 vaccination PODs. These PODs occurred throughout the County at parks, community centers, and the Peppermill Resort & Casino. The WCHD provided approximately 25 MRC volunteers in support of these PODs.

The COVID-19 Call Center received a total of 1,762 risk assessments over the month of April, with some entered by end-users through the web portal, and others entered by the Call Center staff.

As of May 5, 2021, the COVID-19 Call Center was staffed with a total of 33 personnel, comprised of six UNR paid contractors, 12 members of the National Guard, nine Talent Framework temporary agency staff, five Federal Emergency Management Agency (FEMA) personnel and one Washoe County Health District employee. A total of 4 personnel were assigned to COVID-19 testing specific tasks, and all other staff were assigned to both testing and vaccine related items. An additional 19 staff members from the State of Nevada, FEMA and Talent Framework process vaccine data entry daily.

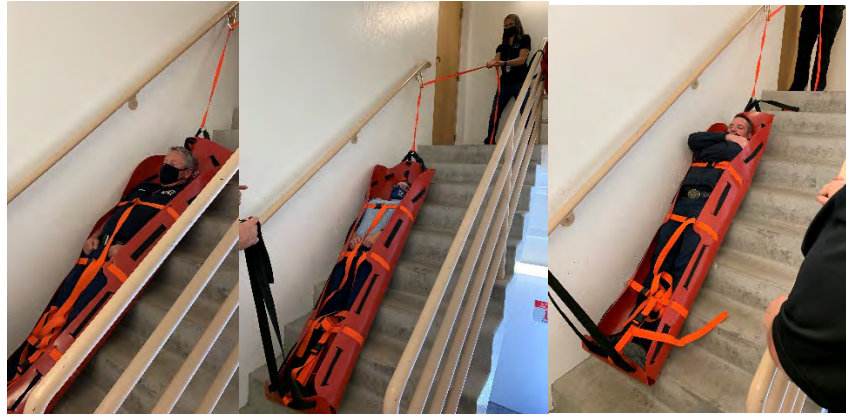
### **Healthcare Preparedness Planning (HPP)/Inter-Hospital Coordinating Council (IHCC)**

Exercises and Trainings - On May 04, the Burn Care and Mass Casualty Course and Exercise was held. This was a day of interactive training with specialists from University of Utah Health Care Burn Center and the Utah Department of Health. The course included a review of adult and pediatric burn patient management from the field through 96 hours post injury in addition to burn disaster crisis standards of care. The day concluded with an overview of the Coalition, response plans from the local to federal level and a Burn Mass Casualty Tabletop Exercise (TTX). Over 100 participants from over 40 different organizations (fire, REMSA (including Care Flight), hospitals, EM managers, physicians, nurses, school district, Southern Nevada Health Preparedness Coalition, etc.) were able to attend from across the State of Nevada.

On May 12, the Healthcare Public Health Emergency Response Coordinator (PHERC) and EMS coordinator were able to shadow the Reno Fire department's Rescue Task Force Training. The Reno Fire and Police Departments carry out this life-like simulation training to better respond to active shooter events. The training also aligns with the Command and Alpha kits that the coalition has purchased for our region in the event of a mass casualty.



The IHCC purchased approximately \$70,000 of Evacuation Med Sleds. 154 total sleds were purchased, which included hazmat, infant, regular adult, youth, and vertical lift sleds for 13 partners (hospitals, fire departments, Reno Sparks Tribal Health, REMSA and Washoe County School District). On May 19, the Healthcare PHERC held 5 Evacuation Med Sled “train the trainer” classes at Northern Nevada Medical Center. It included hands on evacuation training in addition to vertical evacuation and a vertical lift rescue. All 13 healthcare partners had at least one representative attend one of the five trainings, so they can train their staff.



On May 25, the Healthcare PHERC held a WebEOC training on the various boards created by Health District Staff. The PHERC facilitated a virtual training for 9 staff from Incline Village Community Hospital and Tahoe Forest Hospital on the capabilities of WebEOC and the different boards healthcare personnel may need to use for patient tracking during incidents.

Planning meetings continued for the Reno Rising 2021- National Disaster Medical System (NDMS) TTX and the Emergent Evacuation Course and Tabletop exercises.

### **EMS Oversight Program**

#### **EMS Planning**

The EMS Coordinator presented the Mutual Aid Evacuation Agreement (MAEA) revisions to the Inter-Hospital Coordinating Council (IHCC) on May 14, 2021. The MAEA will be taken to the IHCC for approval on June 11, 2021.

#### **Exercises and Training**

The EMS Oversight Program participated in the Burn Mass Casualty Course and Tabletop exercise with the University of Utah Burn Center on May 4, 2021, and Evacuation Med Sled Training at NNMC on May 19, 2021. The After-Action Report (AAR) items from this training will be incorporated into the Mass Casualty Incident Plan.

The Emergent Evacuation Course and Tabletop exercise will be held June 7, 8 and 10. The After-Action Report (AAR) items from this training will be incorporated into the Mutual Aid Evacuation Agreement.

#### **EMS Joint Advisory Committee**

The EMS Coordinator and EMS Partners completed revisions and additions to the Strategic Plan and are meeting bi-weekly to develop processes and protocols to accomplish the strategies within the goals. The Strategic Plan was presented to and approved by the EMS Advisory Board on May 6, 2021, and the DBOH on May 27, 2021.

Emergency Medical Services Advisory Board

On May 6, the EMSAB met and discussed and approved the revisions to the EMSAB bylaws and the Washoe County EMS Strategic Plan. Chair Krutz will be providing an update to the DBOH.

REMSA Exemption Requests

Table 1 summarizes REMSA Exemption Requests.

Table 1. REMSA Exemption Requests							
Exemption	System Overload	Status 99	Weather	Other	Total	Under Review	Approved
January 2021	23	2	*3 (BWE)		28		28
February 2021	5				5		5
March 2021	13				13		13
April 2021	52				52		52
May 2021	34						34

\*Blanket Weather Exemption (BWE) requests received were for three separate weather incidents which lead to 13 late calls.

REMSA Call Compliance

Due to low call volumes in the separately defined response Zones B, C and D, REMSA compliant response will be calculated in accordance with the Amended and Restated Franchise Agreement for Ambulance Service dated May 2, 2014, as combined zones B, C, and D for all Priority 1 calls. Calculations for Zones B/C/D and "All Zones" were removed because the previous calculations for Zones B/C/D separately and "All Zones" do not align with REMSA's Franchise Agreement. Table 2 summarizes REMSA's compliance.

Table 2. REMSA Percentage of Compliant Priority 1 Responses by Zones		
Month	Zone A	Zone B, C, and D
July 2020	*88%	*84%
August 2020	*85%	*88%
September 2020	*89%	*96%
October 2020	*88%	*93%
November 2020	*87%	*90%
December 2020	*89%	*90%
January 2021	*86%	*87%
February 2021	*89%	*90%
March 2021	*87%	*83%
April 2021	*87%	*81%
May 2021	87%	83%

\*Identified the Percentage of Compliant Priority Responses under the blanket exemption, which was not recalculated retroactive to July 1, 2020. The blanket exemption expired April 26, 2021. Compliance percentage showed the actual response compliance percentage in Zone A and B/C/D.

