The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)

October 22, 2015

Washoe County Health District
Air Quality Management Division
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Acronyms and Abbreviations

AQS	Air Quality System
CAA	Clean Air Act
CFR	Code of Federal Regulations
CO	Carbon Monoxide
DMV	Department of Motor Vehicles
EPA	U.S. Environmental Protection Agency
FR	Federal Register
HA	Hydrographic Area
I-SIP	Infrastructure State Implementation Plan
NAAQS	National Ambient Air Quality Standard
NDEP	Nevada Division of Environmental Protection
NO_2	Nitrogen Dioxide
NRS	Nevada Revised Statute
NSR	New Source Review
O_3	Ozone
Pb	Lead
$PM_{2.5}$	Particulate Matter less than or equal to a nominal 2.5 microns in aerodynamic diameter
PM_{10}	Particulate Matter less than or equal to a nominal 10 microns in aerodynamic diameter
PSD	Prevention of Significant Deterioration
SIP	State Implementation Plan
SLAMS	State and Local Air Monitoring Station
SO_2	Sulfur Dioxide
USC	United States Code
WCDBOH	Washoe County District Board of Health
WCAQMD	Washoe County Health District - Air Quality Management Division

Introduction and Background

Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 USC § 7410(a)(1) and (2) hereafter referred to as the "Infrastructure" State Implementation Plan (I-SIP) requirements, requires states and delegated local agencies to submit an implementation plan to the U.S. Environmental Protection Agency (EPA) demonstrating their ability and authority to implement, maintain, and enforce each National Ambient Air Quality Standard (NAAQS). Section 110(a)(1) addresses the timing requirement for the submissions of the I-SIP. Washoe County is required to submit an I-SIP to EPA not later than three years after promulgation of a new or revised NAAQS regardless of whether or not the local jurisdiction has any nonattainment areas.

Section 110(a)(2) lists the required elements that cover the I-SIP. These elements include: enforceable emission limitations, air quality modeling, enforcement programs, ambient air monitoring programs, and confirmation of adequate personnel, resources and legal authorities. The following elements are addressed in this I-SIP:

- Enforceable Emission Limitations and Other Control Measures (Element A)
- Air Quality Monitoring, Compilation, Data Analysis, and Reporting (Element B)
- Enforcement and Stationary Source Permitting (Element C)
- Interstate Transport (Element D)
- Resources, Conflict of Interest, and Emergency Backstop (Element E)
- Stationary Source Emissions Monitoring and Reporting (Element F)
- Emergency Powers and Contingency Plans (Element G)
- SIP Revision For Revised Air Quality Standards or New Attainment Methods (Element H)
- SIP Revisions for New Nonattainment Areas (Element I)
- Consultation and Public Notification (Element J)
- Air Quality Modeling and Reporting (Element K)
- Major Stationary Source Permitting Fees (Element L)
- Consultation with Local Entities (Element M)

This I-SIP addresses Washoe County's portion of the State of Nevada's requirements for the 2012 Fine Particulate Matter ($PM_{2.5}$) NAAQS.

Table 1
Existing SIP Elements Meeting Current CAA 110(a)(2)(A)-(M) Requirements for the Washoe County Portion of the Nevada Infrastructure SIP for the 2012 Fine Particulate Matter ($PM_{2.5}$) NAAQS, Unless Otherwise Noted

Element (A)	Enforceable emission limits and other control measures: Requires SIPs to include enforceable emission limits and other control measures, means, or techniques, and schedules for compliance.
WCDBOH Regulations Governing Air Quality Management (Regulation) Section 020.005 (See 38 FR 12702) authorizes the Control Officer to enforce all SIP measures including the following previously submitted Sections: 030.000; 030.005; 030.010; 030.015; 030.025; 030.030; 030.110; 030.115(1), (5), and Subsection B; 030.1201;030.205; 030.215; 030.245; 030.250 (See 46 FR 21758); 030.300; 030.305; 030.310; 030.3101-3105; 030.3107; 030.3108 (See 46 FR 43141); 030.218, 030.230, and 030.970A (See 77 FR 60915); 040.070; 040.075; 040.080; 040.085; 040.090 (See 46 FR 21758); and 050.001 (See 72 FR 33397). The following Sections have not been submitted as part of the SIP, but have been adopted by the WCDBOH and further support this element requirement (See Attachment B): 020.0051 (Board of Health - Powers and Duties); and 020.020 (Control Officer - Powers and Duties).	
Element (B)	Ambient air quality monitoring/data system: Requires SIPs to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and to make these data available to EPA upon request.
The WCAQMD operates an ambient air monitoring network in accordance with 40 CFR 58. The network is reviewed annually pursuant to 40 CFR 58.10 to ensure it meets ambient air monitoring objectives (See Attachment A).	

Element (C)	Program for enforcement of control measures: Requires SIPs to include a program providing for enforcement of all SIP measures and the regulation of construction of new and modified stationary sources as necessary to assure that the NAAQS are achieved, including a permit program as required in Parts C and D.

WCDBOH Regulation Section 020.005 (See 38 FR 12702) authorizes the Control Officer to enforce all SIP measures including the following previously submitted Sections:

030.000; 030.005; 030.010; 030.015; 030.025; 030.030; 030.110; 030.115(1), (5), and Subsection B; 030.1201;030.205; 030.215; 030.245; 030.250 (See 46 FR 21758); 030.300; 030.305; 030.310; 030.3101-3105; 030.3107; 030.3108 (See 46 FR 43141); 030.218, 030.230, and 030.970A (See 77 FR 60915);
040.070; 040.075; 040.080; 040.085; 040.090 (See 46 FR 21758); and
050.001 (See 72 FR 33397).

The following Sections have not been submitted as part of the SIP, but have been adopted by the WCDBOH and further support this element requirement (See Attachment B):

010.1303 (Regulated Air Pollutant);
020.0051 (Board of Health - Powers and Duties);
020.020 (Control Officer - Powers and Duties);
030.002 (Construction or Modification of Permitted Operations);
030.500 (New Source Review (NSR) Applicability);
030.502 (Review for Emission Limitation Compliance);
030.503 (Conditions for Approval);
030.504 (Emission Offset Ratios);
030.505 (Completeness of Application);
030.506 (Requirements for Public Notice);
030.507 (Comments);
030.508 (Final Action); and
030.905 (Sources Requiring Part 70 Permits).

On March 13, 2008, the WCAQMD received full delegation of the federal PSD program (See Washoe County 2006 $PM_{2.5}$ NAAQS I-SIP, Attachment C, submitted December 4, 2009) and is incorporated into Nevada's SIP (40 CFR 52.1485).

Element (D)	Interstate transport provisions: Requires SIPs to contain adequate provisions prohibiting emissions generated within the state from contributing significantly to nonattainment in, or interfering with maintenance by, any other state with respect to the NAAQS, or from interfering with measures required to be included in the SIP of any other state to prevent significant deterioration or to protect visibility.

(D)(i)
The State of Nevada evaluated the impact of transport of $PM_{2.5}$ emissions from Nevada sources to sensitive receptor areas in nearby states, other western states and eastern states. The conclusion was that $PM_{2.5}$ emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ standard in any other state. The analysis is included in Appendix C.

(D)(ii) CAA section 126
The following WCDBOH Regulations address the CAA section 126(a) requirements regarding notification to affected nearby states of major proposed new or modified sources. [see also elements (J) and (M)]:

030.000; 030.005; 030.010; 030.015; 030.025; 030.030; 030.110; 030.115(1), (5), and Subsection B; 030.1201;030.205; 030.215; 030.245; 030.250 (See 46 FR 21758); 030.300; 030.305; 030.310; 030.3101-3105; 030.3107; 030.3108 (See 46 FR 43141); 030.218, 030.230, and 030.970A (See 77 FR 60915);
040.070; 040.075; 040.080; 040.085; 040.090 (See 46 FR 21758); and
050.001 (See 72 FR 33397).

The following Sections have not been submitted as part of the SIP, but have been adopted by the WCDBOH and further support this element requirement (See Attachment B):

010.1303 (Regulated Air Pollutant);
020.0051 (Board of Health - Powers and Duties);
020.020 (Control Officer - Powers and Duties);
030.002 (Construction or Modification of Permitted Operations);
030.500 (New Source Review (NSR) Applicability);
030.502 (Review for Emission Limitation Compliance);
030.503 (Conditions for Approval);
030.504 (Emission Offset Ratios);
030.505 (Completeness of Application);
030.506 (Requirements for Public Notice);
030.507 (Comments);
030.508 (Final Action); and
030.905 (Sources Requiring Part 70 Permits).

On March 13, 2008, the WCAQMD received full delegation of the federal PSD program (See Washoe County 2006 PM2.5 NAAQS I-SIP, Attachment C, submitted December 4, 2009) and is incorporated into Nevada's SIP (40 CFR 52.1485).

The requirements of section 126 (b) and (c) do not apply, because no source or sources within the state are the subject of an active finding under section 126 of the CAA with respect to the particular NAAQS at issue. . <u>(D)(ii) CAA section 115</u> The requirements of section 115 do not apply, because there are no final findings under section 115 of the CAA against this state with respect to the particular NAAQS at issue.	
Element (E)	<u>Adequate resources</u>: Requires SIPs to provide necessary assurances for adequate personnel, funding, and authority under state law to carry out its SIP, to contain requirements addressing potential conflicts of interest, and to provide necessary assurances that the state retains responsibility for ensuring adequate implementation of the SIP where the state relies on a local or regional government for implementation of any SIP provision.
NRS 445B.500 authorizes the WCDBOH to implement and administer air quality management programs within the geographic boundaries of Washoe County. These programs are managed through the WCAQMD. For the most recent fiscal year (2014-15), the WCAQMD consisted of 18.4 allocated full-time staff. Primary funding sources are: 1) Operating permit fees; 2) EPA grants; 3) Nevada DMV funds; and 4) the City of Reno, City of Sparks, and County of Washoe via an inter-local agreement with the Washoe County Health District (See Washoe County 2006 $PM_{2.5}$ NAAQS I-SIP, Attachment D, submitted December 4, 2009).	
Element (F)	<u>Stationary source monitoring system</u>: Requires SIPs to establish a system to monitor emissions from stationary sources, to submit periodic emissions reports, to correlate the emissions reports with the corresponding SIP emission limits and standards, and to make emissions reports available to the public.
WCDBOH Regulation Section 020.005 (See 38 FR 12702) authorizes the Control Officer to enforce all SIP measures including the following previously submitted Sections related to authority for stationary source monitoring and reporting: 030.210; 030.250 (See 46 FR 21758); and 030.218, 030.230; 030.235, and 030.970A (See 77 FR 60915). The following Sections have not been submitted as part of the SIP, but have been adopted by the WCDBOH and further support this element requirement (See Attachment B): 020.0051 (Board of Health - Powers and Duties); and 020.060 (Sampling and Testing).	
Element (G)	<u>Emergency episodes</u>: Requires SIPs to provide for authority to address activities causing imminent and substantial endangerment to public health and to provide for adequate contingency plans to implement such authority.
Emergency powers are authorized under WCDBOH Regulation 050.001 (Emergency Episode Plan) (See 72 FR 33397). In addition, general emergency powers are provided in Nevada's SIP in NRS 445B.560.	

Element (H)	Future SIP revisions: Requires SIPs to provide for SIP revisions in response to changes in the NAAQS, or availability of improved methods for attaining the NAAQS, and in response to an EPA finding that the SIP is substantially inadequate.
WCDBOH Regulation Section 020.005 (See 38 FR 12702) authorizes the Control Officer to enforce Section 020.0051 (Board of Health - Powers and Duties) which provides the WCDBOH the authority to revise a SIP "to achieve and maintain levels of air quality to protect human health".	
Element (I)	SIP revisions for new non-attainment areas: Requires SIP revisions to meet the applicable Part D requirements relating to non-attainment areas.
The WCAQMD commits to submit SIP revisions whenever the county, or portions of the county, are newly designated non-attainment for any federal NAAQS.	
Element (J) [§121]	Consultation with government officials, public notification, PSD and visibility protection: Requires states to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements; . . .
All SIP elements are adopted by the WCDBOH before being formally submitted as the Washoe County portion of the Nevada SIP. Participation by local political subdivisions is authorized by WCDBOH Regulation Section 020.005 (See 38 FR 12702) and an inter-local agreement between the City of Reno, City of Sparks, and the County of Washoe, Nevada (See Washoe County 2006 $PM_{2.5}$ NAAQS I-SIP, Attachment D, submitted December 4, 2009). This inter-local agreement requires that the WCDBOH include one elected official from each of the three political subdivisions in Washoe County. The WCAQMD is committed to include all stakeholders, such as local governments and federal land managers, in the SIP development process.	
Element (J) [§127]	. . . requires SIPs to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances; and . . .
WCDBOH Regulation Section 050.001 (See 72 FR 33397) authorizes the WCAQMD to advise the public on measures that are taken to reduce their exposure during elevated air pollutant concentrations. Near-time ambient air monitoring data are posted on the WCAQMD website (OurCleanAir.com) and are also available at AirNow (AirNow.gov). A Trends report, which summarizes monitored ambient air quality in Washoe County, is prepared annually and posted on the WCAQMD website.	

Element (J) [Part C PSD / Visibility]	. . . requires SIPs to meet applicable requirements of Part C related to prevention of significant deterioration and visibility protection.

On July 31, 2007, EPA's approval of Nevada's interstate transport SIP (CAA 110(a)(2)(D)(i)) for the 8-hour O_3 and $PM_{2.5}$ NAAQS promulgated in July 1997 was published in the Federal Register (See 72 FR 41629). Also, Article 13 of Nevada's SIP, "General Provisions for the Review of New Sources," requires an environmental evaluation before a registration certificate may be issued. Finally, on March 13, 2008, the WCAQMD received full delegation of the federal PSD program (See Washoe County 2006 $PM_{2.5}$ NAAQS I-SIP, Attachment C, submitted December 4, 2009) and is incorporated into Nevada's SIP (40 CFR 52.1485).

Element (K)	Air quality modeling/data: Requires SIPs to provide for the performance of air quality modeling for predicting effects on air quality of emissions of any NAAQS pollutant and the submission of such data to EPA upon request.

WCDBOH Regulation Section 030.235 (Requirements for Source Sampling and Testing) (See 77 FR 60915) authorizes the Control Officer to require operators to provide source stack testing or other types of testing to determine the quantity and effect of emissions produced by a stationary source.

In addition, the following Section has not been submitted as part of the SIP, but has been adopted by the WCDBOH and further support this element requirement (See Attachment B):

030.503 (Conditions for Approval).

Element (L)	Permitting fees: Requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, acting upon, implementing and enforcing a permit until such fee requirement is superseded by EPA approval of a fee program under Title V of the CAA.

Permitting fees are authorized under WCDBOH Regulation Sections 030.210 (See 46 FR 21758) and 030.310 (See 46 FR 43141).

Element (M)	Consultation/participation by affected local entities: Requires SIPs to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

All SIP elements are adopted in a public hearing by the WCDBOH before being formally submitted as the Washoe County portion of the Nevada SIP. Participation by local political subdivisions is authorized by WCDBOH Regulation Section 020.005 (See 38 FR 12702) and an inter-local agreement between the City of Reno, City of Sparks, and the County of Washoe, Nevada (See Washoe County 2006 $PM_{2.5}$ NAAQS I-SIP, Attachment D, submitted December 4, 2009). This inter-local agreement requires that the WCDBOH include one elected official from each of the three political subdivisions in Washoe County.

Attachment A

Letter from Meredith Kurpius (EPA Region IX) to Daniel Inouye (WCAQMD) Regarding the "2014 Annual Monitoring Network Plan" (October 29, 2014)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 29 2014

Mr. Daniel K. Inouye
Chief, Monitoring and Planning Branch
Air Quality Management Division
Washoe County Health District
P.O. Box 11130
Reno, Nevada 89520-0027

Dear Mr. Inouye:

Thank you for your submission of the Washoe County Health District's 2014 Ambient Air Monitoring Network Plan in July 2014. We have reviewed the submitted document based on the requirements set forth under 40 CFR 58. Based on the information provided in the plan, U.S. Environmental Protection Agency (EPA) approves all portions of the network plan except those specifically identified below.

Please note that we cannot approve portions of the annual network plan for which the information in the plan is insufficient to judge whether the requirement has been met, or for which the information, as described, does not meet the requirements as specified in 40 CFR 58.10 and the associated appendices. EPA Region 9 also cannot approve portions of the plan for which the EPA Administrator has not delegated approval authority to the regional offices. Accordingly, the first enclosure (*A. Annual Monitoring Network Plan Items where EPA is Not Taking Action*) provides a listing of specific items of your agency's annual monitoring network plan where EPA is not taking action. The second enclosure (*B. Additional Items Requiring Attention*) is a listing of additional items in the plan that EPA wishes to bring to your agency's attention.

The third enclosure (*C. Annual Monitoring Network Plan Checklist*) is the checklist EPA used to review your plan for overall items that are required to be included in the annual network plan along with our assessment of whether the plan submitted by your agency addresses those requirements.

The first two enclosures highlight a subset of the more extensive list of items reviewed in the third enclosure. All comments conveyed via this letter (and enclosures) should be addressed (through corrections within the plan, additional information being included, or discussion) in next year's annual monitoring network plan.

