

Washoe County District Board of Health

Case No. 1229

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

**Joshua Restori, Supervisor AQMD
June 24, 2021**



Washoe County Health District Air Quality Management Division

Decision of the APCHB

- The Washoe County Air Pollution Control Hearing Board (APCHB) is made up of seven members appointed by the DBOH who are air quality subject matter experts.
- The APCHB was provided all relevant information pertaining to Case No. 1229 by the AQMD and the appellant.
- Upon reviewing all relevant information and following two hours of deliberation during the appeal hearing on April 9, 2021, the APCHB voted 5-1 in favor of upholding Case No. 1229, the associated violations and recommended administrative penalty.
- Given that the APCHB has reviewed the information and no additional relevant information has been provided to contest the issuance of the violations, the AQMD recommends that the DBOH uphold the APCHB's decision and move to approve the violations and recommended administrative penalty.



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Credentials and Experience

- Employed in the area of air quality compliance and enforcement for approximately 12 years.
- Received AHERA Building Inspector and Management Planner certification in November of 2013.
- Recertified as AHERA Building Inspector and Management Planner annually for the last seven years.
- Successfully completed EPA's APTI 350 Course for Asbestos NESHAP Inspection and Safety Procedures in August of 2019.
- Oversaw and inspected over a thousand asbestos abatement and demolition projects.
- Daily review and interpretation of local and federal asbestos regulations to guide the asbestos program at the AQMD.



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Timeline of Events

- June 10, 2019
 - AQMD was notified of demolition activities at the 9000 Mt. Rose Highway facility
 - AQMD conducted an onsite inspection on the same date and verified that demolition activity per federal regulations had taken place in the northeast corner of the facility
 - Following the onsite inspection, AQMD staff spoke with appellant stating no further demolition is to take place without permitting
- June 14, 2019
 - AQMD met with asbestos consultant chosen by appellant to discuss sampling procedures for the facility
- July 5, 2019
 - The Limited Asbestos Survey Report for the Reindeer Lodge Facility was provided to the AQMD



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Timeline of Events

- September 11, 2019
 - AQMD met with appellant and his consultants to complete a site walk to develop an abatement plan for the facility at the Reindeer Lodge
- September 19, 2019
 - Abatement plan for the Reindeer Lodge submitted by Wise Consulting and Training
- September 23, 2019 – May 5, 2020
 - All Eagle LLC abated the asbestos containing transite siding, spray acoustic ceiling and asbestos contaminated debris pile
- May 2020 – August 2020
 - The majority of the structure at the Reindeer Lodge facility was demolished without notification to the AQMD



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Timeline of Events

- December 2020
 - Draft violations and all associated information was sent to the appellant
 - Compliance and enforcement meeting held with the appellants attorney
- February 2021
 - Issued final violations and administrative penalty to the appellant
 - The appellants attorney filed Appeal Petitions to the Air Pollution Control Hearing Board
- March 2021
 - Air Pollution Control Hearing Board meeting scheduled for March 2, 2021
 - Appellant requested and was granted a continuance

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Timeline of Events

- April 2021
 - Air Pollution Control Hearing Board appeal hearing was held where the Board voted 5-1 to uphold the violations and administrative penalty
 - Appeal Petition of the Air Pollution Control Hearing Board decision was received
- May 2021
 - Appeal Petition of the Air Pollution Control Hearing Board decision scheduled to be heard
 - Appellant requested and was granted a continuance

**Washoe County Health District
Air Quality Management Division**

**Notice of Violation
No. AQMV21-0002**



Washoe County Health District Air Quality Management Division

- Violation: Did the appellant obtain an Asbestos Assessment Acknowledgement prior to the work at the facility on or before June 10, 2019? **NO**
- Is this a violation of County and/or Federal Regulations? **YES**
- **The APCHB, as the subject matter experts, reviewed all relevant information associated with this violation and voted to uphold the issuance of the violation and associated recommended administrative penalty with a 5-1 decision.**

**Washoe County Health District
Air Quality Management Division**

**Notice of Violation
No. AQMV21-0003**



Washoe County Health District Air Quality Management Division

- Violation: Did the appellant have an asbestos survey completed prior to the work at the facility on or before June 10, 2019? **NO**
- Is this a violation of County and/or Federal Regulations? **YES**
- **The APCHB, as the subject matter experts, reviewed all relevant information associated with this violation and voted to uphold the issuance of the violation and associated recommended administrative penalty with a 5-1 decision.**



**Washoe County Health District
Air Quality Management Division**

**Notice of Violation
No. AQMV21-0004**



Washoe County Health District Air Quality Management Division

- Violation: Did appellant submit a NESHAP Notification of Demolition and Renovation prior to the work at the facility on or before June 10, 2019? **NO**
- Is this a violation of County and/or Federal Regulations? **YES**
- **The APCHB, as the subject matter experts, reviewed all relevant information associated with this violation and voted to uphold the issuance of the violation and associated recommended administrative penalty with a 5-1 decision.**



**Washoe County Health District
Air Quality Management Division**

**Notice of Violation
No. AQMV21-0005**



Washoe County Health District Air Quality Management Division

- Violation: Did the appellant have all Regulated Asbestos Containing Material removed prior to the work at the facility on or before June 10, 2019? **NO**
- Is this a violation of County and/or Federal Regulations? **YES**
- **The APCHB, as the subject matter experts, reviewed all relevant information associated with this violation and voted to uphold the issuance of the violation and associated recommended administrative penalty with a 5-1 decision.**



Washoe County Health District Air Quality Management Division

- In conclusion, the Air Pollution Control Hearing Board has reviewed and deliberated over all pertinent information associated with this case and voted to uphold the violations and administrative penalty with a 5-1 vote.
- As the appellant has not provided any additional information to contest the issuance of the violations, the AQMD recommends the District Board of Health move to deny the appeal, uphold the decision of the Air Pollution Control Hearing Board and approve the violations and recommended administrative penalty.



Questions?