Franchise Compliance/Miscellaneous

The Franchise Agreement Compliance Checklist was revised and reviewed with REMSA. The Compliance Checklist was presented and approved by the DBOH May 27, 2021. The revised compliance checklist will be effective July 1, 2021.

Community of Service Development – Memo Review

The EMS Oversight Program reviews and analyzes project applications received from the Planning and Building Division and Community Services Department (CSD) and provides comments and/or conditions for the applications to the CSD. Relevant agency comments are included in the staff report and agency conditions are incorporated as Conditions of Approval. The Program reviewed six project applications for the month of May and submitted comments on one. REMSA and Fire had no comments for the projects in May.

Vital Statistics

Vital Statistics has continued to serve the public through the mail, online and in-person. Vital Statistics registered 459 deaths and 398 births, and corrections were made for 5 deaths and 57 births during the month of May. Vital statistics also submit weekly records on decedent information for HIV/AIDS and a monthly update to senior services.

Table 1: Number of Processed Death and Birth Records

<b>May</b>	<b>In Person</b>	<b>Mail</b>	<b>Online</b>	<b>Total</b>
Death	1637	46	352	2035
Birth	859	70	371	1300
<b>Total</b>	<b>2496</b>	<b>116</b>	<b>723</b>	<b>3335</b>

**Office of the District Health Officer  
District Health Officer Staff Report  
Board Meeting Date: June 24, 2021**

**DATE:** June 14, 2021

**TO:** District Board of Health

**FROM:** Kevin Dick, District Health Officer  
775-328-2416; [kdick@washoecounty.us](mailto:kdick@washoecounty.us)

**SUBJECT:** District Health Officer Report – COVID-19 Response, Joint Information Center, Government Affairs Update, Senate Bill 4 Update, Public Health Accreditation, Community Health Improvement Plan, Quality Improvement, Customer Service Survey, and Public Communications and Outreach.

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COVID-19 Response

As of June 14, 2021, the test positivity rate under the State County Tracker system was 2.9% and the case rate per 100,000 over 30 days was 102. Elko was only county flagged for elevated disease transmission in Nevada. Health District staff continue to conduct disease investigations of cases occurring to isolate them and notify close contacts. The Health District continues COVID-19 testing three times per week.

The Health District continues to operate the vaccine point of dispensing (POD) at the Reno-Sparks Livestock Event Center and plans and conducts community-based vaccination clinics. As of June 14, 2021, 51.82% of the population twelve and older were fully vaccinated and 58.28% of the population twelve and older had initiated vaccinations. Nevada National Guard and FEMA staff numbers have been declining steadily as personnel are demobilized.

On June 28, 2021, the Health District will assume responsibility for the continuing COVID-19 response rather than operating as a unit of the Regional Command. The Regional Delegation of Authorities and Incident Commander designation for Dave Solaro are anticipated to remain in place as a precaution in case the situation changes in an unanticipated manner which would require additional regional response and investment. The Health District's continuing response will occur with funding received through our federal subgrants. We will continue to assess occurrence of COVID-19 cases and vaccine uptake to adjust our efforts based on conditions encountered.

Joint Information Center (JIC)

The Regional Information Center ceased daily updates on June 2. The unit still remains firmly intact but will only issue COVID-19 messaging on an as-needed basis. We are focusing our attention on advertising for upcoming community vaccine events, social media geared toward the ease and convenience of getting a COVID-19 vaccine and working with local media on updated CDC guidance that may occur as well as other milestones reached with COVID-19 vaccine administration.



### Government Affairs Update

SB386 which removed the SB4 requirement to use cleaning products approved by EPA for use against COVID-19, and reduced cleaning requirements in resorts and large hotels, was passed and signed by the Governor.

AB349 which eliminated the classic vehicle loophole was also passed and provides the Board of County Commissioners the ability to impose an additional fee on smog certificates and use the money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle with at least 50 percent of such money being used to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities. The bill also extends to three years the period for which new vehicles do not require a smog check.

SB424 was passed and signed by the Governor to establish a Public Health Resource Office under the Governor.

Funding for vaping prevention programs was also restored in the State budget during the final days of the legislative session.

### SB4 Update

The language of SB386 which changed the requirements of SB4 codified in NRS447E that are applicable to resorts and large hotels and subject to Washoe County Health District inspection is attached. The changes include removing the requirement for the use of an EPA approved cleaning product and reducing frequency of cleaning and the number of items requiring daily cleaning, eliminating social distancing requirements, eliminating the COVID-19 testing requirement for new and returning workers, and limiting the paid time off requirement for COVID testing or isolation to only those employees that have been vaccinated or have a medical condition that prevents vaccination. These provisions became effective on June 8, 2021, when the Governor signed the bill.

### Public Health Accreditation

In anticipation of the second annual report, section I and section II submission are due to PHAB by September of 2021, work is underway to address measures that were not demonstrated or slightly demonstrated. In addition, information is being gathered to provide an update of the Health District's activities related to quality improvement, performance management, and customer feedback surveys as required for section II.

### Community Health Improvement Plan

Implementation of the community health improvement plan is well underway. A tracking system is being reviewed to better track progress of CHIP activities and accomplishments. Upon completion of the review the report will be distributed to partners to collect information about the progress of the first six months of CHIP activities.

The Family Health Festival committee is planning for the "Back to School" event on July 24<sup>th</sup> at North Valley High School from 8:00am-12:00. The event will include school vaccinations, pediatric screenings as well as other direct services for families.

Date: January 28, 2021

Subject: ODHO District Health Officer Report

Page: 3 of 3

### Quality Improvement

ODHO and AHS are currently working on a QI project to improve staff's understanding of purchasing procedures and processes. The teams met to conduct a SWOT analysis and are working to create a series of documents that will provide further clarification on the new processes. This QI project also addresses a need based on the results of the internal customer service survey.

### Customer Service Survey

Revisions were made to the external customer service survey and will be presented to the Division Directors to determine next steps. Further, the Directors will identify methods to disseminate the survey from July 1-June 30 in an effort to increase community participation.