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If you have any questions regarding this letter or the enclosed comments, please feel free to contact me at (415) 947-4534 or Katherine Hoag at (415) 972-3970.

Sincerely,

Meredith Kurpius, Manager
Air Quality Analysis Office

Enclosures:

A. Annual Monitoring Network Plan Items where EPA is Not Taking Action
B. Additional Items Requiring Attention
C. Annual Monitoring Network Plan Checklist

cc (via email): Craig Petersen, Washoe County AQMD

A. Annual Monitoring Network Plan Items where EPA is Not Taking Action

We are not acting on the portions of annual network plans where either EPA Region 9 lacks the authority to approve specific items of the plan, or EPA has determined that a requirement is either not met or information in the plan is insufficient to judge whether the requirement has been met.

- Per 40 CFR 58.11(c), NCore and STN network design and changes are subject to approval of the EPA Administrator. Therefore, we are not acting on these items.

- System modifications (e.g., site closures or moves) are subject to approval per 40 CFR 58.14(c). Information provided in the plan was insufficient for EPA to approve the system modifications listed in the plan per the applicable requirement. Therefore, we are not acting on the following items as part of this year's annual network plan (see Checklist Row 3):

    - Relocation of the Galletti site (AQS ID 32-031-0022)

- EPA identified items in your agency's annual monitoring network plan where a requirement was not being met or information in the plan was insufficient to judge whether the requirement was being met based on 40 CFR 58.10 and the associated appendices. Therefore, we are not acting on the following items:

Item	Checklist Row	Issue
Distance from supporting structure	73	Not meeting requirement
Distance from trees	76	Insufficient information to judge
Minimum number of monitors for non-NCore Pb	38	Insufficient information to judge
Scale of representativeness for each monitor	65	Insufficient information to judge in one instance

Additional information for each of these items may be found for the row listed in column 2, in the third enclosure (*C. Annual Monitoring Network Plan Checklist).*

B. Additional Items Requiring Attention

- [Item 4] On September 19, 2014, EPA approved your June 11, 2014 request for the discontinuation of CO monitoring at South Reno. Please include these letters in your next year's plan.

- [Items 19-20] Given the population of the MSA, and the 2013 design values, there are no required monitors per 40 CFR 58 Appendix D 4.7.1 or 4.7.2. However, as your plan noted, there are requirements for operating both a filter-based and a continuous monitor at your NCore site.

  The minimum monitoring requirements for $PM_{2.5}$ are specified in 40 CFR 58 Appendix D 4.7.1(a): "State, and where applicable local, agencies must operate the minimum number of required $PM_{2.5}$ SLAMS sites listed in Table D-5 of this appendix." In next year's ANP checklist, EPA will clarify that this requirement is based on number of sites, not the number of monitors.

  The requirement for the minimum number of $PM_{2.5}$ SLAMS sites is fulfilled by sites with either a FRM or FEM monitor. The requirement for continuous monitoring in 40 CFR 58 Appendix D 4.7.2, can be met by any continuous monitor in the network. We suggest in next year's plan to present these requirements separately from those from SIPs or NCore.

- [Item 21] According to 40 CFR 58 Appendix A 3.2.5, Washoe County's $PM_{2.5}$ network requires one collocated site. The collocated FRM at the Reno-3 site fulfills this requirement. Although information can be found in this year's ANP related to this requirement, it would be easier to know that this requirement is met if the plan specifically discussed the 40 CFR 58 Appendix A 3.2.5 requirement in terms of how many primary monitors of each type/method code there are. Please consider adding this to next year's plan

- [Item 23] The $PM_{2.5}$ concentrations from the speciation monitors are not considered comparable to the NAAQS. Please correct this in your next plan.

- [Item 24] Please clarify in your next year's plan if the Galletti site represents area-wide air quality, even though it is middle scale.

- [Item 32] Given the population of the MSA, and the 2013 design values, there are no required PM_{10} monitors per 40 CFR 58. However, your plan notes, there are requirements for operating both four sites for a SIP or Maintenance plan. We suggest in next year's plan to present these requirements separately to clarify that there are no required sites per Appendix D network requirements.

  In next year's ANP checklist, EPA will clarify that this requirement is based on number of sites, not the number of monitors. Consider changing Table 3 to refer to SLAMS sites, not monitors.

- [Item 60] Please confirm whether the POC of the PM_{10} monitor at the Toll Road site is 22, or if that is a typo.

C. ANNUAL MONITORING NETWORK PLAN CHECKLIST
(Updated March 11, 2014)

Year: 2014
Agency: Washoe County Health District Air Quality Management Division (AQMD)

40 CFR 58.10(a)(1) requires that each Annual Network Plan (ANP) include information regarding the following types of monitors: SLAMS monitoring stations including FRM, FEM, and ARM monitors that are part of SLAMS, NCore stations, STN stations, State speciation stations, SPM stations, and/or, in serious, severe and extreme ozone nonattainment areas, PAMS stations, and SPM monitoring stations.

40 CFR 58.10(a)(1) further directs that, "The plan shall include a statement of purposes for each monitor and evidence that siting and operation of each monitor meets the requirements of appendices A, C, D, and E of this part, where applicable." On this basis, review of the ANPs is based on the requirements listed in 58.10 along with those in Appendices A, C, D, and E.

EPA Region 9 will not take action to approve or disapprove any item for which Part 58 grants approval authority to the Administrator rather than the Regional Administrators, but we will do a check to see if the required information is included and correct. The items requiring approval by the Administrator are: PAMS, NCore, and Speciation (STN/CSN).

Please note that this checklist summarizes many of the requirements of 40 CFR Part 58, but does not substitute for those requirements, nor do its contents provide a binding determination of compliance with those requirements. The checklist is subject to revision in the future and we welcome comments on its contents and structure.

Key:
White = meets the requirement.
Yellow = requirement is not met, or information is insufficient to make a determination. Action requested in next year's plan or outside the ANP process. (items listed in Enclosure A)
Green = item requires attention in order to improve next year's plan (items listed in Enclosure B)

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
GENERAL PLAN REQUIREMENTS					
1.	Submit plan by July 1st	58.10 (a)(1)	Yes	Yes	
2.	30-day public comment / inspection period[5]	58.10 (a)(1), 58.10 (a)(2)	Yes, transmittal email	Yes	No comments received
3.	Modifications to SLAMS network – case when we are not approving system modifications	58.10 (a)(2) 58.10 (b)(5) 58.10(e) 58.14	Yes, pages 7-9	Insufficient to judge	EPA does not have sufficient information to approve the following: • Relocating the Galletti site Please work with EPA to submit additional information for this approval request.
4.	Modifications to SLAMS network – case when we are approving system modifications per 58.14	58.10 (a)(2) 58.10 (b)(5) 58.10(e) 58.14	Yes, pages 7-9	Yes	None
5.	Does plan include documentation (e.g., attached approval letter) for system modifications that have been approved since last ANP approval?		NA	NA	On September 19, 2014, EPA approved your June 11, 2014 request for the discontinuation of CO monitoring at South Reno. Please include these letters in your next year's plan.
6.	Any proposals to remove or move a monitoring station within a period of 18 months following plan submittal	58.10 (b)(5)	Yes, pages 7-9	Yes	• Relocation of the Galletti site (See Row 3) • Discontinuation of CO monitoring at South Reno (See Row 5)
7.	A plan for establishing a near-road $PM_{2.5}$ monitor (in CBSAs ≥ 2.5 million) by 1/1/2015	58.10(a)(8)(i)	NA	NA	
8.	A plan for establishing a near-road CO monitor (in CBSAs ≥ 2.5 million) by 1/1/2015	58.10(a)(7) 58.13(e)(1)	NA	NA	
9.	NO_2 plan for establishment of 2nd near-road monitor by 1/1/2015	58.10 (a)(5)(iv)	NA	NA	
10.	Precision/Accuracy reports submitted to AQS	58.16(a);	Yes, page 9	Yes	

[1] Response options: NA (Not Applicable), Yes, No, Incomplete, Incorrect. The responses "Incomplete" and "Incorrect" assume that some information has been provided.
[2] To the best of our knowledge.
[3] Assuming the information is correct
[4] Response options: NA (Not Applicable) – [reason], Yes, No, Insufficient to Judge.
[5] The affected state or local agency must document the process for obtaining public comment and include any comments received through the public notification process within their submitted plan.

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
		App A, 1.3 and 5.1.1			
11.	Annual data certification submitted	58.15 App. A 1.3	Yes, page 9	Yes	
12.	SPMs operating an FRM/FEM/ARM that meet Appendix E also meet either Appendix A or an approved alternative.	58.11 (a) (2)	NA	NA	No SPMs
13.	SPMs operating FRM/FEM/ARM monitors for over 24 months are listed as comparable to the NAAQS or the agency provided documentation that requirements from Appendices A, C, or E were not met.[6]	58.20(c)	NA	NA	No SPMs
14.	For agencies that share monitoring responsibilities in an MSA/CSA: this agency meets full monitoring requirements or an agreement between the affected agencies and the EPA Regional Administrator is in place	App D 2(e)	NA	NA	
GENERAL PARTICULATE MONITORING REQUIREMENTS (PM_{10}, $PM_{2.5}$, Pb-TSP, Pb-PM_{10})					
15.	Designation of a primary monitor if there is more than one monitor for a pollutant at a site.	Need to determine collocation	Yes, pages 5, 27-28	Yes	
16.	Distance between collocated monitors (Note: waiver request or the date of previous waiver approval must be included if the distance deviates from requirement.)	App. A 3.2.5.6 and 3.2.6.3	Yes, page 28	Yes	
$PM_{2.5}$ –SPECIFIC MONITORING REQUIREMENTS					
17.	Document how states and local agencies provide for the review of changes to a $PM_{2.5}$ monitoring network that impact the location of a violating $PM_{2.5}$ monitor.	58.10 (c)	Yes, pages 8-9	Yes	

[6] This requirement only applies to monitors that are eligible for comparison to the NAAQS per 40 CFR §§58.11(e) and 58.30.

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
18.	Identification of any $PM_{2.5}$ FEMs and/or ARMs not eligible to be compared to the NAAQS due to poor comparability to FRM(s) (Note 1: must include required data assessment.) (Note 2: Required SLAMS must monitor $PM_{2.5}$ with NAAQS-comparable monitor at the required sample frequency.)	58.10 (b)(13) 58.11 (e)	NA	NA	
19.	Minimum # of monitors for $PM_{2.5}$ [Note 1: should be supported by MSA ID, MSA population, DV, # monitors, and # required monitors] [Note 2: Only monitors considered to be required SLAMs are eligible to be counted towards meeting minimum monitoring requirements.]	App D, 4.7.1(a) and Table D-5	Yes, pages 4-5 See note	Yes	Given the population of the MSA, and the 2013 design values, there are no required monitors per 40 CFR 58 Appendix D 4.7.1 or 4.7.2. However, as your plan noted, there are requirements for operating both a filter-based and a continuous monitor at your NCore site. EPA notes that the minimum monitoring requirements for $PM_{2.5}$ are specified in 40 CFR 58 Appendix D 4.7.1(a): "State, and where applicable local, agencies must operate the minimum number of required $PM_{2.5}$ SLAMS sites listed in Table D-5 of this appendix." In next year's ANP checklist, EPA will clarify that this requirement is based on number of sites, not the number of monitors. The requirement for the minimum number of $PM_{2.5}$ SLAMS sites is fulfilled by sites with either a FRM or FEM monitor. The requirement for continuous monitoring in 40 CFR 58 Appendix D 4.7.2, can be met by any continuous monitor in the network. We suggest in next year's plan to present these requirements separately from those from SIPs or NCore.
20.	Minimum monitoring requirements for continuous $PM_{2.5}$	App D 4.7.2	Yes, pages 4-5 See note	Yes	See note for row 19
21.	$PM_{2.5}$ collocation	App A 3.2.5	Yes, pages 4-5 See note	Yes	According to 40 CFR 58 Appendix A 3.2.5, Washoe County's $PM_{2.5}$ network requires one collocated site. The collocated FRM at the Reno-3 site fulfills this requirement.

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
					Although information can be found in this year's ANP related to this requirement, it would be easier to know that this requirement is met if the plan specifically discussed the 40 CFR 58 Appendix A 3.2.5 requirement in terms of how many primary monitors of each type/method code there are. Please consider adding this to next year's plan.
22.	$PM_{2.5}$ Chemical Speciation requirements for official STN sites	App D 4.7.4	Yes, page 27	Yes	
23.	Identification of sites suitable and sites not suitable for comparison to the annual $PM_{2.5}$ NAAQS as described in Part 58.30	58.10 (b)(7)	Yes, Detailed site information	Yes	The $PM_{2.5}$ concentrations from the speciation monitors are not considered comparable to the NAAQS. Please correct this in your next plan.
24.	Required $PM_{2.5}$ sites represent area-wide air quality	App D 4.7.1(b)	Yes, Detailed site information See note	Yes	Please clarify in your next year's plan if the Galletti site represents area-wide air quality, even though it is middle scale.
25.	For $PM_{2.5}$, at least one site at neighborhood or larger scale in an area of expected maximum concentration	App D 4.7.1(b)(1)	Yes	Yes	Sparks is listed as the maximum concentration $PM_{2.5}$ site
26.	If additional SLAMS $PM_{2.5}$ is required, there is a site in an area of poor air quality	App D 4.7.1(b)(2)	NA	NA	Although only one $PM_{2.5}$ site is required, Washoe County AQMD has additional SLAMS located in other areas of $PM_{2.5}$ concern
27.	States must have at least one $PM_{2.5}$ regional background and one $PM_{2.5}$ regional transport site.	App D 4.7.3	NA	NA	This requirement is met by other agencies in the state.
28.	Sampling schedule for $PM_{2.5}$ - applies to year-round and seasonal sampling schedules (note: date of waiver approval must be included if the sampling season deviates from requirement)	58.10 (b)(4) 58.12(d) App D 4.7 EPA flowchart	Yes, Detailed site information	Yes	
29.	Frequency of flow rate verification for manual $PM_{2.5}$ monitors audit	App A 3.3.2	Yes, Detailed site information	Yes	
30.	Frequency of flow rate verification for automated $PM_{2.5}$ monitors audit	App A 3.2.3	Yes, Detailed site information	Yes	
31.	Dates of last two semi-annual flow rate audits for $PM_{2.5}$ monitors	App A, 3.2.4 and 3.3.3	Yes, Detailed site information	Yes	
PM_{10} –SPECIFIC MONITORING REQUIREMENTS					

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
32.	Minimum # of monitors for PM_{10}	App D, 4.6 (a) and Table D-4	Yes, page 5 See note	Yes	Given the population of the MSA, and the 2013 design values, there are no required PM_{10} monitors per 40 CFR 58. However, your plan notes that there are requirements for operating four sites for a SIP or Maintenance plan. We suggest in next year's plan to present these requirements separately to clarify that there are no required sites per Appendix D network requirements. Also, in next year's ANP checklist, EPA will clarify that this requirement is based on number of sites, not the number of monitors. Consider changing Table 3 to refer to SLAMS sites, not monitors.
33.	Manual PM_{10} method collocation (note: continuous PM_{10} does not have this requirement)	App A 3.3.1	NA	NA	
34.	Sampling schedule for PM_{10}	58.10 (b)(4) 58.12(e) App D 4.6	Yes, Detailed site information	Yes	
35.	Frequency of flow rate verification for manual PM_{10} monitors audit	App A 3.3.2	NA	NA	The only manual PM_{10} monitor in the network is the QA-collocated PM_c pair.
36.	Frequency of flow rate verification for automated PM_{10} monitors audit	App A 3.2.3	Yes, Detailed site information	Yes	
37.	Dates of last two semi-annual flow rate audits for PM_{10} monitors	App A, 3.2.4 and 3.3.3	Yes, Detailed site information	Yes	
Pb –SPECIFIC MONITORING REQUIREMENTS					
38.	Minimum # of monitors for non-NCore Pb [Note: Only monitors considered to be required SLAMs are eligible to be counted towards meeting minimum monitoring requirements.]	App D 4.5 58.13(a)	No	Insufficient to judge	Please include specific information about whether there are any Pb sources in your jurisdiction that emit more than 0.5 tons per year (non-airport) or 1.0 tons per year (airports).
39.	Pb collocation: for non-NCore sites	App A 3.3.4.3	NA	NA	
40.	Any source-oriented Pb site for which a waiver has been granted by EPA Regional Administrator	58.10 (b)(10)	NA	NA	
41.	Any Pb monitor for which a waiver has been requested or granted by EPA Regional Administrator for use of Pb-PM_{10} in lieu of Pb-TSP	58.10 (b)(11)	NA	NA	

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
42.	Designation of any Pb monitors as either source-oriented or non-source-oriented	58.10 (b)(9)	NA	NA	Washoe does not monitor for Pb at their NCore site. No Pb is required at the NCore site since CBSA population is < 500,000.
43.	Sampling schedule for Pb	58.10 (b)(4) 58.12(b) App D 4.5	NA	NA	
44.	Frequency of one-point flow rate verification for Pb monitors audit	App A 3.3.4.1	NA	NA	
45.	Dates of last two semi-annual flow rate audits for Pb monitors	App A 3.3.4.1	NA	NA	
GENERAL GASEOUS MONITORING REQUIREMENTS					
46.	Frequency of one-point QC check (gaseous)	App. A 3.2.1	Yes, Detailed site information	Yes	
47.	Date of last Annual Performance Evaluation (gaseous)	App. A 3.2.2	Yes, Detailed site information	Yes	
O_3 –SPECIFIC MONITORING REQUIREMENTS					
48.	Minimum # of monitors for O_3 [Note: should be supported by MSA ID, MSA population, DV, # monitors, and # required monitors] (see footnote)[7]	App D, 4.1(a) and Table D-2	Yes, page 4	Yes	
49.	Identification of maximum concentration O_3 monitor(s)	App D 4.1 (b)	Yes, Detailed site information	Yes	Sparks is listed as the maximum concentration site for O_3.
50.	Sampling season for O_3 (Note: date of waiver approval must be included if the sampling season deviates from requirement)	58.10 (b)(4) App D, 4.1(i)	Yes, Detailed site information	Yes	
NO_2 –SPECIFIC MONITORING REQUIREMENTS					
51.	Minimum monitoring requirement for single near-road NO_2 monitor (in CBSA ≥ 1 million) by 1/1/2014	App D 4.3.2	Yes, Detailed site information	Yes	None required
52.	Minimum monitoring requirements for area-wide NO_2 monitor in location of expected highest NO_2	App D 4.3.3	Yes, Detailed site information	Yes	None required

[7] Only monitors considered to be required SLAMs are eligible to be counted towards meeting minimum monitoring requirements. In addition, ozone monitors that do not meet traffic count/distance requirements to be neighborhood scale (40 CFR 58 Appendix E, Table E-1) cannot be counted towards minimum monitoring requirements.

