NORTHERN NEVADA
Public Health
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Air Pollution Control Hearing Board
Meeting Minutes

Members
Phil Schweber, Chair
Yvonne Downs, Vice Chair
Martin Breitmeyer
Anthony Dimpel, PE
Therese A. Ure Stix, Esq.
Chaitanya Korra

Tuesday, June 3, 2025
6:00 p.m.

Northern Nevada Public Health
Conference Rooms A and B, Building B
1001 East Ninth Street
Reno, NV

1. Roll Call and Determination of Quorum.

Board Members Present: Phil Schweber, Chair
Yvone Downs, Vice-chair
Martin Breitmeyer
Therese A. Ure Stix, Esq.
Chaitanya Korra

Board Member Absent: Anthony Dimpel, PE

Susy Valdespin, Recording Secretary, verified a quorum was present.

Staff Present: Francisco Vega, Air Quality Management Division Director
Joshua Restori, Supervisor, Permitting and Compliance
Dania Reid, Deputy District Attorney Civil Division (via zoom)
Susy Valdespin, Recording Secretary

2. Pledge of Allegiance.

Vice-chair Downs led the Pledge of Allegiance.

3. Election of Chair of the Air Pollution Control Hearing Board.

Mr. Breitmeyer made a motion to nominate Phil Schweber as Chair of the Air Pollution Control Hearing Board. Mr. Korra second the motion, which was approved unanimously.

Mr. Schweber, serving as Chair, called for the election of Vice-chair.

DDA Reid advised against the action, as it was not agendized.

Chair Schweber closed the item.

4. **State the term of office of the Chair.**

   Chair Schweber asked if the terms for the present Board were annually.

   Mr. Vega explained that the terms were not specified and requested DDA Reid's input and recommended Chair be appointed for a 2-year term.

   DDA Reid stated that, according to regulations, the Chair serves at the pleasure of the Board – an interpretation that could allow the Board to establish a two-year term at the Board's pleasure. She further recommended the regulation concerning the officer terms be revisited in the future. Additionally, she clarified that no further action could be taken on this item, as it was not agendized as an action item.

   Chair Schweber concurred that the Chair shall continue to serve at the pleasure of the Board.

5. **Ethics Law Announcement.**

   Dania Reid, Deputy District Attorney, provided a verbal ethics law announcement.

6. **Programmatic Presentation – Air Pollution Hearing Board, Air Quality Management Compliance Process.**

   Mr. Vega began his presentation by thanking the Board for their dedication and willingness to serve as volunteers. He acknowledged the significant time commitment required and expressed appreciation for their service.

   Mr. Vega recognized the onboarding of new members and noted that it was an appropriate time to provide an overview of Air Quality Management operations, including their mission statement. He then discussed air quality standards, health effects of pollution, management process, and enforcement procedures.

   Mr. Vega emphasized that the primary objective of the agency is to ensure clean air and protect public health while also supporting businesses in achieving compliance with regulations. He briefly outlined the penalty calculation process and underscored that Air Quality Management strives to be fair, consistent, and transparent.

   Additionally, he reported that all penalties collected are directed to the local school district.

   Mr. Vega concluded by stating that the entire process reflects an investment by Air Quality in protecting both public health and air quality.

   Mr. Vega opened his presentation for questions from the Board.

   Chair Schweber thanked Mr. Vega for his informative presentation.

7. **Public Comment.**

   Vice-chair Down opened the public comment period early in the meeting prior to Pledge of Allegiance.

   Having no public comment, Vice-chair Downs closed the public comment period.

8. **Approval of Agenda.**
   June 3, 2025

   Ms. Downs moved to approve the June 3, 2025, agenda. Ms. Ure-Stix seconded the motion, which carried unanimously.

9. Approval of Draft Minutes.
July 31, 2024

Mr. Breitmeyer moved to approve the July 31, 2024, minutes as received. Mr. Chaitanya seconded the motion, which carried unanimously.

10. Recommendation of Staff to Uphold Notice of Violation No.'s AQMV25-0003, 0004, 0005, 0006, and 0007 issued to Saronic Investments, LLC for multiple violations of 40 CFR 61, Subpart M – National Emissions Standards for Asbestos, with a total associated administrative fine of $105,000.00 by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board.

Chair Schweber invited staff to present testimony on the case and provided an overview of the process for presenting the case details.