Att.: May Media Mentions  
SB386

**DATE**  
5/3/2021

**STORY**

**KRNV:** Washoe County commissioners approve 4th version of COVID-19 reopening plan  
**This is Reno:** County Commissioners approve COVID-19 mitigation for the rest of May  
**RGJ:** Washoe County leaders OK state-requested changes to COVID-reopening plan  
**KTVN:** Washoe County Commissioners Approve Plan for Local Authority Over COVID Restrictions  
**KOLO:** Washoe Co. Commissioners approve revised COVID reopening plan  
**KOLO:** Washoe County COVID-19 Update: 79 new cases, 192 recoveries  
**KRNV:** District Health Officer believes local control plan will be approved today  
**KTVN:** State approves local control plan  
**Associated Press:** All Nevada counties now have local COVID control; mask mandate eased  
**RGJ:** Walgreens launching walk-in COVID vaccinations with no appointments  
**KOLO:** Washoe County COVID-19 Update: 26 new cases, 75 recoveries  
**KTVN:** County looking at more appointments done without appointments  
**Northern Nevada Business Weekly:** Washoe County's COVID-19 mitigation plan finally gets state approval  
**KTVN:** COVID-19 vaccine Q&A  
**KOLO:** Washoe County Health District to conduct mosquito abatement  
**RGJ:** Four Washoe County residents test positive for COVID-19 variant from India  
**KTVN:** Four Cases Of COVID-19 Variant From India Detected in Washoe County  
**KRNV:** Health District conducts mosquito abatement to fight West Nile Virus  
**KTVN:** Health District conducts mosquito abatement to fight WNV  
**KOLO:** Washoe County Health District conducts mosquito abatement  
**KTVN:** Vaccine Q&A  
**RGJ:** Vaccines help Washoe with recent COVID surge as all eyes now on reopening's impact  
**This is Reno:** COVID-19, 60 variants in Washoe County despite downward trend

**5/7/2021**

**KTVN:** Health District outlines COVID-19 variants  
**KRNV:** COVID-19 variants introduced in Washoe County  
**KTVN:** No appointments required at Livestock Event Center POD  
**KRNV:** Health District moving drive-through operations  
**KOLO:** More than 60 COVID-19 variants in Washoe County  
**KOLO:** Two new COVID-19 deaths reported in Washoe County  
**RGJ:** Washoe recovery on track as room tax revenue down just slightly from pre-COVID levels  
**RGJ:** Washoe County health officials address community concerns about the COVID-19 vaccine  
**RGJ:** Washoe Health Officer supports mandatory COVID vaccines for WCSJ students pending approval

**5/10/2021**

**KRNV:** Washoe health officer supports mandating COVID-19 vaccines for students if approved  
**KRNV:** Health District moving drive-through operations  
**KOLO:** More than 60 COVID-19 variants in Washoe County  
**99.1 Talk:** No appointments necessary at Livestock Events Center for COVID-19 vaccines  
**Nevada Appeal:** Nevada Extension offering wildfire prep webinars... AQMD webinar mentioned

**5/11/2021**

**KOLO:** Ways to curb vaccine hesitancy among seniors  
**KTVN:** Washoe County Health Official Encourages Parents to Vaccinate Their Kids After Pfizer Approval

**Inquiries**

**RGJ:** Jason Hidalgo had some COVID-19 data questions.  
**KRNV:** Ben Marglott asked about the local control plan.  
**KTVN:** Bryan Hofmann asked about the local control plan.  
**KOLO:** Denise Wong asked about the local control plan.  
**RGJ:** Jason Hidalgo had some COVID-19 data questions.  
**KTVN:** Asked to film the vector mosquito abatement flight  
**KRNV:** Asked to film the vector mosquito abatement flight  
**KTVN:** Ryan Canaday interviewed Scott Oxarart about COVID-19 FAQs.  
**RGJ:** Kristin Oh asked about India COVID-19 variants.  
**KTVN:** Cynthia Sandoval asked why the RGJ got the scoop about India variants and not them.  
**KTVN:** Sent a photo to film the Vector mosquito abatement helicopter flight  
**KRNV:** Sent a photo to film the Vector mosquito abatement helicopter flight  
**KTVN:** Bryan Hofmann took some b-roll of the POD and flew his drone.  
**RGJ:** Siobhan McAndrew inquired about high school graduation plans  
**KRNV:** Zac Stotemaker asked about COVID-19 variants.  
**KTVN:** Cynthia Sandoval/Michelle Lorenzo asked about COVID-19 vaccine ops.  
**This is Reno:** Jeri Chadwell asked about community PODs.  
**RGJ:** Siobhan McAndrew asked if the District Health Officer supports mandatory COVID-19 vaccine at K-12 and secondary education levels. He does once fully approved by FDA.  
**Sparks Tribune:** Kayla Anderson asked about COVID-19 vaccine numbers.  
**KTVN:** Paul Nelson asked to shoot some b-roll of the POD.  
**RGJ:** Kristin Oh was contacted because there was a mistake in a quote she used for Dr. Diao.  
**KTVN:** Bryan Hofmann requested a statement about at-home COVID-19 tests.  
**KTVN:** Cynthia Sandoval asked about the NDOT freeway sign that informs people about COVID-19 vaccines. Picture to come.

5/12/2021  
 KOH: Many seniors holding back from getting vaccinated  
 KRNV: Health District supports adobe scent vaccines  
 KUNR: Health District supports adolescent vaccines  
 South Tahoe: Now: Living with Fire awareness campaign and virtual webinar series for Lake Tahoe residents

5/13/2021  
 KTVN: Reno Aces, Washoe County Health District to Provide Free COVID-19 Vaccines at Opening Day  
 KRNV: Washoe County Health District will administer COVID-19 vaccines at Aces opening game  
 Associated Press: Nevada now offering COVID-19 shots to kids as young as 12  
 KOLO: What research says about those who are vaccine hesitant  
 KRNV: Nevada to follow latest CDC guidance on vaccinated people ditching masks indoors  
 KTVN: CDC Eases Indoor Mask Wearing Guidance for Fully Vaccinated People  
 KOLO: What research says about those who are vaccine hesitant

5/17/2021  
 RGI: COVID-19 vaccination clinic to be held at Sun Valley church on Sunday  
 This is Reno: CDC state update mask guidance  
 RGI: COVID-19: Washoe County hits lowest positive test rate since June 21  
 KRNV: Health District helps vaccinate at Bishop Manogue

5/17/2021  
 RGI: Emails show state told WCSO all students should wear masks until end of year  
 KTVN: Hundreds of people from our Latino community got their COVID-19 vaccine at a Sun Valley Catholic Church Sunday  
 KRNV: Sun Valley church brings vaccine clinic to parishioners, targets Latino community  
 KOLO: 450 vaccines distributed at St. Peter Canisius Catholic Church on Sunday  
 RGI: WCSO tells teachers they don't have to enforce masks for students over age 10

5/18/2021  
 Reno News & Review: Washoe County Students And Commuters Celebrate Bike Month  
 KRNV: Free COVID-19 vaccine clinic coming to Sparks casino Wednesday  
 KTVN: Food Bank of Northern Nevada Partners With Washoe County Health Department for COVID-19 Vaccine Clinic  
 KTVN: Health District recommends masks at K12 schools  
 KTVN: More vaccines at Aces Ballpark

5/19/2021  
 KRNV: Nevada health officials try pop-up community COVID-19 vaccine clinics as demand shrinks  
 KOLO: What could mask guidelines do to affect flu and other diseases in the future?  
 This is Reno: County Commissioners discuss vaccine queues, public dishonesty  
 KTVN: With 29 Days Until Reno Rodeo, Officials Haven't Finalized Covid Safety Plan Yet  
 KOLO: Washoe County COVID-19 Update: Positivity rate falls to 4.6%  
 KTVN: What should I do if they don't have my vaccine card?  
 RGI: Washoe County no longer flagged for elevated COVID-19 transmission

5/20/2021  
 RGI: Washoe County COVID-19 vaccine tracker: 42% of people fully vaccinated (The actual number is 45% according to the state but they won't reply to my email requesting they change it)  
 KRNV: Nevada health officials try pop-up community COVID-19 vaccine clinics as demand shrinks  
 KRNV: Effect vaccine has on kids

5/21/2021  
 Nevada Today: Updates regarding policies, guidance and protocols  
 KRNV: Nevada health officials try pop-up community COVID-19 vaccine clinics as demand shrinks  
 KRNV: Effect vaccine has on kids

KOLO: Abel Garcia asked about the vaccine for 12-15 year olds  
 KOLO: Denise Wong asked about the vaccine fore 12-15 year olds.