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
	concentrations representing neighborhood or larger scale (operation required by January 1, 2013)				
53.	Minimum monitoring requirements for susceptible and vulnerable populations monitoring (aka RA40) NO_2 (operation required by January 1, 2013)	App D 4.3.4	NA	NA	
54.	Identification of required NO_2 monitors as either near-road, area-wide, or vulnerable and susceptible population (aka RA40)	58.10 (b)(12)	NA	NA	
SO_2 –SPECIFIC MONITORING REQUIREMENTS					
55.	Minimum monitoring requirements for SO_2 [Note: Only monitors considered to be required SLAMs are eligible to be counted towards meeting minimum monitoring requirements.]	App D 4.4	Yes, Detailed site information	Yes	None required
NCORE –SPECIFIC MONITORING REQUIREMENTS					
56.	NCore site and all required parameters operational	58.10 (a)(3); Pb collocation App. A 3.3.4.3; $PM_{10-2.5}$ minimum monitoring App. D 4.8; $PM_{10-2.5}$ sampling schedule 58.10 (b)(4) 58.12(f) App D 4.8; $PM_{10-2.5}$ collocation App. A 3.3.6	Yes, Detailed site information	Yes	Washoe does not monitor for Pb at their NCore site. No Pb is required at the NCore site since CBSA population is < 500,000.
SITE OR MONITOR - SPECIFIC REQUIREMENTS (OFTEN INCLUDED IN DETAILED SITE INFORMATION TABLES)					

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
57.	AQS site identification number for each site	58.10 (b)(1)	Yes, Detailed site information	Yes	
58.	Location of each site: street address and geographic coordinates	58.10 (b)(2)	Yes, Detailed site information	Yes	
59.	MSA, CBSA, CSA or other area represented by the monitor	58.10 (b)(8)	Yes, Detailed site information	Yes	
60.	Parameter occurrence code for each monitor	Needed to determine if other requirements (e.g., min # and collocation) are met	Yes, Detailed site information	Yes	Please confirm whether the POC of the PM_{10} monitor at the Toll Road site is 22, or if that is a typo.
61.	Statement of purpose for each monitor	58.10 (a)(1)	Yes, Detailed site information	Yes	
62.	Basic monitoring objective for each monitor	App D 1.1 58.10 (b)(6)	Yes, Detailed site information	Yes	
63.	Site type for each monitor	App D 1.1.1	Yes, Detailed site information	Yes	
64.	Monitor type for each monitor	Needed to determine if other requirements (e.g., min # and collocation) are met	Yes, Detailed site information	Yes	
65.	Scale of representativeness for each monitor as defined in Appendix D	58.10(b)(6); App D	Yes, Detailed site information	Insufficient to judge	The information in the plan states that the Plumb-Kit site is 12m from an intersection, but >30m from each roadway. Please work with EPA to determine the appropriate scale for the PM_{10} monitor at the Plumb-Kit site, and confirm whether it is 12m or >30m from the roadway.

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
66.	Parameter code for each monitor	Needed to determine if other requirements (e.g., min # and collocation) are met	Yes, Detailed site information	Yes	
67.	Method code and description (e.g., manufacturer & model) for each monitor	58.10 (b)(3); App C 2.4.1.2	Yes, Detailed site information	Yes	
68.	Sampling start date for each monitor	Needed to determine if other requirements (e.g., min # and collocation) are met	Yes, Detailed site information	Yes	
69.	Distance of monitor from nearest road	App E 6	Yes, Detailed site information	Yes	See note on line 65
70.	Traffic count of nearest road	App E	Yes, Detailed site information	Yes	
71.	Groundcover	App E 3(a)	Yes, Detailed site information	Yes	
72.	Probe height	App E 2	Yes, Detailed site information	Yes	
73.	Distance from supporting structure	App E 2	Yes, Detailed site information	No	PM instruments should be greater than 2 meters from any supporting structure.
74.	Distance from obstructions on roof	App E 4(b)	Yes, Detailed site information	Yes	
75.	Distance from obstructions not on roof	App E 4(a)	Yes, Detailed site information	Yes	
76.	Distance from trees	App E 5	Yes, Detailed site information	Insufficient to judge	Some trees are < 10 m from the monitors. Trees can be an obstruction to flow, or act as a scavenger of PM or reactive gases. Your plan discussed the trees closer than 20m with respect to whether they would be an

	ANP requirement	Citation within 40 CFR 58	Was the information submitted?[1] If yes, page #s. Flag if incorrect[2]?	Does the information provided[3] meet the requirement?[4]	Notes
					obstruction to the flow to the monitors. Next year, please also include a discussion of whether or not these trees are expected to act as scavengers of the pollutants of interest as well.
77.	Distance to furnace or incinerator flue	App E 3(b)	Yes, Detailed site information	Yes	
78.	Unrestricted airflow	App E, 4(a) and 4(b)	Yes, Detailed site information	Yes	
79.	Probe material (NOx, SO_2, O_3)	App E 9	Yes, Detailed site information	Yes	
80.	Residence time (NOx, SO_2, O_3)	App E 9	Yes, Detailed site information	Yes	

Public Comments on Annual Network Plan

Were comments submitted to the S/L/T agency during the public comment period? **No**

If no, skip the remaining questions.

If yes:

- Were any of the comments substantive?
  - If yes, which ones?
  - Explain basis for determination if any comments were considered not substantive:
- Did the agency respond to the substantive comments?
  - If yes, was the response adequate?
- Do the substantive comments require separate EPA response (i.e., agency response wasn't adequate)?
- Are the sections of the annual network plan that received substantive comments approvable after consideration of comments?
  - If yes, provide rationale:

Attachment B

Washoe County District Board of Health Regulations Governing Air Quality Management
Not Included in the Washoe County Portion of the Nevada $PM_{2.5}$ Infrastructure SIP
But Further Support CAA 110(a)(2)(A)-(M) Requirements

010.1303 "REGULATED AIR POLLUTANT" shall mean the following:

1. Nitrogen oxides or any volatile organic compounds;

2. Any pollutant for which a national ambient air quality standard has been promulgated.

3. Any pollutant that is subject to any standard promulgated under section 111 of the Act.

4. Any class I or II substance subject to a standard promulgated under or established by title VI of the Act.

5. Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Act, including the following:

   a. Any pollutant subject to requirements under section 112(j) of the Act. If the administrator fails to promulgate a standard pursuant to section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and

   b. Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.

(Adopted 10/20/93)

020.0051 BOARD OF HEALTH - POWERS AND DUTIES

Pursuant to the powers and responsibilities that have inured to the benefit of the Board of Health, said Board shall, without excluding any other powers, responsibilities, and authority conferred on said Board in the Nevada Revised Statutes, have the following powers and/or responsibilities:

A. To adopt and enforce rules and regulations to reduce the release into the atmosphere of any air contaminants originating within the territorial limits of the Washoe County Health District in order to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, aesthetic and historic value within said Health District.

B. To establish ambient air quality standards in accordance with law.

C. To make such determinations and issue such orders as may be necessary to implement the provisions of these regulations and to achieve air quality standards in accordance with law.

D. To institute proceedings to prevent continued violation of any order issued by the Board of Health, Hearing Board, or Control Officer, and to enforce these regulations.

E. To require access to records relating to emissions which cause or contribute to air pollution.

F. To apply or and receive grants or other funds or gifts from public or private agencies.

G. To cooperate and contract with other governmental agencies including the State of Nevada, other states, and the federal government.

H. To conduct investigations, research and technical studies consistent with the general purposes of the Nevada Revised Statutes.

I. To establish such emission control requirements, as may be necessary to prevent, abate, or control air pollution.

J. To require the registration of air pollution sources together with a description of the processes employed, fuels used, nature of emissions and other information considered necessary to evaluate the pollution potential of a source.

K. To prohibit, regulate or control, as specifically provided in Section 030.000 through 030.260, the installation, alteration or establishment of any source capable of causing air pollution.

L. To issue or deny all requests or applications for a variance or waiver from any of the requirements of these regulations after due consideration of the recommendations of the Hearing Board and Control Officer.

M. To require the submission of preliminary plans and specifications and other information as the Board deems necessary to process permits required by these regulations.

N. To enter into and inspect, at any reasonable time, any premises containing an air contaminant source or a source under construction for purposes of ascertaining the state of compliance with these regulations.

O. To hold any hearing as authorized in Chapter 445 of the Nevada Revised Statutes.

P. To review recommendations of the Hearing Board and to take such additional evidence as the Board of Health deems necessary or to remand to the Hearing Board for such evidence as the Board of Health may direct on any matters arising under these regulations.

Q. To require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of contaminants.

R. To specify the manner in which incinerators may be constructed and operated.

S. To delegate all above powers, except Subsections A, B, F, O, and P, to the Control Officer or his representatives as may be necessary to implement these regulations.

T. To appoint by resolution, or other appropriate action of the Board of Health, a Hearing Board consisting of seven (7) members who are not employees of the State of Nevada or any political subdivision of the State of Nevada, or which one (1) member must be an attorney admitted to practice law in the State of Nevada, or which one (1) member must be a professional engineer registered in the State of Nevada and one (1) member shall be licensed in Nevada as a general engineering contractor or a general building contractor as defined by NRS 624.215. All members of said Hearing Board shall be appointed to the terms as specified in NRS 445.481.

U. To institute, in any court of competent jurisdiction, legal proceedings to compel compliance

with these regulations and the Nevada Revised Statutes pertaining to the emission of air contaminants into the atmosphere within the territorial limits of the Washoe County Health District.

020.020 CONTROL OFFICER - POWER AND DUTIES

The Control Officer, or his designated agent or representative, shall enforce the provisions of these regulations in his name, or in the name of the Board of Health, in any one or combination of the following ways:

A. By issuing a written notice of violation, delivered personally or by registered or certified mail, to any person if reasonable cause exists to believe said person is violating these regulations.

B. By issuing a warning to any person suspected of violating these regulations and by giving said person an opportunity to correct the cause of said violation prior to issuing a notice of violation or citation and referring the matter to the Board of Health or proper prosecuting authority in the Washoe County Health District;

C. By requesting the District Attorney of the County of Washoe, or other proper agency, person or prosecuting authority in the Washoe County Health District, to institute appropriate criminal, civil or administrative proceedings against the person or persons responsible for violation of any of these regulations.

D. By requesting the Board of Health to levy an appropriate administrative fine against any person found to have violated any of these regulations.

E. By reviewing each variance to ascertain if the variance holder is meeting all provisions of the variance or dates set forth in the compliance schedule; if they are not met, the Control Officer may notify the variance holder personally or by registered or certified mail to this effect and may suspend or revoke any variances or reject any schedule of compliance involved with said infractions.

F. By requesting the Board of Health to institute all necessary and proper legal proceedings authorized by law to carry out the purposes of these regulations and purposes of Chapter 445 of the Nevada Revised Statutes, including injunctive relief.

020.060 SAMPLING AND TESTING

In addition to any other testing requirements provided for in these regulations, the Control Officer or the Board of Health may require any person to conduct or make arrangements to conduct testing of any source to determine compliance with these regulations. In the event such testing is required, the Control Officer may do any of the following:

A. Witness all tests as required by this Section.

B. Determine whether or not generally recognized methods of measurement have been used to determine the quantity of emissions from the source being tested and if not additional testing may be required.

C. Determine the point or points at or within the source where testing shall be done, to determine the actual discharge into the atmosphere.

D. Make any modifications or adjustments in the testing requirements so as to be compatible with specific sampling conditions or needs as shown by good practice, judgement and experience.

E. Require the cost of any testing to be paid by the owner or person responsible for any source of air contaminants.

F. Require additional tests of any source of air contaminants tested in accordance with this Section, provided such separate or additional tests shall be conducted on behalf of the Board of Health and at said Board's expense.

G. Require in writing the construction or creation of sampling holes, safe scaffolding and related facilities, to be provided at the expense of the owner or person responsible for any source of air contaminants being tested in accordance with this section.

H. Require the owner or person responsible for any source of any air contaminants being tested pursuant to this section to provide a suitable power source to the point of testing, so that sampling instruments can be operated as required.

I. All information gathered during any testing operation conducted pursuant to this Section will be provided to both the Control Officer or the Board of Health and the person or persons who own or control or are responsible for any source of air contaminants that are tested pursuant to this Section. All such information obtained pursuant to any testing required under this Section will be treated as confidential in accordance with the requirements of Section 020.055 of these regulations.

030.002 CONSTRUCTION OR MODIFICATION OF PERMITTED OPERATIONS (Amended 4/89, 10/20/93)

A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. The applicant for any Authority to Construct must notify the Control Officer in the application of any source which is or will become subject to 40 CFR Part 70 upon completion of the proposed construction. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc.

030.500 NEW SOURCE REVIEW (NSR) APPLICABILITY

A major new source or major modification which would locate in an area designated as nonattainment for a pollutant for which the source or modification would be major shall not be allowed to construct unless the stringent conditions set forth below are met. These conditions are designed to insure that the new source's or modification's emission will be controlled to the greatest degree possible, that more than equivalent offsetting emission reductions ("emission offsets") will be progress toward achievement of the national ambient air quality standards. For

the purposes of this part, a reconstructed source shall be treated as a new stationary source. Since major facility definition and requirements vary upon State and EPA area designations, a map (Figure 1) is included to facilitate the determination of which requirements must be met.

030.502 REVIEW FOR EMISSION LIMITATION COMPLIANCE

Authority to construct any new source or modification shall be denied unless the new source or modification meets all applicable emission requirements in the Nevada State Implementation Plan (SIP), all applicable Federal New Source Performance Standards, and all applicable National Emission Standards For Hazardous Air Pollutants.

030.503 CONDITIONS FOR APPROVAL (Amended 7/28/93, Revised 10/25/95)

If a major stationary source or major modification would be constructed in an area designated as nonattainment for a pollutant for which the stationary source or modification is major, an Authority to Construct shall be denied unless the following conditions are met:

Condition 1 The new source or modification is required to meet an emission limitation which specifies lowest achievable emission rate for such source.

Condition 2 The applicant must certify that all existing major sources owned or operated by the applicant for any entity controlling, controlled by, or under common control of the applicant in the State of Nevada are in compliance with all applicable emission limitations and standards under the Clean Air Act (or are in compliance with an expeditious schedule which is federally enforceable or contained in a court decree).

Condition 3 Emission reductions ("offsets") from existing sources in the same nonattainment area as the proposed new source or modification (whether or not under the same ownership) are required such that they shall not interfere with or contribute to the interference with the attainment of the applicable National Ambient Air Quality Standards. Only intrapollutant emission offsets will be acceptable (e.g. hydrocarbon increases may not be offset against SO_2 reductions). All emission reductions for the purpose of offsets shall be enforceable under the Clean Air Act.

The terms of the offset emission reductions shall be specified and federally enforceable prior to permit issuance.

All offset emissions reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction.

All offset emissions reductions must be obtained from decreases in actual emissions from the same or other sources in the area. No emissions reductions otherwise required by the Clean Air Act or other regulatory action my be credited for the purpose of meeting offset requirements.

Condition 4 The emission offsets will provide a positive net air quality benefit in the affected area. Atmospheric simulation modeling is not necessary for volatile organic compounds and NOX. Fulfillment of Condition 3 and Section 030.504 of these regulations will be considered adequate to meet this condition.

Condition 5 The applicant must perform an analysis of at least two (2) alternative sites for the facility, production processes, and environmental control techniques. This analysis must demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

Condition 6 The Control Officer shall also require the review of any Major Stationary Source or Major Modification subject to New Source Review under this section that may have an impact on visibility in any mandatory Class I Federal area. Such visibility review will ensure the source's emissions will be consistent with making reasonable progress toward State and National visibility goals.