Josh Restori, Supervisor of Permitting and Compliance for the Air Quality Management Division, began his presentation by outlining the topics of discussion. These included the applicable regulatory authority and the 5 violations under Case No. 1511, as well as how the requirements of 40 CFR applied to each violation.

Mr. Restori briefly defined the regulatory authority regarding 40 CFR 61 Subpart M – Asbestos noting that Asbestos has been identified as a hazardous air pollutant due to its link to serious illnesses, cancer, and death. He emphasized that the EPA promulgated these regulations to manage asbestos exposure effectively.

Mr. Restori provided a summary of each violation, referencing the applicable standards associated with each. Regarding AQMV23-0003, Mr. Restori indicated that Air Quality would accept the existing inspection surveys as meeting regulatory compliance and would consider dismissing that specific violation.

Regarding AQMV25-0006, Vice-chair Downs requested confirmation on whether a trained supervisor or contractor was present during the asbestos removal, and whether the workers involved were certified to perform asbestos abatement.

Mr. Restori confirmed that during the period from January to May of 2024, there was no documentation verifying the presence of certified personnel as required under the applicable regulations.

Vice-chair Downs asked whether the asbestos materials were properly wrapped and labeled prior to transport to the landfill.

Mr. Restori responded, he did not believe there was compliance with that process during the period of improper abatement.

Vice-chair Downs further asked if there was any knowledge of whether the vehicle that transported the asbestos was labeled with the required 9 placard.

Mr. Restori stated there was no documentation to confirm compliance with that requirement. He further reported that a dumpster was onsite, and it contained some asbestos waste. Additionally, uncontained asbestos being scraped from boots on curbs and being tracked throughout rooms and in hallways.

Mr. Restori concluded by recommending that the Board uphold the notice of violations due to

the negligence associated with the testing, notification, removal, stripping, handling, and disposal of regulated asbestos containers materials and the exposure of hazardous asbestos fibers to the ambient air and the public at 3131 S Virginia between the dates of January 2024 and May 2024 and assess an administrative penalty of $105,000.00.

Mr. Restori made note of NNPH Air Quality Regulation paragraph 020.100.3.h stated that all "monetary fines assessed pursuant to violations…for improper asbestos containing material removal, shall be for an amount greater than the estimated savings obtained by the legal removal". Having presented this information, Mr. Restori reported that the approximate cost for proper abatement could have been about $150,000.00. He noted that Mr. Bathla spent approximately $63,000 on clean-up and decontamination of the property in question.

Mr. Breitmeyer inquired whether materials taken to a landfill would be accompanied by documentation verifying proper handling and final disposal.

Mr. Restori confirmed.

Mr. Restori opened this item for question from the Board.

Chair Schweber inquired about the amount of the penalty associated with Notice of Violation No. AQMV25-0003.

Mr. Restori reported the penalty was $10,000 for AQMV25-0003.

Vice-chair Downs inquired whether hotel tenants were present during the abatement and what risks, if any, may have been posed to the surrounding neighborhood.

Mr. Restori stated that although no air quality sampling had been conducted, the biggest concern was the potential for workers to transport asbestos home to their families.

Appellant, Michael S. Bathla, was sworn in by Dania Reid, Deputy District Attorney.

Mr. Bathla began by thanking Air Quality Management for bringing the violation to his attention. He shared a brief overview of his and his wife's background and emphasized that his entire family is committed to following the law.

Mr. Bathla explained that he had relied on a local professional whom he had hired to perform the work in question. He detailed the steps he took as part of his due diligence, including the clear instruction he gave to the contractor. He also described his prompt response upon receiving the Notice of Violation, including the immediate hiring of a new, qualified contractor.

Mr. Bathla expressed that he immigrated to the United States to pursue his dreams and contribute positively to society and not feel like a criminal and expressed that being cited was not a good feeling. He stressed that he took significant steps to correct the issue and acknowledge the Board's authority to impose penalties. However, he felt that his trust had been betrayed by those he trusted to do the work properly and believed the penalty was excessive under the circumstances. He concluded by respectfully requesting that all penalties be waived and asked the board to allow additional time to achieve full compliance with applicable regulations.

Witness, Sarah Bathla, was sworn in by Dania Reid, Deputy District Attorney.
Ms. Bathla provided testimony relating to Mr. Bathla's efforts to ensure regulation compliance throughout his project. She reiterated that they relied on the professional assigned to the job, based on strong recommendations.