KTVN: Asked to shoot footage of the POD  
 KRNV: Zac Slotemaker asked about masks

KOLO: Mike Steffansen asked about CDC mask guidance.

KTVN: Michelle Lorenzo inquired about the WCSO decision on masks for 9-under.  
 RGI: Sjabhan McAndrew inquired about the WCSO decision on masks for 9-under.  
 KOLO: Ed Pearce needed clarification on the mask policy in Nevada.  
 KTVN: Ryan Canaday had a question from a viewer about vaccine cards. Directed him to WebTV.

KTVN: Audrey Mayer interviewed Nancy Diao about mask wearing as it relates to non COVID-19-related illness.

KTVN: Bryan Hofmann interviewed Susy Deller at the Baldini's/Food Bank POD.  
 KRNV: Ben Margott interviewed Susy Deller at the Baldini's/Food Bank POD.  
 RGI: Sjabhan McAndrew asked about COVID-19 related deaths among adolescents.  
 KOLO: Kelsey Marier asked about masks.  
 Reno AI Dia: Laura Calzada asked to speak to a Spanish-speaking person about COVID-19 vaccine outreach efforts.

Reno AI Dia: Working with Laura Calzada on a COVID-19 interview in Spanish  
 KTVN: Ryan Canaday requested an interview with a public health nurse about COVID-19 vaccine.

Reno AI Dia: Laura Calzada interviewed Christabell Sotello about COVID-19 vaccine in Spanish.  
 KTVN: Ryan Canaday will interview Nicole Mertz on Monday.  
 RGI: Sjabhan McAndrew asked if WCSO has filed plans for graduation. No.  
 RGI: Today was Anjennette Damon's last day at the RGI.

5/24/2021	<a href="#">Food Safety News: NACCHO presents Washoe County Health District with Crumline award</a> <a href="#">KOH: COVID-19 case update over the weekend</a>	<b>KTYN:</b> Ryan Canaday interviewed Nicole Mertz and Scott Oxenart about COVID-19 vaccine
5/25/2021	<a href="#">KTYN: More than 10% of all vaccines administered in Nevada have come from Health District POD</a> <a href="#">RGJ: Study: COVID-19 antibodies remain 10 months after infection. Here's where to get a shot</a>	<b>RGJ:</b> Siobhan McAndrew asked about masks in schools. <b>RGJ:</b> We provided a quote regarding COVID-19 antibodies from natural infection vs. vaccines.
5/26/2021	<a href="#">Nevada Today: #COVIDcrew and Medical Social Justice League address equitable distribution of vaccine with El Gran Vacunación</a> <a href="#">KRNV: Washoe County making progress with vaccinations, COVID-19 mitigation</a>	<b>RGJ:</b> Siobhan McAndrew asked about pre-existing conditions with students in K-12.
5/27/2021	<a href="#">This is Reno: Health District announces additional vaccine events in the coming weeks</a> <a href="#">KTYN: Deaths are declining... still have people who are passing away from COVID-19</a> <a href="#">KOLO: 7-day moving avg for new COVID-19 cases at lowest point since June 3</a> <a href="#">RGJ: WDCSD shares details about plans to fully open schools in August</a> <a href="#">Nevada Appeal: Experts forecast high fire risk amid extreme drought – Brendan Schmeider mentioned</a>	
5/28/2021	<a href="#">KOLO: Washoe County COVID-19 Update: 15 new cases, 43 recoveries</a>	
<b>Total</b>	<b>89</b>	<b>48</b>
<b>Press Releases</b>		
5/3/2021	<a href="#">Washoe County COVID-19 Mitigation &amp; Enforcement Plan approved by State, Gov. Sisolak</a>	
5/7/2021	<a href="#">Weekly COVID-19 Vaccine Newsletter – May 7, 2021</a>	
5/13/2021	<a href="#">Pfizer COVID-19 vaccine available to those aged 12 years and older starting today</a>	
5/20/2021	<a href="#">Health District – Food Safety Program Wins Prestigious Crumline Award</a>	
5/21/2021	<a href="#">Weekly COVID-19 Vaccine Community Newsletter – May 21, 2021</a>	
5/28/2021	<a href="#">Weekly COVID-19 Vaccine Community Newsletter – May 28, 2021</a>	
5/28/2021	<a href="#">Health District, Community Foundation Partner To Install Bike Racks At Village On Sage Street</a>	
<b>Total</b>	<b>7</b>	
<b>Social Media Followers</b>		
	<b>WCHD Facebook: 5,405 (+25 since May 1)</b>	
	<b>WCHD Twitter: 2,519 (+9 since May 1)</b>	

CHAPTER.....

AN ACT relating to employment practices; requiring certain employers to provide certain employees with written notices containing certain information in the event of a layoff; requiring an employer to retain certain information relating to a laid-off employee; requiring an employer to offer certain job positions to a laid-off employee under certain circumstances; prohibiting an employer from taking certain adverse actions against certain persons; authorizing civil actions and actions by the Labor Commissioner to enforce certain provisions; providing for the severability of certain provisions by a court under certain circumstances; revising certain requirements for regulations relating to public accommodation facilities and SARS-CoV-2, which must be adopted by the Director of the Department of Health and Human Services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus. Subsequently, the President of the United States and the World Health Organization issued a proclamation and announcement, respectively, regarding the COVID-19 threat. On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19. Since the date of the Declaration of Emergency by the Governor, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities. As a result of the pandemic, casino, hospitality, stadium and travel-related employers have discharged, laid off and furloughed workers.

Under existing law, and in the absence of collective bargaining agreements providing applicable protections, workers who were discharged, laid off or furloughed due to the pandemic are not required to be recalled to their previous positions of employment. This bill requires certain employers that discharged, laid off or furloughed employees to offer job positions to those employees under certain conditions.

**Section 3** of this bill sets forth the Legislature's intent that certain employees have an opportunity to return to their jobs when circumstances permit.

**Section 4** of this bill provides that the provisions of this bill constitute minimum labor standards and do not: (1) preempt or prevent standards which provide employees with greater protections or benefits; or (2) supersede an employee's right to recall pursuant to a collective bargaining agreement.

**Sections 5-19** of this bill define certain terms applicable to the provisions of this bill.

**Section 20** of this bill requires an employer, in the event of a layoff, to provide an employee who is to be laid off with a written notice containing certain information regarding the layoff and the employee's right to reemployment.



**Section 21** of this bill requires an employer to retain certain information for 2 years if an employee is laid off.

**Section 22** of this bill: (1) requires an employer to offer a laid-off employee certain job positions; (2) sets forth an order of preference for job offers if multiple eligible employees were laid off; (3) requires the employer to afford a laid-off employee not less than 24 hours within which to accept or decline an offer; (4) requires an employer to provide a laid-off employee with notice of the reasons for declining to recall the laid-off employee under certain circumstances; and (5) sets forth certain circumstances under which an employer is not required to extend additional offers of employment to a laid-off employee.