Condition 7 The Administrator has not made a determination that the applicable implementation plan is not being adequately implemented for the attainment area in which the proposed source is to be constructed or modified.

Condition 8 The proposed major source or major modification shall not contribute to nonattainment in, or interfere with maintenance by, any other State with respect to any national ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other State with respect to prevention of significant deterioration of air quality or to protect visibility.

All emission limitations shall be assessed in light of the limits of "good engineering practice" on stack heights as specified in Section 030.614.

Any major stationary source or major modification commencing construction without an Authority to Construct shall be subject to an enforcement action. Obtaining an Authority To Construct does not relieve the owner from complying with any applicable local, state or federal regulation.

At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to this section shall apply to the source or modification as though construction had not yet commenced on the source or modification. All permits issued by the Control officer shall comply with all applicable terms of the State Implementation Plan for the non-attainment area in which the source is to be constructed.

030.504 EMISSION OFFSET RATIOS (Amended 7/28/93)

Emission reductions required under Section 030.503 shall be offset at a ratio of 1.2 to 1 when the offset sources are five (5) miles or less from the new source or modification. For offset

sources that are greater than five (5) miles from the new source or modification, the applicant shall determine an offset ratio based on atmospheric simulation modeling or an equivalent method to ensure a positive net air quality benefit. In no case shall the offset ratio for source located greater than five miles from the proposed project be less than 1.2 to 1. Non-reactive organic compounds (those which are listed in 40 CFR 51.100(s)) cannot be used for offsets.

030.505 COMPLETENESS OF APPLICATION

Following submittal by the applicant, the Control Officer shall determine whether the application for permit to construct is complete not later than thirty (30) calendar days after receipt of the application, or after such longer time as both the applicant and the Control Officer may agree. Such determination shall be transmitted in writing immediately to the applicant at the address indicated on the application if it is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. Upon receipt by the Control Officer of any re-submittal of the application, a new thirty (30) day period in which the Control Officer must determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the guideline for such, published by the Control Officer. After acceptance of an application as complete, the Control Officer shall not subsequently request of an applicant any new or additional information which was not specified in the Control Officer's list of items to be included within such applications. However, the Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct or otherwise supplement the information required in such list in effect at the time the complete application was received. Making any such request does not waive, extend, or delay the time limits in this section for decision on the completed application, except as the applicant and Control Officer may both agree.

030.506 REQUIREMENTS FOR PUBLIC NOTICE (Amended 7/28/93, Revised 10/25/95)

For those sources subject to Section 030.500, following acceptance of an application as complete, the Control Officer shall:

A. Perform the evaluations required to determine compliance with this section and make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis;

B. Within ten (10) calendar days following such decision, publish a notice by prominent advertisement in at least one (1) newspaper of general circulation in the County, stating the preliminary decision of the Control Officer and where the public may inspect the information required to be made available. The notice shall provide thirty (30) days from the date of publication for the publication for the public to submit written comments on the preliminary decision;

C. At the time notice of the preliminary decision is published, make available for public inspection at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision to grant or deny the Authority to Construct, including any proposed permit conditions, and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 020.055 of these regulations;

D. No later than the date of publication of the notice, a copy of said notice and any appropriate data is to be sent to the Nevada Department of Conservation and Natural

Resources Division of Environmental Protection, the regional planning authority of Washoe County, local government offices, any Indian governing body whose lands may be affected by facility emissions, any Federal Land Manager whose lands may be affected (including visibility effects) and the Regional Office of the U.S. Environmental Protection Agency; and

E. Applicant to bear cost of all public notices under this section and Section 030.508.

F. The Control Officer shall contact any Federal Land Manager whose lands may be affected for comments on the proposed project within 30 days after the application has been deemed complete. This shall be for the purpose of obtaining comments on the proposed scope of review for affected lands and species.

030.507 COMMENTS

The Control Officer shall consider all written comments submitted during the thirty (30) day public comment period.

030.508 FINAL ACTION (Amended 7/28/93)

Within 180 days after acceptance of the application as complete and the completion of all required preconstruction monitoring and public notice periods (including those required under the District's Part 70 Permit regulations), the Control Officer shall take final action on the application after considering all written comments. The Control Officer shall provide written notice of the final action to the applicant, the U.S. Environmental Protection Agency, other Affected States and the Nevada Department of Conservation and Natural Resources and shall publish such notice in a newspaper of general circulation. The notice and all supporting documents shall be made available for public inspection during normal business hours.

030.905 SOURCES REQUIRING PART 70 PERMITS (Adopted 10/20/93, Revised 10/25/95)

A. Sources Required to Obtain a Part 70 Permit

The following sources and source categories shall be subject to Part 70 permitting:

1. Any Major Stationary Source;

2. Any source, including area sources, subject to a standard, limitation or other requirement under section 111 (New Source Performance Standards) of the Act;

3. Any source, including an area source, subject to a standard or other requirement under section 112 (Hazardous Air Pollutants) of the Act. However, a source which is subject to regulations or requirements only under section 112(r) of the Act shall not be required to obtain a permit;

4. Any source that includes one or more units subject to Title IV (Acid Rain) of the Act;

5. Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.

B. Exemptions

The following sources and source categories shall be exempted from Part 70 permit requirements:

1. Any source subject to this regulation solely because it is subject to 40 CFR Part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters.

2. Any source subject to this regulation solely because it is subject to 40 CFR Part 61, subpart M, National Emission Standards for Hazardous Air Pollutants for Asbestos, Standards for Demolition and Renovation.

3. Insignificant Emission Levels

   Sources with the potential to emit less than an annual average of two (2) pounds per day of any criteria pollutant or less than one (1) pound per day of any hazardous air pollutant on a facility wide basis are exempted from all part 70 permitting requirements. Such sources may still be required by the Control Officer to obtain a non-Part 70 operating permit under District regulations. No source which is itself subject to an applicable requirement may qualify as an insignificant source.

4. All Dry Cleaning operations with the potential to emit less than ten (10) tons per year of any criteria or hazardous air pollutant shall be exempted for a period of five (5) years from the initial EPA Part 70 program approval date unless required to obtain a permit under Section 030.905(A) (5).

5. All sources which would be subject to Part 70 permits under Section 030.905 (A) which are not major sources, affected sources or solid waste incineration units subject to permitting under section 129(e) of the act, are exempt from requirements to obtain a Part 70 permit for a period of 5 years from the date of EPA approval of the Washoe County Part 70 permit program.

6. Sources may seek exempt status by limiting facility emissions to levels below those defined for a major source as provided in Section 010.090, part D (prohibitory status) and part E (Synthetic Minor sources).

C. Sources Which Must be Permitted by the State of Nevada

Any facility whose principal business is to generate electricity using steam derived from the burning of fossil fuels must obtain any necessary Part 70 permit(s) from the State of Nevada.

Attachment C

Nevada Division of Environmental Protection DRAFT (6-10-2015) “Interstate Transport Analysis for the 2012 Annual Primary Fine Particle National Ambient Air Quality Standard”

APPENDIX E

Interstate Transport Analysis for the 2012 Annual Primary Fine Particle National Ambient Air Quality Standard

NOTE TO READERS

Nevada has chosen to link to websites on the internet for many references cited in this appendix. We have backed up these links by putting electronic copies of reference documents on the Nevada Division of Environmental Protection's (NDEP) server. If any of the links in this document do not work for you, you may contact the NDEP Bureau of Air Quality Planning at 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701 or by telephone at 775-687-9349 for assistance.

APPENDIX E

Interstate Transport Analysis for the 2012 Annual Primary Fine Particle National Ambient Air Quality Standard

E.1 INTRODUCTION

Section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA) requires each state to prohibit emissions that contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any primary or secondary national ambient air quality standard (NAAQS). The Nevada Division of Environmental Protection (NDEP) evaluated the impact of transport of fine particle ($PM_{2.5}$) emissions from Nevada sources to sensitive receptor areas in nearby states, other western states and eastern states. The NDEP used the following U.S. Environmental Protection Agency (USEPA) resources to identify sensitive receptor areas, i.e., air quality planning areas that are nonattainment or maintenance for the 2012 or previous $PM_{2.5}$NAAQS or areas that have monitored values approaching the NAAQS:

- Additional Air Quality Designations and Technical Amendment to Correct Inadvertent Error in Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). 80 FR 18535, April 7, 2015.
- Air Quality Designations for the 2012 Primary Annual Fine particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). 80 FR 2206, January 15, 2015.
- USEPA map of 2012 Annual $PM_{2.5}$ Designations (*see* Figure E-1); and
- USEPA 2013 Design Value Report for $PM_{2.5}$.[1]

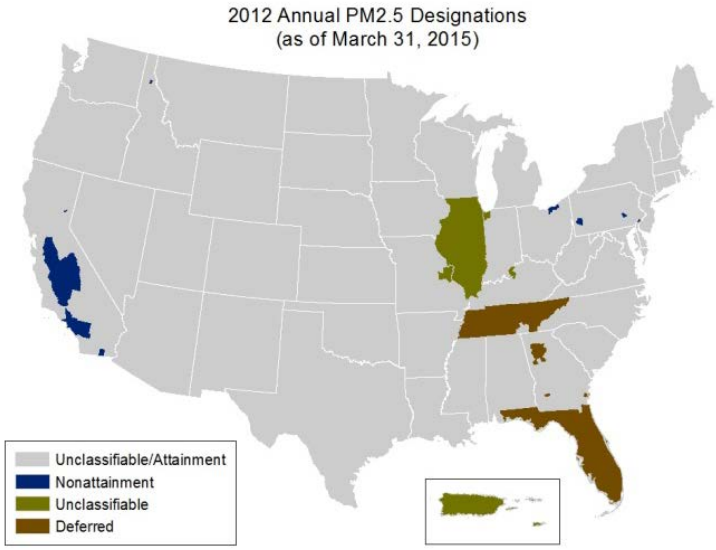
Figure E-1 presents a map of 2012 annual $PM_{2.5}$ area designations, while Table E-1 presents a list of nonattainment areas for the 2012 annual $PM_{2.5}$ NAAQS. Figure E-1 and Table E-1 show nonattainment areas in two nearby states, California and Idaho, and two distant eastern states, Ohio and Pennsylvania.

The NDEP used the 2013 Design Value Report to identify other sensitive receptors across the western States. Nonattainment receptors are those sites with design values greater than 12 $\mu g/m^3$ for the period 2011 to 2013. Receptors with design values greater than or equal to 12 $\mu g/m^3$ for the periods 2009 to 2011 and 2010 to 2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011 to 2013 were identified as sensitive or "maintenance" receptors for the purpose of this analysis. Table E-2 presents the nonattainment and "maintenance" receptors that will be addressed in this transport analysis. In addition to the nonattainment areas identified in Table E-1, Table E-2 identifies six additional "maintenance" receptors in Arizona, California, Idaho, and New Mexico.

[1] Available from: http://www.epa.gov/airtrends/values.html

Figure E-1

2012 Annual $PM_{2.5}$ Designations



Source: **http://www.epa.gov/airquality/particlepollution/designations/2012standards/final/us_map_final2.png**

Table E-1. Nonattainment Areas for the 2012 $PM_{2.5}$ NAAQS (April 15, 2015)

State	Area Name	Designated Nonattainment Counties
CA	Imperial County, CA	Imperial, CA (p)
	San Joaquin Valley Air Basin, CA	Fresno, CA
		Kern, CA (p)
		Kings, CA
		Madera, CA
		Merced, CA
		San Joaquin, CA
		Stanislaus, CA
		Tulare, CA
	Los Angeles-South Coast Air Basin, CA	Los Angeles, CA (p)
		Orange, CA
		Riverside, CA (p)
		San Bernardino, CA (p)
	Plumas County, CA	Plumas, CA (p)
ID	West Silver Valley, ID	Shoshone, ID (p)
OH	Cleveland, OH	Cuyahoga, OH
		Lorain, OH
PA	Delaware County, PA	Delaware, PA
	Lebanon County, PA	Lebanon, PA
	Allegheny, PA	Allegheny, PA
4 states	9 areas	13 full counties, 7 partial counties

Source: Email from Scott Mathias, AQPD, USEPA to Frank Forsgren, NDEP dated 4/3/2015. (p)=partial

Table E-2. $PM_{2.5}$ Site Design Value History 2009 – 2011 through 2011 – 2013

State	County[1]	Site ID	Annual Standard Design Values and Attainment Status [2]						Receptor Type [3]
			2009-2011		2010-2012		2011-2013		
Arizona	Pinal	40213013	13.3	EXC'12	13.5	EXC'12	….		Maintenance
California: *Imperial County Nonattainment Area (part)*									
	Imperial (part) [4]	60250005	13.9	EXC'12	14.1	EXC'12	14.3	NA'12	Nonattainment*
California: *Los Angeles-South Coast Nonattainment Area*									
	Riverside (part)	60658005	16.2	NA'06	15.6	NA'06	15.1	NA'12	Nonattainment*
	San Bernardino (part)	60710025	13.7	EXC'12	12.9	NA'06	12.6	NA'12	Nonattainment*
	Los Angeles (part)	60371103	13.5	EXC'12	13.1	EXC'12	13.0	NA'12	Nonattainment*
California: *Plumas Country Nonattainment Area*									
	Plumas (part)	60631010					12.8	NA'12	Nonattainment
California: *San Joaquin Valley Nonattainment Area*									
	Fresno	60195001	17.0	NA'06	16.0	NA'06	16.4	NA'12	Nonattainment*
	Kern (part)	60290016	18.2	NA'06	15.6	NA'06	17.3	NA'12	Nonattainment*
	Kings	60311004	16.3	inc	15.8	NA'06	17.0	NA'12	Nonattainment*
	Madera	60392010	20.5	inc	19.0	NA'06	18.1	NA'12	Nonattainment*
	Merced	60470003	18.2	NA'06	14.3	EXC'12	13.3	NA'12	Nonattainment*
	San Joaquin	60771002	11.1	A	11.4	A	13.8	NA'12	Nonattainment
	Stanislaus	60990006	15.3	NA'06	14.9	EXC'12	15.7	NA'12	Nonattainment*
	Tulare	61072002	15.2	NA'06	14.8	EXC'12	16.6	NA'12	Nonattainment
California: *"Maintenance" and incomplete data areas*									
	San Bernardino	60719004	12.1	EXC'12	11.7	A	11.8	A	Maintenance
	San Diego	60730003	11.8	A	12.1	EXC'12	10.6	A	Maintenance
	San Diego	60731002	10.7	inc	12.3	EXC'12	10.7	A	Maintenance
Idaho	Lemhi	160590004	10.9	A	14.7	EXC'12	12.0	A	Maintenance
Idaho	**Shoshone (part)**	160790017	12.0	A	12.1	EXC'12	12.8	NA'12	Nonattainment*
New Mexico	Dona Ana	350130017	11.9	A	13.5	EXC'12	….		Maintenance

Key: EXC'12=exceeding 2012 standard; NA'06=not attaining 2006 standard; NA'12=not attaining 2012 standard; A=attaining applicable annual standard; inc = incomplete

*=This county contains nonattainment receptors for the 2012 standard based on the 2011-2013 design value and (1) receptors that exceeded the 2012 standard based on the 2009-2011 and 2010-2012 design values and/or (2) nonattainment receptors for the 2006 standard.

NOTES:

1. Counties shown in bold font were designated nonattainment for the 2012 annual primary PM2.5 NAAQS by EPA in 80 FR 2206.
2. The design values in this table were obtained from the US EPA *2013 Design Value Reports* for PM2.5 located at http://www.epa.gov/airtrends/values.html. Data for western States were extracted from worksheet, "Table 6, PM2.5 Site Design Value History, 2001-2003 through 2011-2013." US EPA last updated the table on 2014-08-14.
3. Nonattainment receptors are those sites with values greater than 12 $\mu g/m^3$ for the period 2011-2013. Receptors with values greater than or equal to 12 $\mu g/m^3$ for the periods 2009-2011 and 2010-2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011-2013 were identified as maintenance.
4. Design value based on all valid data, including data in 2011 and 2013 that were submitted to, but are not currently in, AQS. EPA considers these data valid for use per 40 CFR Part 50 and 58 (see Memorandum 'Data Used for the Calculation of the Imperial County Design Value' found in Docket No. EPA-HQ-OAR-2012-0918).

In evaluating the possible impact of $PM_{2.5}$ transport from Nevada sources, the NDEP reviewed other states' state implementation plan (SIP) submittals, 2012 $PM_{2.5}$ NAAQS designation requests and responses and associated technical support documents, Interagency Monitoring of Protected Visual Environments (IMROVE, http://vista.cira.colostate.edu/improve/Default.htm) monitoring data (Attachment E1), $PM_{2.5}$ monitor data from nonattainment and "maintenance"

receptors (Attachment E2), wind rose plots (Attachment E3), and 2011 National Emissions Inventory (NEI) data (Attachment E4).