Ms. Bathla reported that the area where the work was performed had been vacated by tenants and was unoccupied at the time. She stressed that they were not seeking cheap work but instead hired someone they believed was qualified. Ms. Bathla expressed that although they took precautionary measures, their demanding schedules led them to place trust in the wrong individual.

Ms. Bathla asked the Board for consideration, noting that the process has left them drained but that they remain committed to completing the project responsibly and in full compliance.

Chair Schweber inquired about the initial contractor and whether he was doing to remedy this situation.

Mr. Bathla explained that a contractor from Texas had initially agreed to perform the work but later withdrew. As a result, he hired an alternative contractor, Perris Jackson. Mr. Bathla admitted uncertainty about Mr. Jackson's licensure, noting that while Mr. Jackson had completed other remodeling work, he did not provide verification of his credentials. Mr. Bathla acknowledged his own failure to thoroughly inquire about his qualifications and licensure status.

Chair Schweber asked if Mr. Jackson was a licensed contractor.

Mr. Bathla responded that while he asked for credentials, Mr. Jackson failed to produce them.

Ms. Bathla intervened and reported that Mr. Jackson had completed a quality project in Lake Tahoe, which gave them confidence in hiring him for their current project.

Chair Schweber called for additional comments or questions from the Board. Having no additional comments or questions, Chair Schweber closed the testimony portion of this case.

Chair Schweber stated that he was concerned with the use of an unlicensed contractor particularly when the asbestos experts made it clear that special expertise was required for the project, which resulted in four months of asbestos laden materials that were not disposed of properly. He further stated that he was not supportive of waving all fines and penalties; however, he would be willing to waive the $10,000 for AQMV25-0003.

Mr. Breitmeyer concurred with Chair Schweber. He further opined that he would be inclined to enforce the rest of the penalties as it was apparent that the appellant had obtained documentation on how to proceed in this matter and had failed to comply. He further highlighted the risk of allowing asbestos materials to be exposed to the environment for four months.

Ms. Ure-Stix echoed the recommendation to remove the first $10,000.00 for AQMV25-0003. She added that the way the law read a violation existed and the appellants were responsible to do their due diligence to hire the right person for this project. She commended the appellants for the steps that had been taken but also noted that as businesses owners the law must be followed, thus, she agreed to enforce the remaining penalties.

Mr. Chaitanya stated he would agree to remove $10,000.00 for AQMV25-0003 and shared that while he empathized with the appellant, he also believed Mr. Bathla had an understanding on the harmful effects of asbestos in association with the environment and the people around it. He noted that verifying that the contractor was licensed should have been the first step when beginning a renovation project; therefore, he was uncomfortable removing the remaining violations.

Vice-chair Downs moved to rescind $10,000.00 penalty associated with AQMV25-0003 and deny the appeal and uphold AQMV25-0004, 0005, 0006, and 0007, issued to Saronic Investments, LLC for multiple violations of 40 CFR 61, Subpart M – National Emissions Standards for Asbestos, with a total associated administrative fine of $95,000.00. Ms. Ure-Stix seconded the motion, which carried unanimously.

Mr. Bathla stated that he was not in a position to make a lump sum payment and requested consideration for a payment agreement.

Chair Schweber noted his request and reported that the function of this Board was to submit a recommendation to the District Board of Health (DBOH), and asked Mr. Vega to provide clarification as to the processing of payments.

Mr. Vega reported that if the DBOH approves the recommendation, a payment plan could be discussed, following the precedent set in similar past proceedings.

11. Board Comment

Chair Schweber called for comments from the Board.

Having no Board comments, Chair Schweber closed the Board Comment period.

12. Public Comment

Chair Schweber opened the public comment period.

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

13. ADJOURNMENT

Mr. Breitmeyer moved to adjourn the meeting. Mr. Chaitanya seconded the motion, which carried unanimously.

Chair Schweber adjourned the meeting at 7:22 p.m.

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

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

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

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

Posting of Agenda; Location of Website:
Pursuant to NRS 241.020, Notice of this meeting was posted electronically at the following locations:
Northern Nevada Public Health, 1001 E. 9th St., Reno, NV
Washoe County Administration Building A, Reno, NV
Northern Nevada Public Health Website https://www.NNPH.org.
State of Nevada Website: https://notice.nv.gov

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