**Section 23** of this bill prohibits an employer from taking certain adverse actions against certain persons for taking certain actions in relation to the provisions of this bill.

**Section 24** of this bill: (1) authorizes the enforcement of the provisions of this bill by an aggrieved employee through the Labor Commissioner or in a civil action; (2) establishes certain requirements which must be met before an aggrieved employee may file a complaint with the Labor Commissioner or file a civil action; (3) sets forth certain standards for establishing and rebutting certain presumptions concerning violations of the provisions of this bill in such an action; and (4) authorizes the granting of certain awards to a prevailing plaintiff and the imposition of certain penalties for violations of the provisions of this bill.

**Section 25** of this bill: (1) imposes the requirements and duties of the provisions of this bill upon certain employers that conduct certain transactions, reorganizations or relocations of operations; and (2) extends the rights afforded by this bill to laid-off employees of such employers.

**Section 26** of this bill makes the provisions of this bill applicable to all employees other than laid-off employees who are parties to a valid severance agreement, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.

**Section 27** of this bill prohibits the provisions of this bill from being construed to invalidate or limit certain other rights, remedies or procedures available to an employee.

**Section 28** of this bill provides for the severability of provisions of this bill by a court under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. (NRS 447.335) **Section 28.1** of this bill revises those standards.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish protocols to: (1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission. (NRS 447.340) **Section 28.2** of this bill eliminates the requirement to adopt certain protocols relating to social distancing.

Existing law requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2, are experiencing the symptoms of COVID-19 or have been diagnosed with COVID-19. (NRS 447.345) **Section 28.3** of this bill: (1) eliminates from such response plans certain requirements relating to testing and screening for exposure to SARS-CoV-2; (2) revises provisions governing the circumstances under which an employee who is required to take time off due to COVID-19 must be paid for that time off; and (3) eliminates provisions which authorize an employer who operates a public accommodation facility to submit a



request to the Director to increase or decrease the amount of days off required by these provisions.

Existing law authorizes the Secretary of State to suspend the business license of a person until the person complies, in good faith, with controlling health standards. Under existing law, these provisions expire by limitation on the later of July 1, 2023, or the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. (NRS 76.172) **Section 28.4** of this bill eliminates the date of expiration so that the provisions do not expire.

**Section 28.5** of this bill: (1) authorizes the Director to amend regulations, if necessary and within 5 business days after the effective date of this bill, to conform to the provisions of **sections 28.1, 28.2 and 28.3** of this bill; (2) requires a district board of health of a health district to adopt regulations that are substantively identical to the regulations adopted by the Director within 10 days after the Director adopts such regulations; and (3) provides that any provisions of regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of **sections 28.1, 28.2 and 28.3** of this bill are unenforceable as of the effective date of this act.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets *[omitted material]* is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this act.

**Sec. 2.** *Sections 2 to 28, inclusive, of this act may be cited as the Nevada Hospitality and Travel Workers Right to Return Act.*

**Sec. 3.** *The Legislature hereby finds that:*

*1. COVID-19, also known as the “Coronavirus Disease,” is a respiratory disease which has spread across the globe, with many thousands of cases in Nevada.*

*2. On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by the novel coronavirus, and, thereafter, the President of the United States issued the Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, beginning March 1, 2020.*

*3. The World Health Organization announced on March 11, 2020, that it had characterized COVID-19 as a pandemic.*

*4. On March 12, 2020, the Governor of Nevada issued the Declaration of Emergency for COVID-19, declaring the existence of an emergency in the State.*





5. *On March 13, 2020, the President declared a nationwide emergency pursuant to section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq.*

6. *Since the Governor's Declaration of Emergency for COVID-19 on March 12, 2020, the Governor has issued numerous COVID-19 declaration of emergency directives, setting forth closures, safety precautions and capacity limitations for public accommodations, other businesses and governmental facilities and removing such restrictions as appropriate.*

7. *Jobs in the leisure and hospitality sectors are central to this State's economy and to the well-being of this State as a whole. According to the Budget Division of the Office of Finance, leisure and hospitality jobs constituted a significant portion of total employment in this State during 2019.*

8. *Since the declaration of a national public health emergency on January 31, 2020, the COVID-19 pandemic has caused casino, hospitality, stadium and travel-related employers to discharge, lay off and furlough workers on a massive scale. As of December 2020, according to the Bureau of Labor Statistics of the United States Department of Labor, Nevada experienced a significant annual decrease in leisure and hospitality employment, the largest decline of any sector in Nevada.*

9. *Many thousands of casino, hospitality, stadium and travel-related workers have been separated from their jobs already during the pandemic.*

10. *It is in the public interest and beneficial to the public welfare to ensure that the State's casino, hospitality, stadium and travel-related employers honor their former employees' right to return to their former positions because doing so will speed the transition back to a functioning labor market and will lessen the damage to the State's economy. Recalling workers instead of searching for new employees could minimize the time necessary to match employees with jobs and reduce the unemployment rate more quickly.*

11. *It is in the public interest and beneficial to the public welfare to provide laid-off employees in the casino, hospitality, stadium and travel-related sectors with the economic security of knowing that they will have an opportunity to return to their jobs when business returns. In a typical recession, workers who are permanently laid off, without recall, often cycle through short-term jobs before finding a stable job, and many drop out of the labor market altogether. In addition, workers who believe that they*



are likely to be called back to a steady job are more likely to continue spending money. Ensuring a path to rehiring can relieve workers' anxiety, which can bolster morale and increase consumer spending, thereby supporting economic recovery.

Sec. 4. 1. The purpose of sections 2 to 28, inclusive, of this act is to ensure minimum labor standards.

2. The provisions of sections 2 to 28, inclusive, of this act do not:

(a) Preempt or prevent the establishment of employment standards which are more protective of, or more beneficial for, employees, including, without limitation, higher wages or the expansion of coverage by any other action of this State; or

(b) Supersede an employee's right to recall contained in a collective bargaining agreement, which right shall govern in the event of a conflict with an employee's rights set forth in sections 2 to 28, inclusive, of this act.

Sec. 5. As used in sections 2 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 19, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 6. "Airport" has the meaning ascribed to it in NRS 496.020.

Sec. 7. 1. "Airport hospitality operation" means a business that provides food and beverage, retail or other consumer goods or services to the public at an airport.

2. The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.

Sec. 8. 1. "Airport service provider" means a business entity that performs, under contract with a passenger air carrier:

(a) Functions for the catering of food and beverage; or

(b) Functions on the property of the airport that are directly related to the air transportation of persons, property or mail, including, without limitation:

(1) The loading and unloading of property on aircraft;

(2) Assistance to passengers pursuant to 14 C.F.R.

Part 382;

(3) Security;

(4) Airport ticketing and check-in;

(5) Ground-handling of aircraft; and

(6) Aircraft cleaning, sanitization and waste removal.



2. The term does not include an air carrier which has been issued an air carrier operating certificate by the Federal Aviation Administration.