IMPROVE sites are located in areas where urban influences are minimal; they are considered representative of regional background $PM_{2.5}$ levels. The NDEP reviewed five years (2009-2013) of IMROVE data from sites proximal to nonattainment or other sensitive receptors in Arizona, California, Idaho, and New Mexico (*see* Attachment E1).[2] IMPROVE monitors measure the composition and concentration of $PM_{2.5}$; including ammonium sulfate, ammonium nitrate, soil, and elemental carbon or light absorbing carbon, as well as coarse mass (PM_{10}). Attachment E1 only presents the $PM_{2.5}$ species and concentrations. The $PM_{2.5}$ IMROVE data generally show a pronounced seasonal pattern of elevated $PM_{2.5}$ concentrations during the summer months and lower $PM_{2.5}$ concentrations during the winter months. The $PM_{2.5}$ monitor data from nonattainment and "maintenance" receptors generally also show a pronounced seasonal pattern (*see* Attachment E2). However, this pattern shows elevated $PM_{2.5}$ concentrations during the winter months and lower concentrations during the summer months, suggestive of local source contributions.

To evaluate potential transport of $PM_{2.5}$ emissions or their precursor emissions that may significantly contribute to nonattainment in, or interfere with maintenance by, any other state, the NDEP prepared wind roses based on 2009 to 2013 National Weather Service meteorological data for sites in Nevada's major metropolitan areas: Las Vegas and Reno (*see* Attachment E3). The Las Vegas wind rose indicates that winds almost always blow from the south-southwest in Clark County, away from the most proximal nonattainment receptors in both California and Idaho, as well as the "maintenance" receptors in Arizona, California, Idaho, and New Mexico. Winds from Las Vegas are also unlikely to transport $PM_{2.5}$ emissions to eastern nonattainment or "maintenance" areas due to the great distance.

The Reno wind rose indicates dominant winds from the west-northwest but with strong northerly and southerly components and clearly shows the strong pre-frontal southerly winds that precede winter storms. This wind rose also indicates transport away from the most proximal nonattainment and "maintenance" receptors in California and Idaho, as well as the "maintenance" receptors in Arizona, California, Idaho, and New Mexico. Winds from Reno are unlikely to impact the very distance eastern nonattainment or "maintenance" receptors due to the great distance.

Attachment E4 presents $PM_{2.5}$ emissions by source sector based on the 2011 NEI v2 at both the state and county level for those areas identified with either nonattainment or "maintenance" receptors. Relative emission densities are also presented for each potentially impacted state. Review of the emissions density map for Nevada shows that the areas with the highest emission densities are the metropolitan areas of Las Vegas (Clark County) and Reno/Carson City (Washoe, Storey, Carson City, and Douglas Counties).

[2] Available from: http://vista.cira.colostate.edu/TSS/Results/HazePlanning.aspx.

In order to further evaluate potential transport of $PM_{2.5}$ emissions or their pre-cursors, SO_2 and NO_x, to eastern "maintenance" receptors the NDEP evaluated Nevada's annual emissions in light of other states' emissions based on the 2011 NEI (*see* Table E-3). Annual emissions of $PM_{2.5}$ from Nevada sources in 2011 are 38,184 tons per years, while $PM_{2.5}$ precursor emissions of NO_x and SO_2 from Nevada sources for 2011 are 108,756 tons per year and 13,578 tons per year, respectively. Note that Nevada's annual emissions of $PM_{2.5}$, SO_2, and NO_x are well below half of, and more often three to 10 or more times lower than, the annual emissions of the listed states, which are the western-most of the eastern states. Given the large distances to the eastern states (more than 500 miles from Nevada to the closest listed state) and Nevada's relatively low annual emissions compared to the other states listed in Table E-3, it is unlikely that emissions from Nevada contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in any eastern state.

Table E-3. Annual $PM_{2.5}$, NO_x, and SO_2 Emissions from Select States

	$PM_{2.5}$ (tpy)	NO_x (tpy)	SO_2 (tpy)
Nevada	38,184	108,756	13,578
Minnesota	203,306	344,217	70,880
Iowa	123,467	274,665	130,829
Nebraska	100,213	269,996	76,213
Kansas	239,733	398,612	60,378
Oklahoma	196,704	468,105	133,250
Texas	574,110	1,420,740	559,804

Note: Downloaded from: http://www.epa.gov/air/emissions/index.htm 19-May-2015 by Frank Forsgren, BAQP.

Review of the monitoring data and source sector emissions data suggests that in the rural nonattainment or "maintenance" areas the dominant emission sources are fires and dust, while in the urban nonattainment or "maintenance" areas the dominant emissions sources are mobile sources, fuel combustion, and industrial processes. The nature of the dominant source sectors in both urban and rural areas supports the conclusion that elevated $PM_{2.5}$ levels at nonattainment and "maintenance" receptors is predominantly caused by local sources.

The NDEP fully realizes that no single piece of information or factor can by itself fully address the transport issue, but rather the total weight of all the evidence taken together is used to evaluate significant contributions to nonattainment or interference with maintenance of the 2012 annual $PM_{2.5}$ NAAQS in another state. However, there are four general factors that support a finding that emissions from Nevada do not significantly contribute to nonattainment or interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS in Arizona, California, Idaho, or New Mexico, or to the more distant eastern States: 1) the significant distance from the state of Nevada to the nonattainment or "maintenance" receptors in these states; 2) technical information indicating that elevated $PM_{2.5}$ levels at nonattainment or "maintenance" receptors in these states are predominantly caused by local emissions sources; 3) air quality data indicating that regional

background levels of $PM_{2.5}$ are generally low during the time periods of elevated $PM_{2.5}$ at these receptors; and 4) meteorology.

In summary, USEPA has identified nonattainment receptors in two adjacent states, California and Idaho, as well as two distance eastern states, Ohio and Pennsylvania (*see* Table E-1). The NDEP has identified other sensitive or "maintenance" receptors in three nearby states, Arizona, California, and Idaho, as well as one other western state, New Mexico (*see* Table E-2).

E.2 TRANSPORT TO NONATTAINMENT RECEPTORS IN NEARBY STATES

The USEPA identified two nearby states with 2012 annual $PM_{2.5}$ NAAQS nonattainment receptors, California and Idaho (*see* Table E-1).

E.2.1 California

There are four nonattainment areas in California, listed here by proximity, from closest to most distant from Nevada: Plumas County, San Joaquin Valley, Los Angeles–South Coast Air Basin, and Imperial Valley. Each of these nonattainment areas is discussed separately below. The NDEP believes technical information indicating that elevated $PM_{2.5}$ levels at the nonattainment receptors are predominantly caused by local emission sources supports a finding that emissions from Nevada do not significantly contribute to nonattainment of the 2012 annual $PM_{2.5}$ NAAQS at nonattainment receptors in California

E.2.1.1 Plumas County

The nearest nonattainment receptors to Nevada are located in Plumas County, California. USEPA has designated portions of Plumas County in the vicinity of Portola nonattainment for the 2012 primary annual fine particle NAAQS.[3] The Northern Sierra Air Quality Management District Annual Air Monitoring Report 2005 identified major contributors to $PM_{2.5}$ levels as woodstoves, forestry management burns, residential open burning, vehicle traffic, and windblown dust, which they further state "…can be relieved or exacerbated by meteorology, e.g. winds dispersing or temperature inversions concentrating air pollutants. … Portola … is subject to strong inversions and stagnant conditions in the wintertime. These conditions, coupled with intensive residential wood burning, can result in very high episode $PM_{2.5}$ levels."[4]

The report goes on to say that all wood burning communities could register violations of the NAAQS for $PM_{2.5}$, but Portola was identified as one of the most vulnerable. It notes, "PM_{10} and $PM_{2.5}$ exceedances of the ambient air quality standards appear to be generated locally by woodstoves, open burning, vehicle traffic induced dust entrainment and windblown dust." *Id. at 8.* The report also describes transport of smoke from wildfires and agricultural burning in the Sacramento Valley as consistently contributing to seasonal elevated particulate levels in addition to prescribed fire contributions.

[3] Available from: http://www.gpo.gov/fdsys/pkg/FR-2015-01-15/pdf/2015-00021.pdf.
[4] Available from: http://myairdistrict.com/Annual_Report__Full_version.pdf, at 1.

The Northern Sierra Air Quality Management District issued an Air Quality Health Advisory – Smoke and Ozone for the period August 28 to September 3, 2013 for the Rim Fire near Yosemite and the American Fire in Placer County. The Advisory notes that the Rim Fire was among the largest fires in California history, producing smoke blanketing tens of thousands of square miles.[5] Figure E2-12 in Attachment E1 shows the impacts from these fires in the fourth quarter of 2013.

IMPROVE data for remote northern California sites representing the Caribou Wilderness Area (Figure E1-10) and Desolation Wilderness Area (Figure E1-11) show distinctive annual patterns with increased $PM_{2.5}$ concentrations in the summer months and decreased concentrations in the winter months. The monitoring results from the Portola monitors also show a distinctive annual pattern although the timing in reversed, with highest concentrations recorded in the winter months and lower concentrations observed in the summertime. This pattern is consistent with residential wood burning for home heating during the wintertime. Wind rose data from Reno-Tahoe International Airport, Attachment E3, shows winds in northern Nevada with strong westerly components, directing Nevada's emissions away from California. Emission inventory data for California and Plumas County, Attachment E2, show that fires are the largest source of $PM_{2.5}$ emissions in California and, specifically in Plumas County.

In Plumas County, monitored exceedances of the $PM_{2.5}$ standard likely reflect localized sources occurring during wintertime temperature inversions with low winds that persist for several days in an area that traps emissions with complex topography. Additional contributions to monitored exceedances of the $PM_{2.5}$ annual standard likely result from large fire events such as the 2013 Rim Fire, as well as local and regional prescribed fire activity. The USEPA has noted the lack of large sources in the area and that the likely source contributing the most to the 2012 annual $PM_{2.5}$ NAAQS violations are residential burning activities.[6] Given the local characteristics of the elevated $PM_{2.5}$ levels at the Plumas County locations, which result from both wintertime residential wood burning and summertime fire emissions, it is reasonable to conclude that emissions from Nevada sources do not significantly contribute to nonattainment of the 2012 annual $PM_{2.5}$ standard at these locations.

E.2.1.2 San Joaquin Valley Nonattainment Area

The USEPA designated the San Joaquin Valley Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS, including the entirety of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties as well as a portion of Kern County.[7] There are 12 monitors located within the San Joaquin Valley nonattainment area, many of which have persistently

[5] Available from: http://myairdistrict.com/index.php?Itemid=103.
[6] California: Imperial County, Los Angeles-South Coast Air Basin, Plumas County, San Joaquin Valley Area Designations for the 2012 Primary Annual $PM_{2.5}$ National Ambient Air Quality Standard Technical Support Document at 108. Available from: http://www.epa.gov/pmdesignations/2012standards/final/CA_FinalNAATSD_Final.pdf.
[7] See supra n. 3.

shown violations of the 2009-2011, 2010-2012, and 2011-2013 design values.[8] The USEPA noted "…organic carbonaceous mass (OM) is the predominant species contributing over fifty percent of the total mass throughout the year. Nitrates are the second largest component in the annual mean, contributing 21 percent followed by sulfates contributing 14 percent."[9] "The primary sources of $PM_{2.5}$ in the region are diesel engines (nitrate), gasoline engines (nitrate), and agricultural activities (ammonium) which contribute regionally. Wood smoke (organic carbon) and diesel engines (elemental carbon) contribute to elevated levels of $PM_{2.5}$ in urban areas."[10] Kernal Density Estimation plots representing Hybrid Singe-Particle Lagrangian Integrated Trajectory backward trajectories and local wind rose data suggest the greatest potential contribution of emissions is from the regions immediately to the west-northwest of the monitors.[11] As noted by the San Joaquin Valley Unified Air Pollution Control District, "…the surrounding mountains trap pollution and block air flow, and the mild climate keeps pollutant-scouring winds at bay most of the year. Temperature inversions, while present to some degree throughout the year, can last for days during the winter, holding in nighttime accumulations of pollutants, including wood smoke. It is during the winter that these days of stagnant weather lead to the most Valley exceedances of $PM_{2.5}$ concentrations."[12]

Review of background $PM_{2.5}$ data from IMPROVE monitors representing the Ansel Adams Wilderness, Dome Land Wilderness, Emigrant Wilderness, and Kings Canyon National Park (*see* Attachment E1, Figures E1-6 thought E1-9, respectively) reveal a seasonal pattern consistent with other IMPROVE monitor sites, higher observed concentrations during the summer months and lower concentrations during the wintertime. At Kings Canyon the higher summertime concentrations extend through the fall months reflecting fall agricultural burning. This contrasts with the seasonal patterns recorded by the violating receptors (*see* Attachment E2, Figures E2-13 though E2-24), where the highest $PM_{2.5}$ concentrations are recorded during the wintertime with lower summertime concentrations punctuated by high concentration spikes. Wind rose data from Las Vegas and Reno show transport is predominantly away from California (*see* Attachment E3). Emissions data from the counties within the San Joaquin Valley nonattainment area (*see* Attachment E4) show significant contributions from dust and fires, and overwhelming emissions from 2011 fires in Tulare County likely account for the high fourth quarter 2011 $PM_{2.5}$ means at monitors throughout the nonattainment area.

As the USEPA concluded, "The San Joaquin Valley has long suffered from some of the United States' worst air pollution. This pollution, exacerbated by stagnant weather, comes mainly from

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[8] See supra n. 6 at 116.
[9] See supra n. 6 at 120.
[10] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard, Appendix B – Nonattainment Receptors, at 15. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[11] See supra n. 6 at 150.
[12] San Joaquin Valley Unified Air Pollution Control District, 2012 PM2.5 Plan, Executive Summary at ES-8. Available from: http://www.valleyair.org/Air_Quality_Plans/PM25Plans2012.htm.

diesel- and gasoline-fueled vehicles, residential wood burning, and agricultural operations such as dairies and field-tilling that occur widely throughout the counties in the nonattainment area."[13] For these reasons, the NDEP believes it is reasonable to conclude that Nevada does not contribute to nonattainment of the annual $PM_{2.5}$ standard at receptors in the San Joaquin Valley nonattainment area.

E2.1.3 Los Angeles–South Coast Air Basin

The USEPA has designated Los Angeles–South Coast Air Basin nonattainment for the 2012 annual $PM_{2.5}$ NAAQS including all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties.[14] The South Coast Air Quality Management District noted, "The higher $PM_{2.5}$ concentrations in the Basin are mainly due to the secondary formation of smaller particulates resulting from mobile, stationary and area source emissions of precursor gases (i.e., NO_x, SO_x, NH_4, and VOC) that are converted to PM in the atmosphere."[15] USEPA concurs with these statements, "$PM_{2.5}$ in Southern California is essentially a combustion generated pollutant due to the volume of traffic flow and numbers of sources (both point and area) located in the region. It is important to note that the areas with the highest concentrations are directly downwind of an area with major ammonia sources associated with dairies and poultry farming."[16]

The USEPA also observed in their area designations technical support document, "Major point sources in the nonattainment area contribute to the monitored violations, and due to topography and meteorology, it is unlikely that those outside of the Los Angeles–South Coast Air Basin nonattainment area contribute to the monitored violations."[17] Given the local characteristics of the elevated $PM_{2.5}$ concentrations and the location of the nonattainment area generally upwind from Nevada emissions sources, together with the large distances between these nonattainment receptors and Nevada, lead us to conclude that Nevada sources do not contribute significantly to nonattainment of the 2012 annual $PM_{2.5}$ standards in the Los Angeles–South Coast Air Basin.

E2.1.4 Imperial County

The nonattainment receptor in Imperial County is the most distant in California from Nevada emission sources. The USEPA has designated portions of Imperial County, including the communities of Brawley, El Centro, and Calexico, as nonattainment for the 2012 annual $PM_{2.5}$ NAAQS.[18] The nonattainment area border is coincident with the international boundary between

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[13] See supra n. 6 at 157.
[14] See supra n. 3.
[15] Final 2012 Air Quality Management Plan, South Coast Air Quality Management District, February 2013, at 2-14. Available from: http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan.
[16] USEPA, 2012, Technical Support Document for EPA's Proposed Action on the State of Nevada's 2009 Infrastructure State Implementation Plan (Transport Portion) for the 2006 24-Hour Fine Particulate (PM2.5) National Ambient Air Quality Standard at 16. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-R09-OAR-2011-0047-0006.
[17] See supra n. 6 at 72.
[18] See supra n. 3.

the US and Mexico. "The high monitored levels of $PM_{2.5}$ are limited to the Calexico-Ethel Street monitoring site, which is located near the Mexican Border. The elevated $PM_{2.5}$ levels occur primarily in the winter months during stagnation conditions, when long distance transport is unlikely. . . . The $PM_{2.5}$ appears to be from a local source near the California/Mexico Border."[19] As noted by the Imperial County Air Pollution Control District in its 2006 $PM_{2.5}$ SIP, "As is demonstrated in this SIP, the primary reason for elevated $PM_{2.5}$ levels in Imperial County is transport from Mexico. Essentially, this 2013 $PM_{2.5}$ SIP demonstrates attainment of the 2006 $PM_{2.5}$ NAAQS 'but-for' transport of international emissions from Mexicali, Mexico."[20]

Examination of the background $PM_{2.5}$ data as represented by IMPROVE monitoring sites for the Aqua Tibia Wilderness, Cucamonga Wilderness, Joshua Tree National Park, and San Gorgonio Wilderness in southern California (*see* Attachment E1, Figures E1-12 to E1-15, respectively), shows seasonal patterns of $PM_{2.5}$ concentrations with the highest concentrations recorded during the summertime and lower concentrations observed during the winter months. This seasonal pattern contrasts with the more chaotic and episodic pattern observed at the Calexico-Ethel Street monitor, where generally lower wintertime and higher summertime concentrations are punctuated by higher concentration spikes and the hint of elevated concentrations during the Spring and Fall months (*see* Attachment E2, Figure E2-24). Wind rose data indicate transport of pollutants from Nevada's major metropolitan areas away from California (*see* Attachment E3). The $PM_{2.5}$ emissions data from Imperial County shows 69 percent of the county's total $PM_{2.5}$ emissions are dust and fires (3,141 tons per year from dust and smoke of the total county-wide emissions of 4,558 tons per year) (*see* Attachment E4). These source sectors are generally considered uncontrollable.

