



**Washoe County Health District
Air Pollution Control Hearing Board
Notice and Agenda**

Members

Dr. Cathleen Fitzgerald, Chair
Jeanne Rucker, Vice Chair
Yvonne Downs, CEM
Richard Harris, JD, PhD
Paul Kaplan
Jim Kenney
Lee Squire

**Tuesday, July 13, 2021
6:00 p.m.**

**Washoe County Health District
A/B Conference Room
1001 East Ninth Street
Reno, NV 89512**

6:00 p.m.

1. Roll Call and Determination of Quorum.

2. Pledge of Allegiance.

3. Public Comment.

Any person is invited to speak on any item on or off the agenda during this period. 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.

4. Approval of Agenda. (FOR POSSIBLE ACTION)

July 13, 2021

5. Approval of Draft Minutes. (FOR POSSIBLE ACTION)

May 4, 2021

6. Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0034 issued to Bluth Development, LLC, issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Recommendation of Staff to Deny the Appeal and Uphold Notice of Violation No. AQMV21-0034 with the following recommended penalty:

- Issuance of Notice of Violation No. AQMV21-0034 for failing to comply with Section 040.030.C.3, Dust Control Permit Requirements.
Recommended Fine: \$1,750.00

7. Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0037 issued to McCarthy Building Companies, Inc., issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Recommendation of Staff to Deny the Appeal and Uphold Notice of Violation No. AQMV21-0037 with the following recommended penalty:

- Issuance of Notice of Violation No. AQMV21-0037 for failing to comply with Section 040.030.C.3, Dust Control Permit Requirements.

Recommended Fine: \$1,000.00

8. Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0042 issued to McCarthy Building Companies, Inc., issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Recommendation of Staff to Deny the Appeal and Uphold Notice of Violation No. AQMV21-0042 with the following recommended penalty:

- Issuance of Notice of Violation No. AQMV21-0042 for failing to comply with Section 040.030.C.3, Dust Control Permit Requirements.

Recommended Fine: \$2,000.00

9. Recommendation of Staff to Uphold Notice of Violation No. AQMV21-0032 issued to Artisan Mystic Mountain, LLC, issued by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

Recommendation of Staff to Deny the Appeal and Uphold Notice of Violation No. AQMV21-0032 with the following recommended penalty:

- Issuance of Notice of Violation No. AQMV21-0032 for failing to comply with Section 040.030.C.2.c, Stabilization Requirements for Fugitive Dust Sources; Open Area and Vacant Lot or Disturbed Surface Area.

Recommended Fine: \$1,000.00

10. Board Comment

Hearing Board Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)

11. Public Comment

Any person is invited to speak on any item on or off the agenda during this period. 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.

12. ADJOURNMENT. (FOR POSSIBLE ACTION)

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The Air Pollution Control Hearing Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9th Street, Building B-171, Reno, NV 89512, or by calling 775-784-7201, 24 hours prior to the meeting.

Public Comment: Reasonable efforts will be made to hear all public comment during the meeting. During the “Public Comment” items, emails may be submitted pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment emails will only be heard during items that are not marked FOR POSSIBLE ACTION. All public comment should be addressed to the Air Pollution Control Hearing Board and not an individual member. The Hearing Board asks that your comments are expressed in a courteous manner. All public comment is limited to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.

Response to Public Comment: The Air Pollution Control Hearing Board can only deliberate or take action on a matter if it has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Air Pollution Control Hearing Board. However, responses from the Air Pollution Control Hearing Board members to specific items presented during public comment, which are not listed as agenda items could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Air Pollution Control Hearing Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District staff action or to ask that a matter be listed on a future agenda. The Air Pollution Control Hearing Board may do this either during the public comment item or during the following item: “Board Comment – Hearing Board Member’s announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)”

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, and AB253 (effective May 31, 2021), this notice has been posted at the Washoe County Health District Building (1001 East Ninth Street, Building B, Reno, NV 89512) and electronically at the following locations:

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

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