Sec. 9. "Business entity" means a natural person, corporation, partnership, limited partnership, limited-liability partnership, limited-liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign.

Sec. 10. 1. Except as otherwise provided in subsection 3, "casino" has the meaning ascribed to the term "licensed gaming establishment" in NRS 463.0169.

2. The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the casino, including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.

3. The term does not include:

(a) A restricted operation; or

(b) A licensed gaming establishment, as defined in NRS 463.0169, which operates solely pursuant to a restricted license.

Sec. 11. "Covered enterprise" means an airport hospitality operation, an airport service provider, a casino, an event center or a hotel that is located in a county whose population is 100,000 or more.

Sec. 12. 1. Except as otherwise provided in subsection 2, "employee" has the meaning ascribed to it in NRS 608.010.

2. The term does not include:

(a) Any employee who is:

(1) Employed in a managerial or executive capacity; and

(2) Exempt from the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., pursuant to 29 U.S.C. § 213(a)(1); or

(b) Any person who is engaged as a theatrical or stage performer, including, without limitation, at an exhibition.

Sec. 13. "Employer" means any business entity which directly or indirectly through an agent or any other business entity, including through the services of a temporary employment service, staffing agency or similar entity, owns or operates a covered enterprise within this State and:

1. Employs or exercises control over the wages, hours or working conditions of 30 or more employees; or

2. Employed or exercised control over the wages, hours or working conditions of 30 or more employees on March 12, 2020.



**Sec. 14. 1.** *“Event center” means a publicly or privately owned structure of more than 50,000 square feet or containing more than 5,000 seats that is used for the purposes of public performances, sporting events, business meetings or similar events and includes, without limitation, a concert hall, stadium, sports arena, race track, coliseum or convention center.*

*2. The term includes any contracted, leased or sublet premises that are connected to or operated in conjunction with the purpose of the event center, including, without limitation, facilities for the preparation of food, concessions, retail stores, restaurants, bars and structured parking facilities.*

**Sec. 15. 1.** *“Hotel” means:*

*(a) A resort hotel; or*

*(b) Any other residential building that:*

*(1) Is designated or used for lodging and other related services for the public, including, without limitation, the preparation and service of food and beverages, trade shows and conventions; and*

*(2) Contains not less than 200 guest rooms or suites of rooms. For the purposes of this paragraph, adjoining rooms do not constitute a suite of rooms.*

*2. The term also includes any contracted, leased or sublet premises that:*

*(a) Is connected to or operated in conjunction with the purpose of the resort hotel or residential building; or*

*(b) Provides services at the resort hotel or residential building.*

**Sec. 16.** *“Laid-off employee” means an employee:*

*1. Who was employed by an employer for not less than 6 months during the 12 months immediately preceding March 12, 2020; and*

*2. Whose most recent separation from active service for that employer:*

*(a) Occurred after March 12, 2020; and*

*(b) Was due to a governmental order, lack of business, reduction in force or another economic, nondisciplinary reason.*

**Sec. 17.** *“Length of service” means the total of all periods of time during which an employee has been in active service, including periods of time during which the employee was on leave or on vacation.*

**Sec. 18.** *“Resort hotel” means:*

*1. A resort hotel, as defined in NRS 463.01865;*

*2. An establishment described in section 19 of chapter 452, Statutes of Nevada 1997; or*



3. *A resort hotel described in section 20 of chapter 452, Statutes of Nevada 1997.*

**Sec. 18.5.** *“Restricted license” and “restricted operation” have the meaning ascribed to those terms in NRS 463.0189.*

**Sec. 19.** *“Structured parking facility” means a parking deck, parking garage, parking structure or paved or unpaved parking lot.*

**Sec. 20. 1.** *In the event of a layoff, an employer shall provide an employee who is to be laid off with written notice of the layoff, either in person or mailed to the last known address of the employee and, if the employer possesses such contact information, by telephone, text message or electronic mail.*

2. *The employer shall provide the notice required by this section at the time of the layoff or, if the layoff took place before the effective date of this act, not later than 20 days after the effective date of this act.*

3. *The employer shall provide the notice required by this section to each affected employee in Spanish, English and any other language that is spoken by not less than 10 percent of the employer’s workforce.*

4. *The notice required by this section must include:*

(a) *A notice of the layoff and the effective date of the layoff.*

(b) *A summary of the right to reemployment pursuant to sections 2 to 28, inclusive, of this act or clear instructions on the means by which the employee may access the information regarding that right.*

(c) *Contact information for the person who the employer has designated to receive, on behalf of the employer, an aggrieved employee’s written notice of an alleged violation pursuant to paragraph (a) of subsection 2 of section 24 of this act.*

**Sec. 21. 1.** *An employer shall retain the following records for not less than 2 years after an employee is laid off:*

(a) *The full legal name of the employee;*

(b) *The job classification of the employee at the time of the separation from employment;*

(c) *The date of hire of the employee;*

(d) *The last known address of the employee;*

(e) *The last known electronic mail address of the employee;*

(f) *The last known telephone number of the employee;*

(g) *A copy of the written notice regarding the layoff that was provided to the employee; and*



(h) Records of each offer made by the employer to the employee pursuant to subsection 1 of section 22 of this act, including, without limitation, the date and time of each offer.

2. For the purposes of this section, 2 years is measured from the date of the written notice provided by the employer to the laid-off employee pursuant to section 20 of this act.

**Sec. 22.** 1. An employer shall offer a laid-off employee in writing, by mail to the last known address of the employee and, if the employer possesses such contact information, by telephone, text message or electronic mail, each job position:

(a) Which becomes available after the effective date of this act; and

(b) For which the laid-off employee is qualified. A laid-off employee is qualified for a job position pursuant to this paragraph if the laid-off employee:

(1) Held the same position at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer; or

(2) Held a similar position within the same job classification at the covered enterprise at the time of the laid-off employee's most recent separation from active service with the employer.

2. An employer shall offer job positions to laid-off employees in an order of preference corresponding to subparagraphs (1) and (2) of paragraph (b) of subsection 1. If more than one laid-off employee is entitled to preference for a position, the employer must first offer the position to the laid-off employee with the greatest length of service for the covered enterprise.

3. An employer may extend simultaneous conditional offers of employment to laid-off employees with a final offer of employment conditioned on application of the order of preference set forth in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. An employer who offers a laid-off employee a job position pursuant to this section shall afford the employee not less than 24 hours after the time of the employee's receipt of the offer to accept or decline the offer. A laid-off employee who is offered a job position pursuant to this section must be available to return to work within 5 calendar days after accepting the offer. If a laid-off employee who is offered a job position pursuant to this section:

(a) Does not accept or decline the offer within 24 hours; or

(b) Is not available to return to work within 5 calendar days after accepting the offer,



↳ the employer may recall the next available employee with the greatest length of service for the covered enterprise.

5. An employer who declines to recall a laid-off employee because the employee lacks qualifications and hires a person other than the laid-off employee shall, not later than 30 days after making that decision, provide the laid-off employee with a written notice of the decision identifying all the reasons for the decision.