Given the local characteristics of the elevated $PM_{2.5}$ concentrations at this receptor, regional and local air flow patterns, and the location of California nonattainment areas generally upwind of Nevada emission sources, the NDEP believes it is reasonable to conclude that emissions from Nevada sources do interfere with attainment of the 2012 annual $PM_{2.5}$ standards at this location.

E.2.1 Idaho

The nearest nonattainment receptors to Nevada beyond California are located in Shoshone County, Idaho. The USEPA has designated a portion of Shoshone County in the vicinity of Pinehurst, West Silver Valley, as nonattainment for the 2012 primary annual $PM_{2.5}$ NAAQS.[21] The USEPA has noted, "Information from the state of Idaho indicates that emissions from woodstoves contribute to primary $PM_{2.5}$ that violates the standard during stable weather events associated with strong inversions. These emissions and the related effects are limited to the city

[19] See supra n. 16 at 20.
[20] Imperial County 2013 State Implementation Plan for the 2006 24-Hour PM2.5 Moderate Nonattainment Area, Imperial County Air Pollution Control District, December 2, 2014 at 2. Available from: http://www.arb.ca.gov/planning/sip/planarea/imperial/Final_PM2.5_SIP_%28Dec_2,_2014%29_Approved.pdf.
[21] See supra n. 3.

of Pinehurst airshed, as they are trapped there due to temperature inversions, low wind and local topography."[22]

Review of IMPROVE monitor data representative of the Cabinet Mountains Wilderness Area in nearby Montana reveals a pronounced season pattern to background $PM_{2.5}$ with the higher concentrations recorded during the summertime and lower concentrations in the wintertime (*see* Figure E1-18, Attachment E1). This contrasts with the $PM_{2.5}$ data recorded by the Pinehurst monitor, which also has a pronounced seasonal pattern reversed from that of the background monitor with higher concentrations during the wintertime and lower concentrations in the summertime (Figure E2-25, Attachment E2). Wind rose data for Nevada's major metropolitan areas, Las Vegas and Reno, indicates that transport of $PM_{2.5}$ or $PM_{2.5}$ precursors from Nevada is generally away from northern Idaho (*see* Attachment E3). 2011 NEI data shows fires are the dominant source sector for $PM_{2.5}$ emissions in all of Idaho and specifically in Shoshone County (*see* Attachment E4).

These data support USEPA's conclusion, "Residential wood combustion in the cold, winter months is most responsible for elevated particulate matter in the area, while prescribed burning in the late autumn and in spring also contributes substantially. Smoke from wildfires can affect the area in the summer."[23] Low wind speeds and low mixing heights can exacerbate $PM_{2.5}$ concentrations resulting from local emission sources. Given the local characteristics of the elevated $PM_{2.5}$ levels at the Shoshone County locations, which result from both wintertime residential wood burning and summertime fire emissions, it is reasonable to conclude that emissions from Nevada sources do not significantly contribute to nonattainment of the 2012 annual $PM_{2.5}$ standard at this location.

E.3 TRANSPORT TO NONATTAINMENT RECEPTORS IN WESTERN STATES

The USEPA has identified nonattainment receptors in California, Idaho, Ohio, and Pennsylvania. There are no nonattainment receptors in other western states beyond those discussed above, California and Idaho.

E.4 TRANSPORT TO MAINTENANCE RECEPTORS IN NEARBY STATES

The NDEP identified "maintenance" receptors in three nearby states: Arizona, California, and Idaho. Recall that receptors with design values greater than or equal to 12 $\mu g/m^3$ for the periods 2009 to 2011 and 2010 to 2012, but equal to or less than 12 $\mu g/m^3$ for the period 2011 to 2013 were identified as sensitive or "maintenance" receptors as identified in Table E-2. Maintenance

[22] See supra n. 16 at 18.

[23] Idaho: West Silver Valley Nonattainment Area – Area Designations for the 2012 Primary Annual $PM_{2.5}$ National Ambient Air Quality Standard Technical Support Document at 5. Available from: http://www.epa.gov/pmdesignations/2012standards/final/ID_FinalNAATSD_Final.pdf.

receptors were identified in Pinal County, Arizona; San Bernardino County and San Diego County, California; and Lemhi County, Idaho. Each of these areas is discussed below.

E.4.1 Arizona

The NDEP identified Pinal County, Arizona as the location of a sensitive or "maintenance" receptor based on a 2010-2012 design value greater than 12 µg/m^3 and invalid data to calculate a 2011-2013 design value (*see* Table E-2). In the USEPA's technical support document for the 2006 $PM_{2.5}$ area designations, the USEPA noted "that emission inventory data, combined with speciation and source apportionment data, point to agricultural activities and cattle feedlots, as well as other nearby sources of $PM_{2.5}$, as primary sources contributing to $PM_{2.5}$ levels at the Cowtown monitor on days with exceedances of the 24-hour $PM_{2.5}$ NAAQS."[24] The USEPA goes on to state, "EPA agrees with ADEQ's conclusion that the $PM_{2.5}$ concentrations monitored at Cowtown are strongly influenced by local sources."[25]

Review of the background $PM_{2.5}$ conditions in central Arizona as represented by IMPROVE monitors for the Mazatal Wilderness, Saguaro National Monument, and Superstition Wilderness show a seasonal pattern typical of rural background sites, elevated $PM_{2.5}$ concentrations during the summertime and lower concentrations during the wintertime (*see* Attachment E1, Figure E1-1 through E1-5, respectively). The Phoenix and Queen Valley IMPROVE monitors are more representative of urban areas, but still exhibit a similar seasonal pattern of elevated concentrations during the summertime. This contrasts with the observations at the violating monitor, which are very episodic, but suggest a subtle pattern of elevated concentrations during the springtime and summertime (*see* Attachment E2, Figure E2-26).

Wind rose data for Las Vegas and Reno do not suggest transport of particles from Nevada sources to sensitive receptors in Arizona (*see* Attachment E3). The 2011 emissions data show Pinal County is the source of nearly 12 percent of the state-wide $PM_{2.5}$ emissions from dust and nearly 40 percent of the state-wide emissions from agriculture (*see* Attachment E4). These data support the USEPA's conclusion that the violating monitor "is the only site in the area with a pronounced diurnal pattern, with high PM in the morning and evening hours, further suggesting the influence of local sources."[26]

Given the local characteristics of the elevated $PM_{2.5}$ concentrations at this receptor and the distance to the location of Arizona nonattainment area, the NDEP believes it is reasonable to conclude that emissions from Nevada sources do not interfere with attainment of the 2012 annual $PM_{2.5}$ standards at this location.

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[24] Technical Support Document: December 2010 Addendum to Pinal County, Arizona, Area Designation for the 2006 24-hour Fine Particle National Ambient Air Quality Standard at 3. Available from: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2010-0163-0025.
[25] See supra n. 24 at 6.
[26] See supra n. 16 at 21.

E4.2 California

The NDEP identified "maintenance" receptors in San Bernardino County and San Diego County. Table E2 shows one "maintenance" monitor in San Bernardino County and two "maintenance" receptors in San Diego County. Nevada's contribution to these sites is discussed below.

E4.2.1 San Bernardino County

The NDEP identified one "maintenance" monitor in San Bernardino County, located in the community of San Bernardino and within the Los Angeles-South Coast Air Basin $PM_{2.5}$ nonattainment area. As noted in section E2.1.3, Los Angeles-South Coast Air Basin, $PM_{2.5}$ in Southern California is essentially a combustion-generated pollutant due to the volume of traffic flow and numbers of sources (both point and area) located in the region. Given the local characteristics of the elevated $PM_{2.5}$ levels at this receptor and the location of this "maintenance" area generally upwind of Nevada emission sources, it is reasonable to conclude that emissions from Nevada sources do not interfere with maintenance of the 2012 annual $PM_{2.5}$ standards at this receptor location.

E4.2.2 San Diego County

The NDEP identified two "maintenance" monitors in San Diego County, one is located in El Cajon and the other in Escondido. The El Cajon monitor was temporarily relocated in 2014 to Gillespie Field and stopped collecting data in late February 2014, while the Escondido monitor is proposed for relocation in the 2015/2016 timeframe.[27] The El Cajon site represents a major population center located in an inland valley, downwind of the heavily populated coastal zone. It is impacted by the transportation corridor of Interstate 8 and its major arteries. *Id. at Appendix 7: Site Description El Cajon at 1* The Escondido site represents a major population center located in the inland North County along the Interstate 15/Highway 78 section of the County. It is impacted by the transportation corridor from the communities along these two highways. *Id. At Appendix 8: Site Description Escondido at 1* "Fine PM air quality is improving in San Diego County as a result of emission control regulations addressing combustion sources, the major source of fine particles."[28]

Given the local characteristics of the elevated $PM_{2.5}$ levels at these receptors and the location of this maintenance area generally upwind of Nevada emissions sources, it is reasonable to conclude that emissions from Nevada emission sources do not interfere with maintenance of the 2012 annual PM2.5 standards at these receptor locations.

E4.3 Idaho

The NDEP identified Lemhi County, Idaho as the location of a sensitive or "maintenance" receptor from a 2010-2012 design value greater than 12 $\mu g/m^3$ and a 2011-2013 design value

[27] San Diego Air Pollution Control District, Annual Network Plan 2013 at 16-17. Available from: http://www.sdapcd.org/air/reports/2013_network_plan.pdf.

[28] San Diego County Air Pollution Control District, Measures to Reduce Particulate Matter in San Diego County, December 2005 at 1-1. Available from: http://www.sdapcd.org/planning/PM-Measures.pdf.

equal to or less than 12 µg/m^3 (*see* Table E-2) and the Idaho Department of Environmental Quality identifies Lemhi County including Salmon as an area of concern for $PM_{2.5}$.[29] Examination of the IMPROVE monitors representing the Anaconda-Pintler Wilderness and Sawtooth Wilderness shows relatively low concentrations with a the seasonal pattern typical of rural background conditions, i.e., concentrations that are higher in the summertime extending into the fall months and lower in the wintertime, including spikes of very high $PM_{2.5}$ concentrations that punctuate the fall months (Attachment E1, Figures E1-16 and Figure E1-17). The violating monitor shows a seasonal pattern of higher concentrations in the wintertime and lower concentrations during the summertime, also with the very high concentration spikes during the fall months (Attachment E2, Figure E2-30). The 2011 emissions data for Lemhi County shows 19,000 tons per year of $PM_{2.5}$ emissions from fires, which are roughly a third of the statewide PM2.5 emissions from fires (*see* Attachment E4).

The Idaho Department of Environmental Quality (IDEQ), in an exceptional events demonstration package, noted the severity of the 2012 fire season in Idaho. "The smoke from these fires was ubiquitous throughout the Pacific Northwest from August through early-October and Salmon, Idaho was severely impacted as a result of its proximity to the Mustang Complex and Halstead fire, as well as, the large number of other fires in the central Idaho Region. During the 2012 wildfire season, Salmon experienced 16 "Moderate" AQI days, 11 "Unhealthy for Sensitive Groups," 21 "Unhealthy," 6 "Very Unhealthy," and 1 "Hazardous." Pinehurst experienced 22 "Moderate" days and 1 "Unhealthy for Sensitive Groups" day."[30] The IDEQ goes on to state, "The broad regional pattern ($PM_{2.5}$ and OC temporal/spatial patterns), along with the emissions comparison in Figure 4, demonstrates that typical crop residue burning, wildland prescribed burning, industrial point sources, and nonpoint sources including residential wood combustion and all other forms of open burning are very small in comparison to the 2012 wildfire emissions and not capable of producing such a region-wide increase in the level of $PM_{2.5}$." *Id. at 22*

The factors described above combined with the large distance of this receptor from Nevada sources suggest Nevada sources do not contribute significantly to the nonattainment of the 2012 annual $PM_{2.5}$ NAAQS in Salmon, Idaho.

E.5 TRANSPORT TO MAINTENANCE RECEPTORS IN WESTERN STATES

The NDEP identified a maintenance receptor in one distant western state: New Mexico.

E.5.1 New Mexico

The NDEP has identified Doña Ana County, New Mexico as an area with a "maintenance" or sensitive receptor, based on analysis of the USEPA's 2013 Design Value Report for $PM_{2.5}$.[31] *See*

29 Available from: http://deq.idaho.gov/media/662796-nonattainment_map.pdf .
30 Request for EPA Concurrence as Exceptional Events for 2012 Wildfire Impacts on PM2.5 Monitor Values at Salmon and Pinehurst Idaho Final, State of Idaho Department of Environmental Quality, December 6, 2013, available from: http://deq.idaho.gov/media/1187/exceptional-events-request-pinehurst-salmon-final.pdf at xi.
31 Available from: http://www.epa.gov/airtrends/values.html.

Table E-2. However, this monitor does not meet the siting criteria for comparison to the NAAQS as noted by the USEPA, "The Sunland Park site $PM_{2.5}$ data is not comparable to the $PM_{2.5}$ NAAQS and is not eligible for representation of area-wide air quality and does not meet the $PM_{2.5}$ area-wide requirement."[32] The 2010 to 2013 $PM_{2.5}$ data for this monitor has been invalidated by the USEPA for comparison to the NAAQS.[33]

Given that the $PM_{2.5}$ data from this monitor is invalid for comparison to the NAAQS, this receptor does not meet the NDEP's criteria for a "maintenance" or sensitive site. For this reason, NDEP concludes $PM_{2.5}$ emissions from Nevada sources do not contribute to nonattainment or interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS at this receptor.

E.6 TRANSPORT TO NONATTAINMENT AND MAINTENANCE RECEPTORS IN EASTERN STATES

The NDEP also considered potential $PM_{2.5}$ and precursor transport from Nevada emission sources to the nearest nonattainment or "maintenance" receptors located in the eastern states of Ohio and Pennsylvania. The nonattainment receptors nearest to Nevada are in the Cleveland, Ohio area. The USEPA has designated Cuyahoga County and Lorain County in Ohio as nonattainment for the 2012 annual $PM_{2.5}$ NAAQS.[34] Cleveland, Ohio is approximately 1,650 miles from the closest point of the Nevada border, and more than 1,800 miles from Nevada's major metropolitan areas, Las Vegas and Reno.

The NDEP evaluated the relative magnitude of $PM_{2.5}$ emissions in Nevada compared to $PM_{2.5}$ emissions in Ohio. The 2011 NEI indicates that $PM_{2.5}$ emissions in Nevada are approximately 24 percent of the $PM_{2.5}$ emissions from Ohio.[35] Specifically, the 2011 NEI v2 shows 38,183 tons of $PM_{2.5}$ from Nevada sources, compared to 158,871 tons of $PM_{2.5}$ from Ohio sources.

The NDEP believes the following factors support a finding that emissions from Nevada do not significantly contribute to nonattainment of the 2012 annual $PM_{2.5}$ NAAQS at the Cuyahoga County or Lorain County, Ohio receptors: (1) the relatively small magnitude of the emissions inventory of $PM_{2.5}$ in Nevada compared to Ohio, combined with (2) the relatively long distance of the state of Nevada from these receptors. These factors also support a qualitative conclusion that emissions from Nevada sources do not significantly contribute to nonattainment or interfere with the maintenance of these NAAQS at any of the other receptors farther east.

E.7 CONCLUSION

The preceding analysis indicates that $PM_{2.5}$ nonattainment (current for the 2012 NAAQS) and "maintenance" areas in nearby states, as well as other western and eastern states are generally the

[32] Letter from USEPA Region 6 to Ms. Donna Intermott, New Mexico Environment Department, May 16, 2014
[33] Email from Roman Szkoda, Monitoring Staff Manager, NMEDAQB to Frank Forsgren, NDEP, May 6, 2015
[34] Available from: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2012-0918-0426.
[35] Available from: http://www.epa.gov/air/emissions/index.htm.

result of documented local emission sources, which in some cases have ceased operation since the time of designation. Furthermore, the receptor areas the NDEP identified for the 2012 $PM_{2.5}$ NAAQS transport analysis are a considerable distance from Nevada sources. Based on these factors and the above evaluation, the State of Nevada concludes that $PM_{2.5}$ emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ standard or the previous $PM_{2.5}$ standards in any other state. Nevada commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.