6. An employer is not required to extend additional offers of employment to a laid-off employee pursuant to this section if any of the following applies:

(a) The employee states in writing that:

(1) The employee does not wish to be considered for future open positions with the employer; or

(2) The employee does not wish to be considered for future open positions with the employer which have regularly scheduled hours of work that are different from those which the employee worked immediately before his or her last separation from active service with the employer.

(b) The employer extends three bona fide offers of employment to the employee, with not less than 3 weeks between each offer, and the employee declines all three offers. For purposes of this paragraph, "bona fide offer" means an offer of employment in the same or a similar job classification and with a comparable number of regularly scheduled hours of work as the employee worked immediately before his or her last separation from active service with the employer.

(c) The employer attempts to make three offers of employment to the employee using the methods described in subsection 1 and:

(1) Each offer made by mail is returned as undeliverable;

(2) If the employer has the electronic mail address of the employee, any offer made by electronic mail is returned as undeliverable; and

(3) If the employer has contact information provided by the employee for telephone calls or text messages, the number provided for such calls or messages is no longer in service.

**Sec. 23.** An employer shall not terminate, reduce in compensation, refuse to employ or otherwise take any adverse action against:

1. Any person for:

(a) Seeking to enforce by any lawful means his or her rights pursuant to sections 2 to 28, inclusive, of this act;

(b) Participating in proceedings pursuant to sections 2 to 28, inclusive, of this act; or



(c) *Opposing any practice proscribed by sections 2 to 28, inclusive, of this act.*

2. *An employee who mistakenly, but in good faith, alleges noncompliance with sections 2 to 28, inclusive, of this act.*

**Sec. 24.** 1. *The provisions of sections 2 to 28, inclusive, of this act may be enforced by an aggrieved employee through the Labor Commissioner or in a civil action in any court of competent jurisdiction.*

2. *An aggrieved employee may file a complaint with the Labor Commissioner or file a civil action in any court of competent jurisdiction alleging a violation of the provisions of sections 2 to 28, inclusive, of this act only after the following requirements are met:*

(a) *The employee provides the employer with written notice, including, without limitation, by electronic mail, of the alleged violation and any facts known by the employee to support the allegation of the violation; and*

(b) *The employer is afforded 15 days after the date of receipt of the written notice to cure any alleged violation.*

3. *There is a rebuttable presumption that an employer's action is taken in violation of section 23 of this act if it is established that:*

(a) *A laid-off employee exercised rights pursuant to the provisions of sections 2 to 28, inclusive, of this act or alleged in good faith that the employer was not complying with the provisions of sections 2 to 28, inclusive, of this act;*

(b) *The employer thereafter terminated, demoted or otherwise took adverse action against the employee; and*

(c) *The employer took the action described in paragraph (b) against the employee not later than 60 days after the employee exercised rights or made an allegation described in paragraph (a).*

4. *An employer may rebut a presumption created pursuant to subsection 3 by proving that the true and entire reason for the action taken pursuant to paragraph (b) of subsection 3 was a legitimate business reason. The plaintiff in the action may rebut the legitimate business reason asserted by the employer by showing that the reason was, in fact, a pretext.*

5. *An employee or employees who establish a violation of sections 2 to 28, inclusive, of this act may be awarded any or all of the following, as appropriate:*

(a) *Rights of hiring and reinstatement.*

(b) *Future and back pay for each day during which the violation continues, which shall be calculated at a rate of*





compensation not less than the greatest of any of the following rates:

(1) The average regular rate of pay received by the laid-off employee during the last 3 years of that employee's employment in the same job classification.

(2) The most recent regular rate of pay received by the laid-off employee while employed by the employer.

(3) The regular rate of pay received by an employee occupying the job position in place of the laid-off employee who should have been employed in that position.

(4) The value of the benefits which the laid-off employee would have received under the benefit plan provided by the employer.

6. Any employer, agent of the employer or other person who violates or causes to be violated any provision of sections 2 to 28, inclusive, of this act shall be subject to:

(a) A civil penalty of \$100 for each employee whose rights under the provisions of sections 2 to 28, inclusive, of this act are violated; and

(b) The imposition of an additional sum payable to each employee as compensatory and liquidated damages in the amount of \$500 for each day the rights provided to that employee pursuant to sections 2 to 28, inclusive, of this act are violated. Such damages shall be continuing until such time as the violation is cured.

7. The Labor Commissioner or the court may also award attorney's fees to a prevailing plaintiff in an action filed pursuant to this section.

8. No criminal penalties may be imposed for a violation of sections 2 to 28, inclusive, of this act.

**Sec. 25. 1. An employer that, on or after January 31, 2020:**

(a) Purchases or otherwise acquires the ownership of another employer which owns or operates a covered enterprise; and

(b) Conducts the same or similar operations as those which were conducted by the employer that owned or operated the covered enterprise before the date of the purchase or acquisition,

is subject to the provisions of sections 2 to 28, inclusive, of this act as if the purchasing or acquiring employer was the employer that owned or operated the covered enterprise before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

2. An employer that, on or after January 31, 2020:



(a) Purchases or otherwise acquires all or substantially all of the assets of an employer that owned or operated a covered enterprise; and

(b) With those assets, conducts the same or similar operations as those which were conducted by the employer that conducted operations with those assets before the date of the purchase or acquisition,

↳ is subject to the provisions of sections 2 to 28, inclusive, of this act as if the employer which purchased or acquired the assets was the employer that conducted operations with those assets before the date of the purchase or acquisition and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

3. An employer which:

(a) Owns or operates a covered enterprise; and

(b) On or after January 31, 2020, changes the employer's form of organization but continues to own or operate the covered enterprise,

↳ remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to a laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

4. An employer which moves operations from a location at which a laid-off employee was employed before January 31, 2020, to a different location within this State remains subject to the provisions of sections 2 to 28, inclusive, of this act and owes to the laid-off employee the rights afforded by sections 2 to 28, inclusive, of this act.

**Sec. 26.** 1. Except as otherwise provided in subsection 2, the provisions of sections 2 to 28, inclusive, of this act apply to all employees, as defined in section 12 of this act, regardless of whether the employees are represented for purposes of collective bargaining or are covered by a collective bargaining agreement.

2. The provisions of sections 2 to 28, inclusive, of this act do not apply to a laid-off employee who is a party to a valid severance agreement.

**Sec. 27.** The provisions of sections 2 to 28, inclusive, of this act shall not be construed to:

1. Invalidate or limit the rights, remedies and procedures of any contract or agreement that provides greater or equal protection for employees than are afforded by the provisions of sections 2 to 28, inclusive, of this act, notwithstanding the provisions of section 26 of this act.