Attachments

Attachment E1
IMPROVE $PM_{2.5}$ Data for the Period 2009-2013

Central Arizona

Mazatal Wilderness and Pine Mountain Wilderness (IKBA1)
Phoenix (PHOE1)
Queen Valley (QUVA1)
Saguaro National Monument (SAGU1)
Superstition Wilderness (TONT1)

Central California

Ansel Adams Wilderness, John Muir Wilderness, and Kaiser Wilderness (KAIS1)
Dome Land Wilderness (DOME1)
Emigrant Wilderness and Yosemite National Park (YOSE1)
Kings Canyon National Park and Sequoia National Park (SEQU1)

Northern California

Caribou Wilderness, Lassen Volcanic NP, and Thousand Lakes Wilderness (LAVO)
Desolation Wilderness and Mokelumne Wilderness (BLIS1)

Southern California

Agua Tibia Wilderness (AGTI1)
Cucamonga Wilderness and San Gabriel Wilderness (SAGA1)
Joshua Tree National Park (JOSH1)
San Gorgonio Wilderness and San Jacinto Wilderness (SAGO1)

Central Idaho

Anaconda-Pintler Wilderness, MT and Selway-Bitterroot Wilderness, MT (SULA1)
Sawtooth Wilderness, ID (SAWT1)

Northern Idaho

Cabinet Mountains Wilderness (CABI1)

Southern New Mexico

Bosque del Apache National Wildlife Refuge (BOAP1)
Carlsbad Caverns National Park and Guadalupe Mountains National Park (GUMO1)
Gila Wilderness (GICL1)
White Mountains Wilderness (WHIT1)

Data can be downloaded from http://vista.cira.colostate.edu/TSS/Results/HazePlanning.aspx

Central Arizona

Figure E1-1

Central Arizona, Mazatzal Wilderness Station

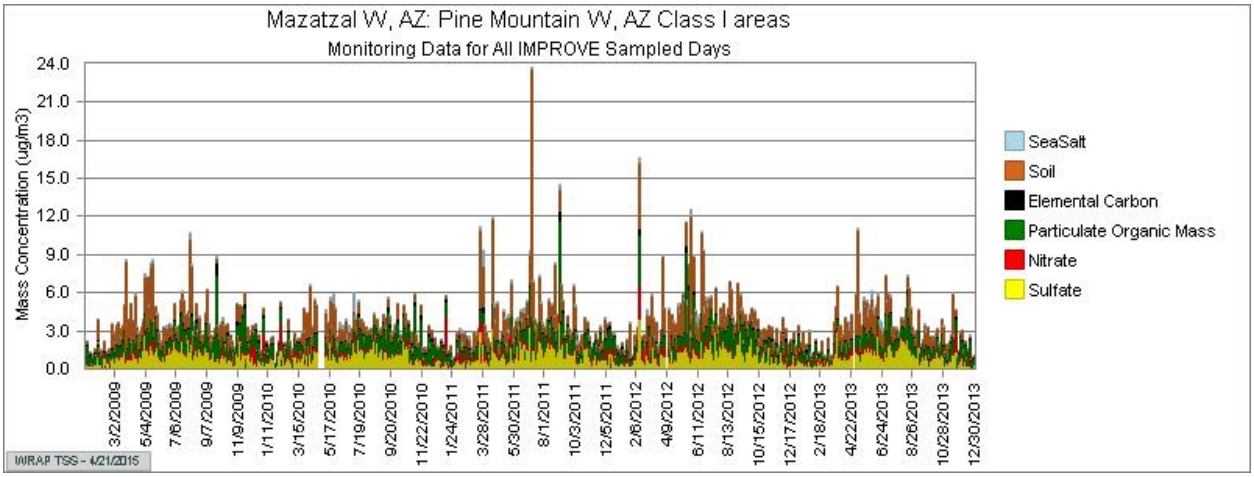


Figure E1-2

Central Arizona, Phoenix Station

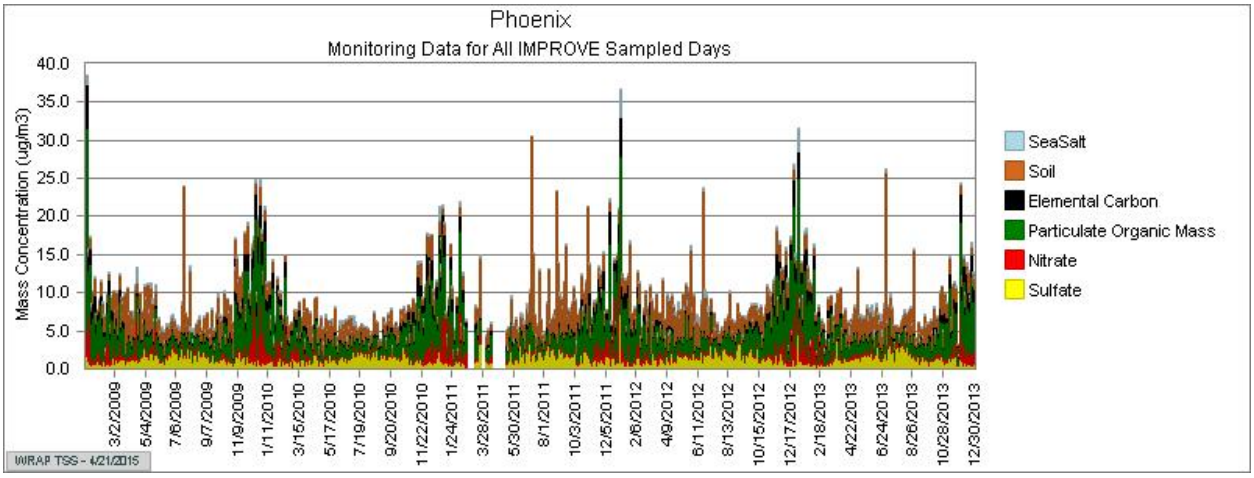


Figure E1-3

Central Arizona, Queen Valley Station

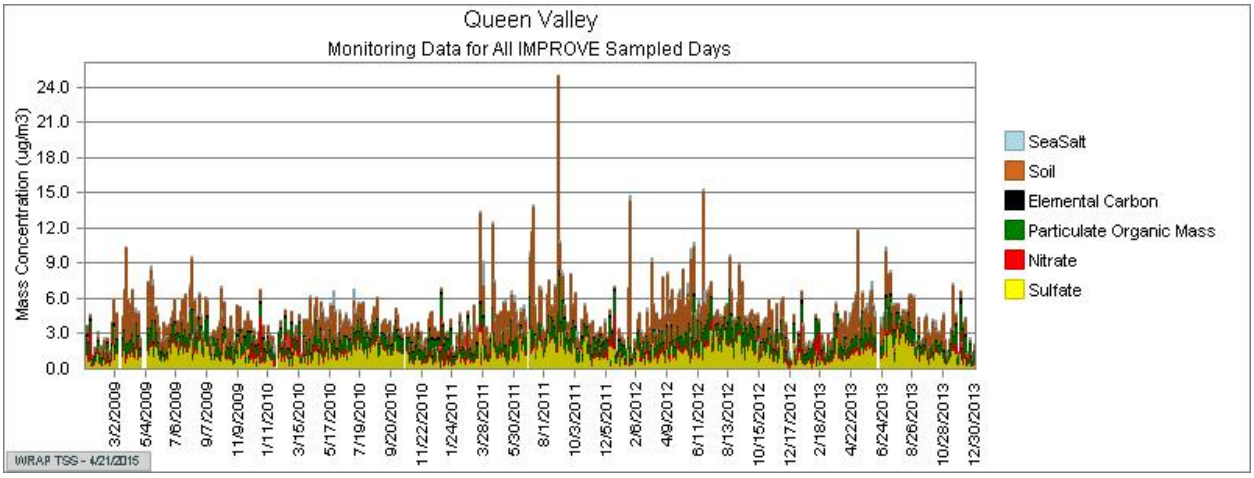


Figure E1-4

Central Arizona, Saguaro Nation Monument Station

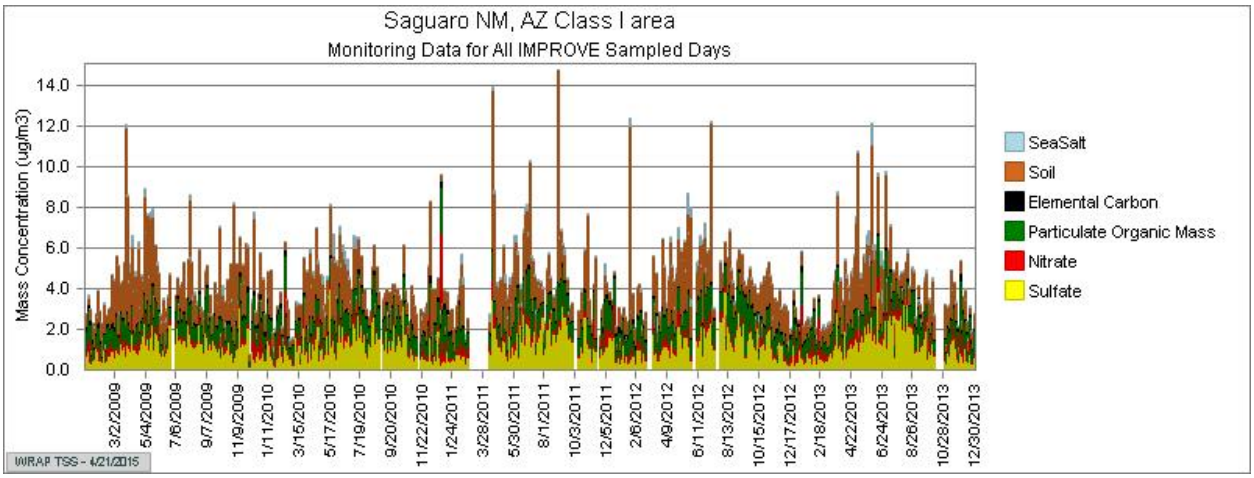
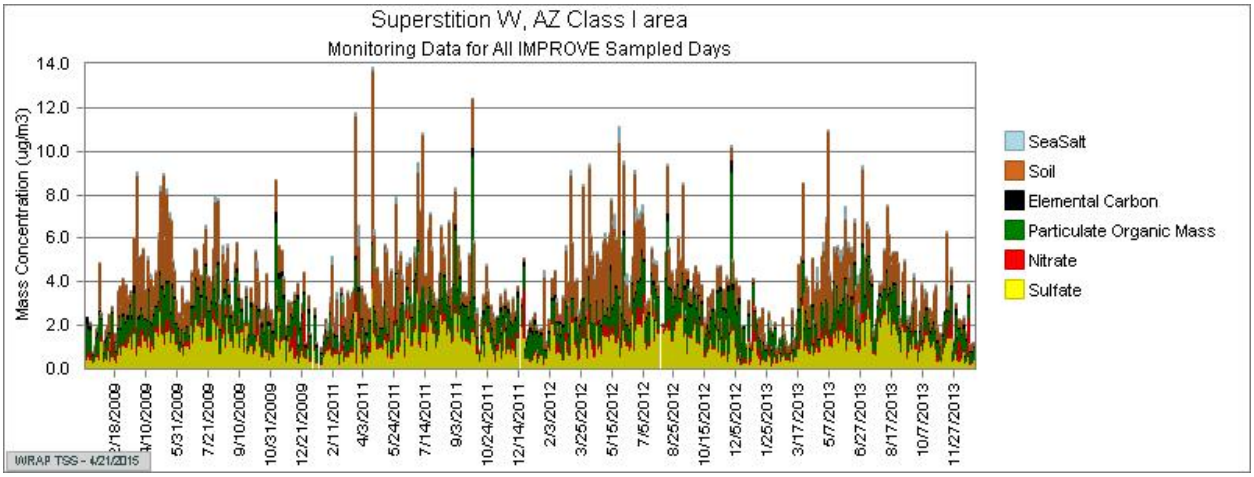