2. *Limit a discharged employee's right to bring a cause of action for wrongful termination under common law.*

**Sec. 28.** 1. *If any section, sentence, clause or phrase of sections 2 to 28, inclusive, of this act is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of sections 2 to 28, inclusive, of this act, which shall remain in full force and effect.*

2. *The Legislature hereby declares that it would have adopted the provisions of sections 2 to 28, inclusive, of this act and each and every section, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of sections 2 to 28, inclusive, of this act were subsequently declared invalid or unconstitutional.*

3. *The courts are hereby authorized to reform the provisions of sections 2 to 28, inclusive, of this act in order to preserve the maximum permissible effect of each section therein.*

**Sec. 28.1.** NRS 447.335 is hereby amended to read as follows:

447.335 1. The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section:

(a) ~~{The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS-CoV-2 for the cleaning required by paragraphs (b) to (p), inclusive. — (b)}~~ Desks, tabletops, ~~{minibars that have been used after the most recent cleaning.}~~ interior and exterior handles of doors, faucets, toilets, ~~{nonporous headboards of beds.}~~ light switches, remote controls, telephones, keyboards ~~{.}~~ and touch screens ~~{, bed linens, towels, bed scarves and other decorative items on beds}~~ in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.

~~{(c)}~~ (b) The following high-contact areas and items in locations used by the public and employees to be cleaned ~~{regularly throughout the day}~~ **daily** while in use:

- (1) Fixtures with which guests and employees may be expected to have regular physical contact;
- (2) Doors and door handles at exterior entrances;
- (3) Door handles at interior entrances regularly accessed by guests and employees;
- (4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines,



vending machines and other frequently used instruments and equipment; and

(5) Countertops and desks in entrance areas and other high-usage areas.

~~[(d)]~~ (c) Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~[(e)]~~ (d) Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~[(f)]~~ (e) Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.

~~[(g)]~~ (f) Elevator buttons and rails in guest and service elevators to be cleaned ~~[regularly throughout the day]~~ *daily* if the elevator is in use.

~~[(h)]~~ (g) Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.

~~[(i)]~~ (h) Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.

~~[(j)]~~ (i) Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~[(k)]~~ (j) Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

~~[(l)]~~ (k) Tabletops in meeting rooms to be cleaned while in use.

~~[(m)]~~ (l) Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned ~~[after use by a guest.~~

~~[(n)]~~ *daily.*

(m) Touch screens and keyboards in bar and dining facilities to be cleaned ~~[regularly while in use.~~

~~[(o)]~~ *daily.*

(n) Soiled laundry to be cleaned as necessary.

~~[(p)]~~ (o) Laundry carts and hampers to be cleaned ~~[regularly throughout the day]~~ *daily* while in use.

2. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

3. An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each



bulletin board where the facility regularly posts official communications with employees:

(a) A one-page summary of the standards adopted pursuant to subsection 1; and

(b) A list of key contact persons at public health agencies.

4. An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.

**Sec. 28.2.** NRS 447.340 is hereby amended to read as follows:

447.340 The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:

1. Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:

(a) ~~Methods to encourage, to the extent reasonably possible:~~

~~— (1) Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.~~

~~— (2) Guests to remain at least 6 feet apart from employees and other guests.~~

~~— (b) A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~— (c) A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~— (d)}~~ Requirements concerning the frequency of hand cleaning for employees.

~~{(e)}~~ (b) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.

~~{(f)}~~ (c) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies, entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:

(1) Those areas are not near hand washing facilities with soap and water; and



(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.

~~{g}~~ (d) Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.

2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.

**Sec. 28.3.** NRS 447.345 is hereby amended to read as follows:

447.345 1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:

(a) The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.

~~(b) [A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.]~~

~~— (c) The designation of an area of the public accommodation facility where employees will check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.~~

~~— (d) Requirements that:~~

(1) The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis. ~~{and}~~

(2) Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:

(I) Not more than 3 days of ~~{paid}~~ time off to await testing and testing results; and

(II) Additional ~~{paid}~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~{e}~~ (3) *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for*



*COVID-19, the time off required pursuant to subparagraph (2) must be paid time off.*

(c) A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.

~~(d)~~ (d) Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:

(1) Must undergo testing for SARS-CoV-2; and

(2) Must not return to work while awaiting the results of that testing.

~~(e)~~ (e) Requirements that each employee described in paragraph ~~(e) or (f)~~ (c) *and notifies his or her employer that he or she is experiencing symptoms of COVID-19 or who is described in paragraph (d)* must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:

(1) Not more than 3 days of ~~paid~~ time off to await testing and testing results. ~~and~~

(2) Additional ~~paid~~ time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

~~(h)~~ (3) *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, the time off required pursuant to subparagraphs (1) and (2) must be paid time off.*

(f) A requirement that ~~except as otherwise provided in subsection 3,~~ each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off. ~~(f)~~ *For each such employee who is fully vaccinated for COVID-19 or who has a verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19, at least 10 of ~~which~~ the 14 days described in this paragraph must be paid time off.*

~~(g)~~ (g) A requirement that testing for SARS-CoV-2 required by this section must be:

(1) Provided at no cost to the employee; and

(2) Performed on-site or at a testing facility selected by the public accommodation facility.



~~[(h)]~~ (h) A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility.

~~[(k)]~~ (i) A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.

~~[(4)]~~ (j) A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contact tracing or cleaning.

2. The regulations adopted pursuant to this section must define the term "close contact" to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

~~3. [An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.~~

~~—4.]~~ For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:

(a) Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.

(b) May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.

~~[(5)]~~ 4. The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is





confidential. The health authority may disclose all or a part of such a plan upon:

(a) The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.

(b) The order of a court of competent jurisdiction.

(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.

~~[6.]~~ 5. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.

~~[7.]~~ 6. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

7. *As used in this section:*

(a) *“Fully vaccinated for COVID-19” has the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

(b) *“Verified underlying medical condition that prevents the employee from receiving a vaccination for COVID-19” means a condition of an employee for whom the SARS-CoV-2 vaccine is not recommended because of a medical exemption that is documented by a note provided by a licensed physician and provided to the employer.*

**Sec. 28.4.** Section 39 of chapter 8, Statutes of Nevada 2020, 32nd Special Session, at page 114, is hereby amended to read as follows:

Sec. 39. ~~[H.]~~ This act becomes effective upon passage and approval.

~~[2.—Section 30 of this act expires by limitation on the later of:~~

~~—(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or~~

~~—(b) July 1, 2023.]~~



**Sec. 28.5.** 1. The Director of the Department of Health and Human Services may, if necessary and not later than 5 business days after the date on which this act becomes effective, amend regulations adopted pursuant to the provisions of NRS 447.335, 447.340 and 447.345, as amended by sections 28.1, 28.2 and 28.3, respectively, of this act to conform to those provisions.

2. Notwithstanding the 15-day requirement set forth in NRS 447.355, a district board of health of a health district shall, pursuant to NRS 447.355, adopt regulations that are substantively identical to the regulations adopted by the Director of the Department of Health and Human Services pursuant to subsection 1 within 10 days after the adoption of the regulations by the Director pursuant to subsection 1.

3. Any provision of the regulations adopted by the Director or a district board of health of a health district that are in conflict with the provisions of NRS 447.335, 447.340 or 447.345, as amended by sections 28.1, 28.2 and 28.3, respectively, of this act are unenforceable as of the effective date of this act.

**Sec. 28.6.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 28.7.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

**Sec. 29.** 1. This section and sections 28.1 to 28.7, inclusive, of this act become effective upon the later of:

- (a) Passage and approval; or
- (b) June 1, 2021.

2. Sections 1 to 28, inclusive, of this act become effective on July 1, 2021, and expire by limitation on the later of:

- (a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or
- (b) August 31, 2022.