Figure E1-5

Central Arizona, Superstition Wilderness Station



Central California

Figure E1-6

Central California, Ansel Adams Wilderness Station

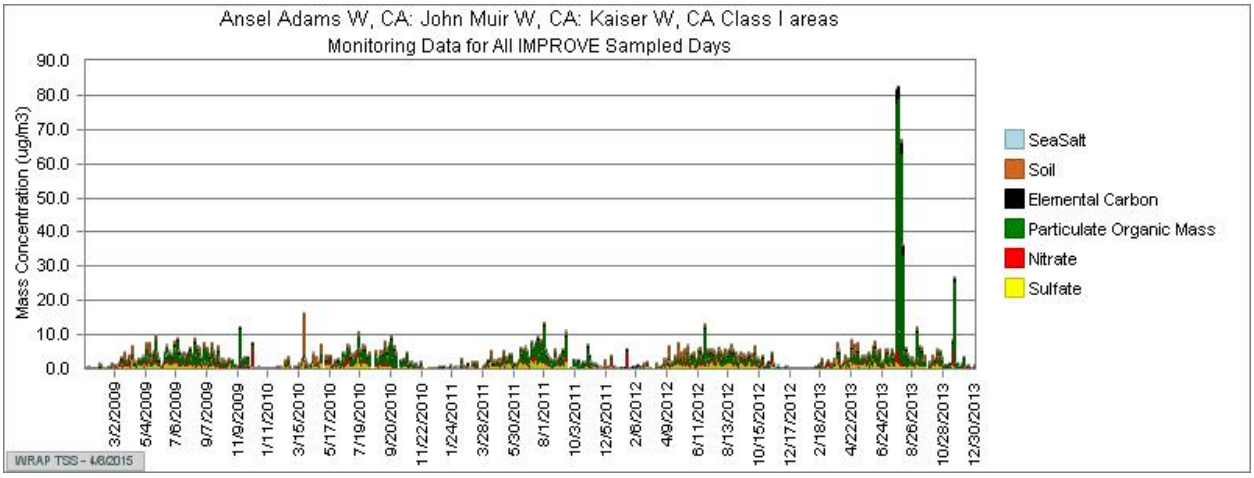


Figure E1-7

Central California, Dome Land Wilderness Station

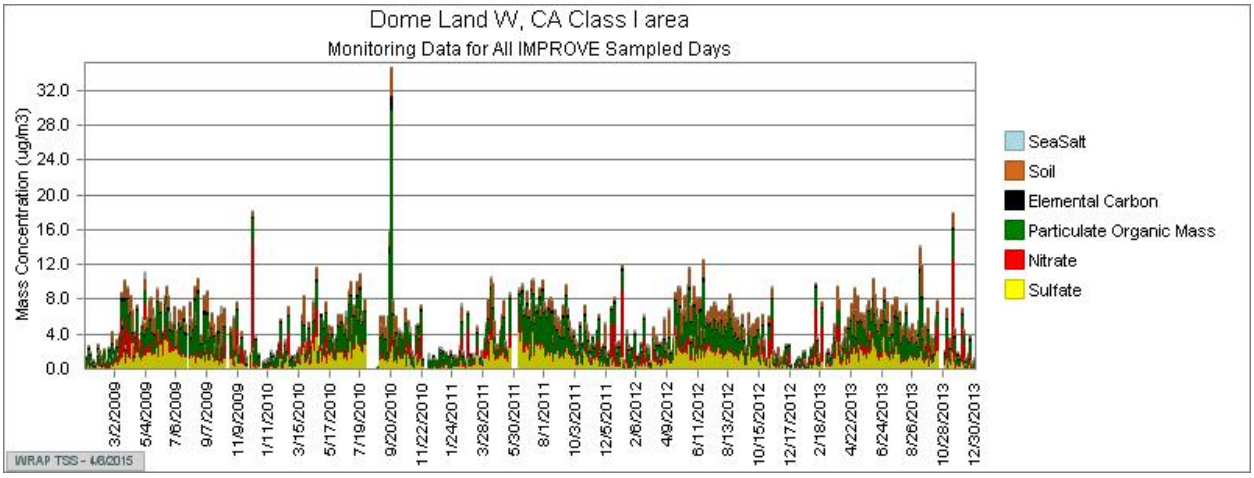


Figure E1-8

Central California, Emigrant Wilderness Station

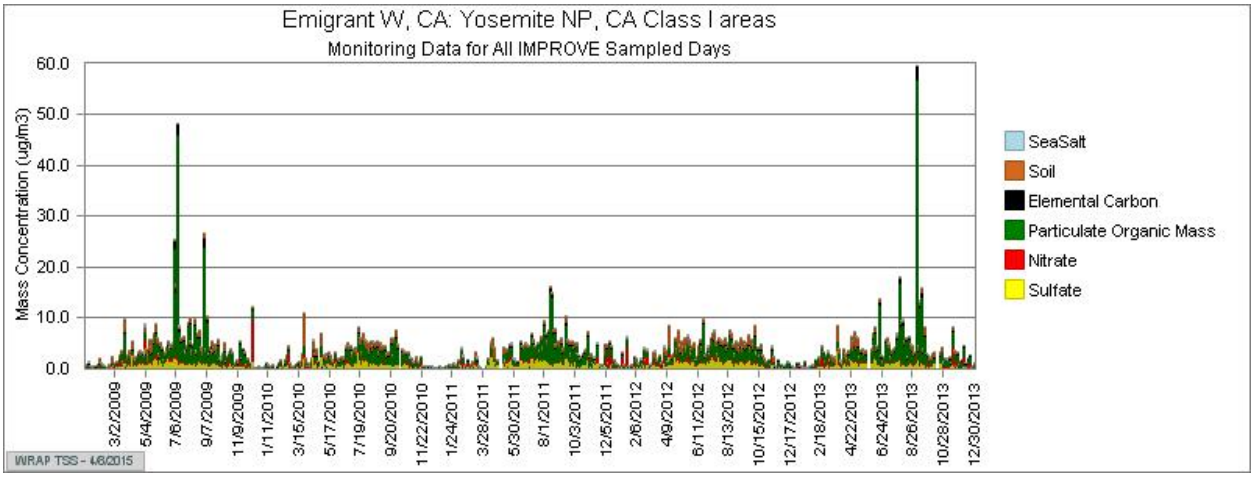
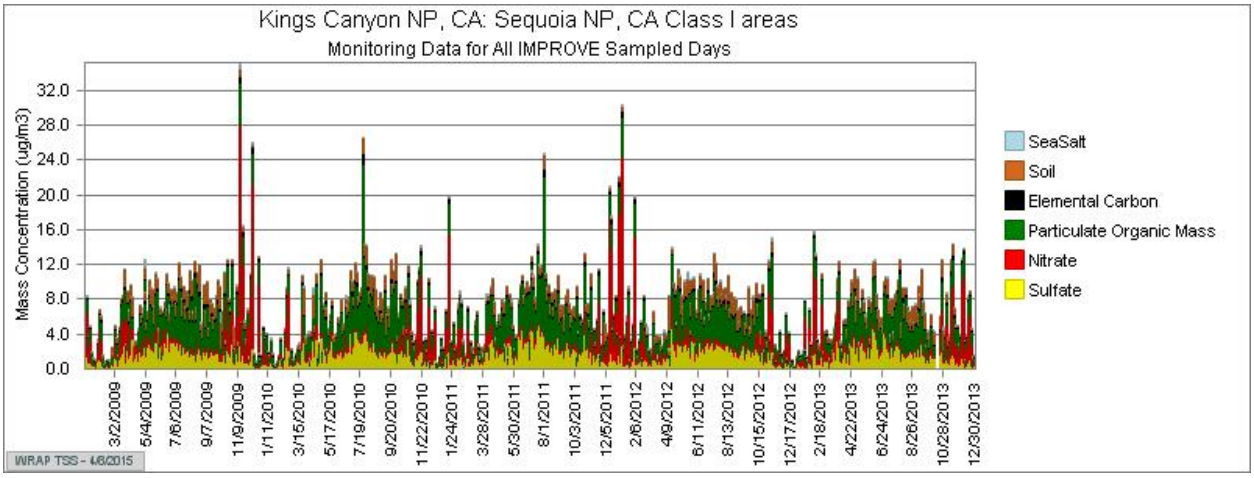


Figure E1-9

Central California, Kings Canyon National Park Station



Northern California

Figure E1-10

Northern California, Caribou Wilderness Station

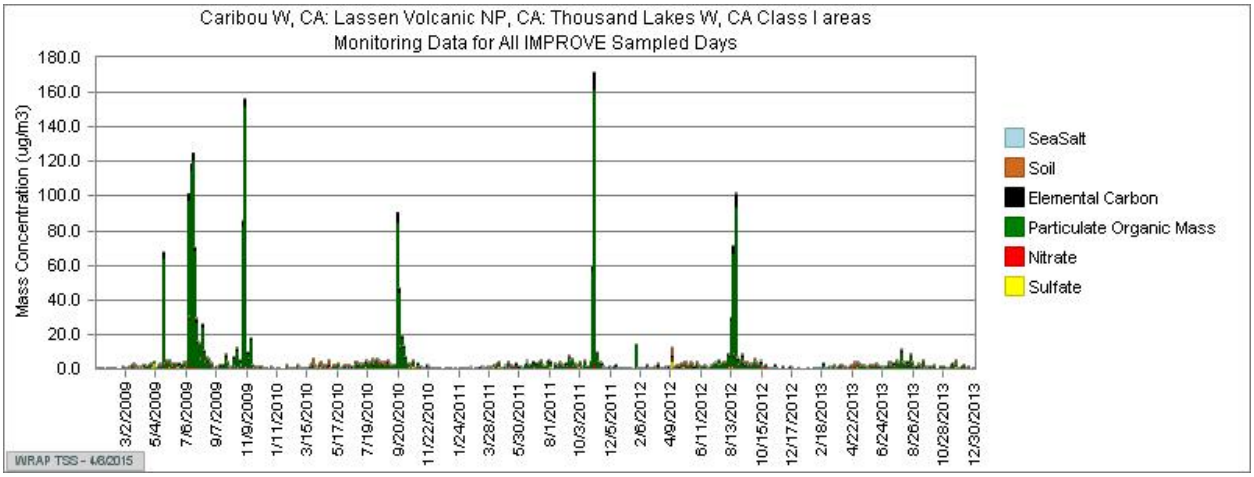
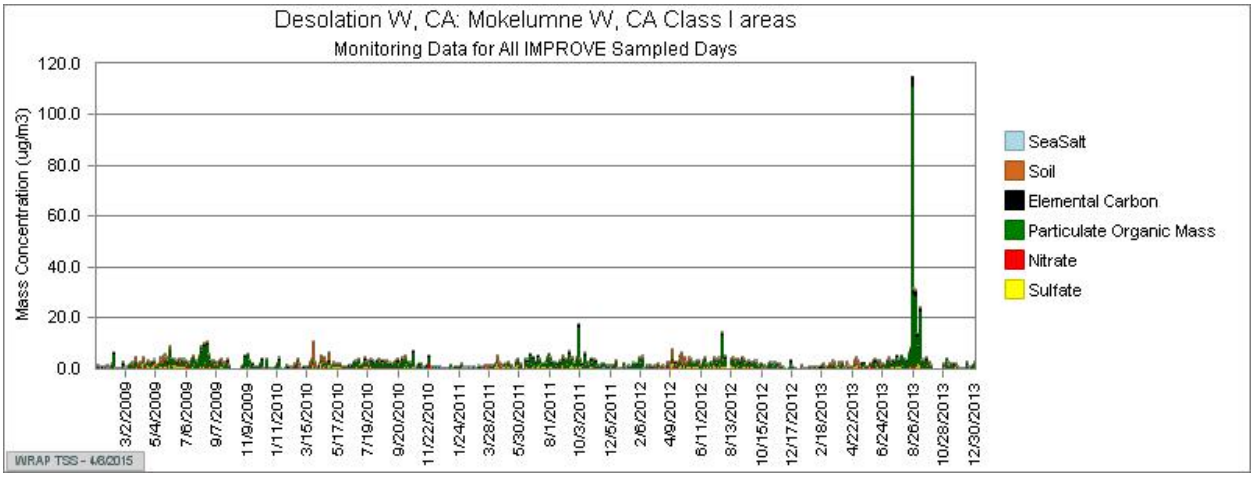


Figure E1-11

Northern California, Desolation Wilderness Station



Southern California

Figure E1-12

Southern California, Agua Tubia Wilderness Station

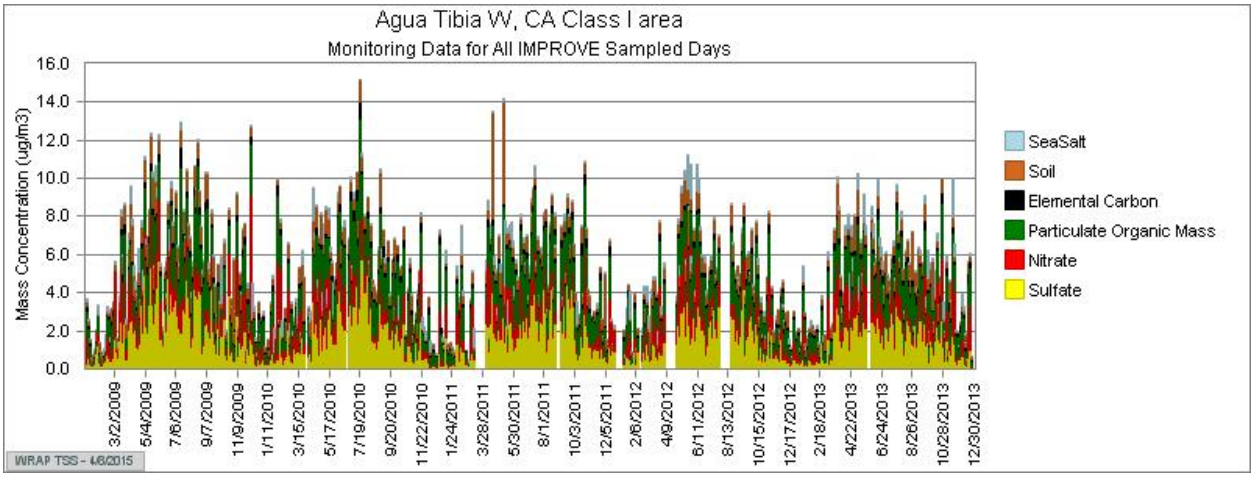


Figure E1-13

Southern California, Cucamonga Wilderness Station

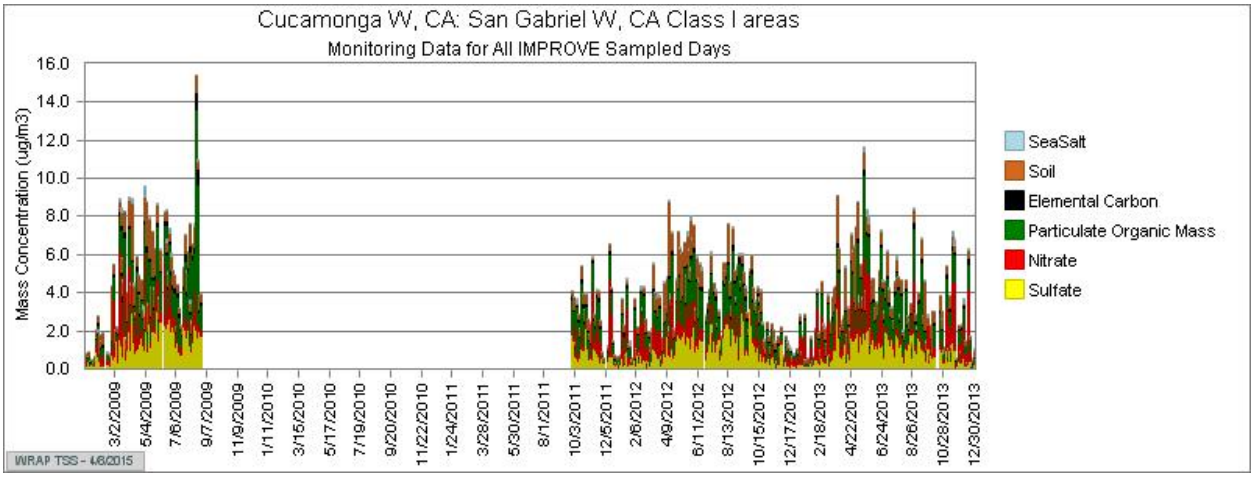


Figure E1-14

Southern California, Joshua Tree National Park Station

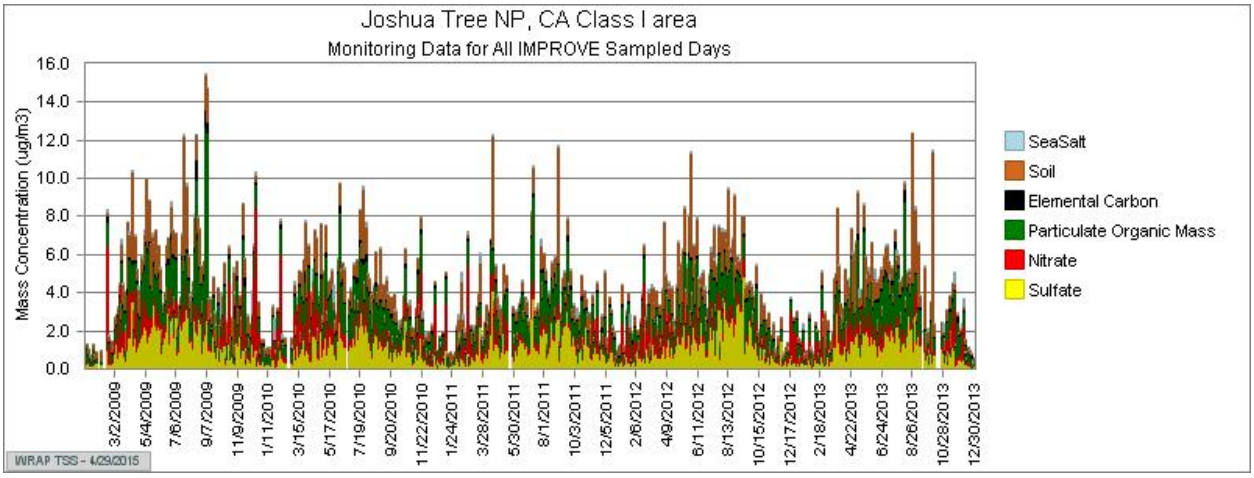
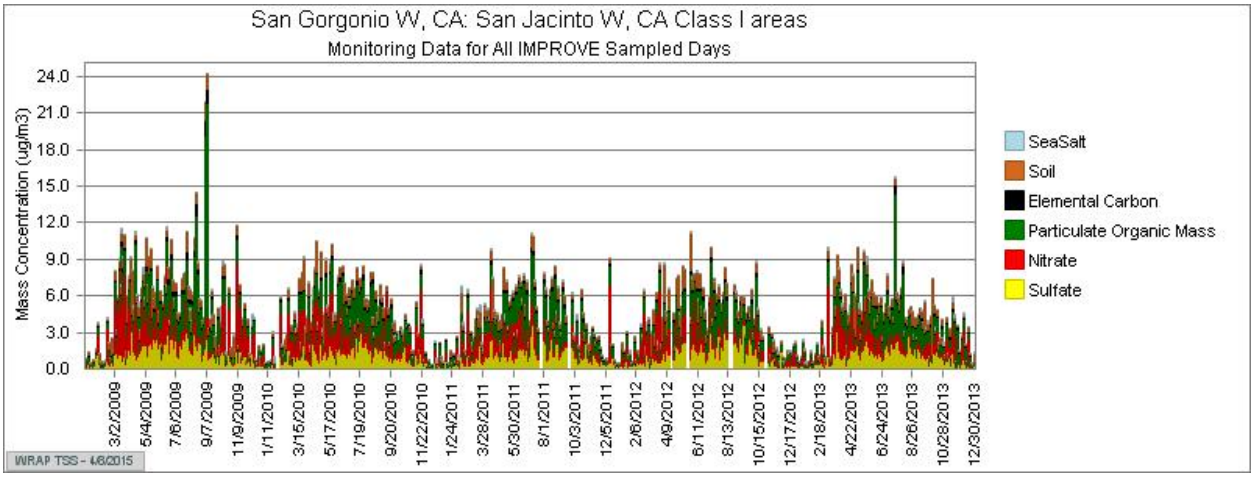


Figure E1-15

Southern California, San Gorgonio Wilderness Station



Central Idaho

Figure E1-16

Central Idaho, Anaconda-Pintler Wilderness Station

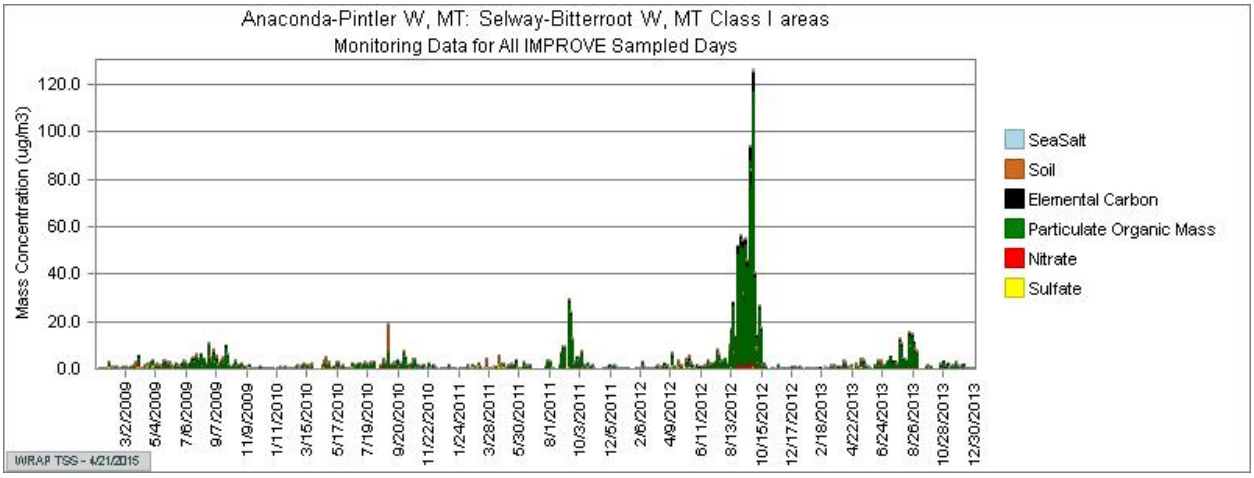
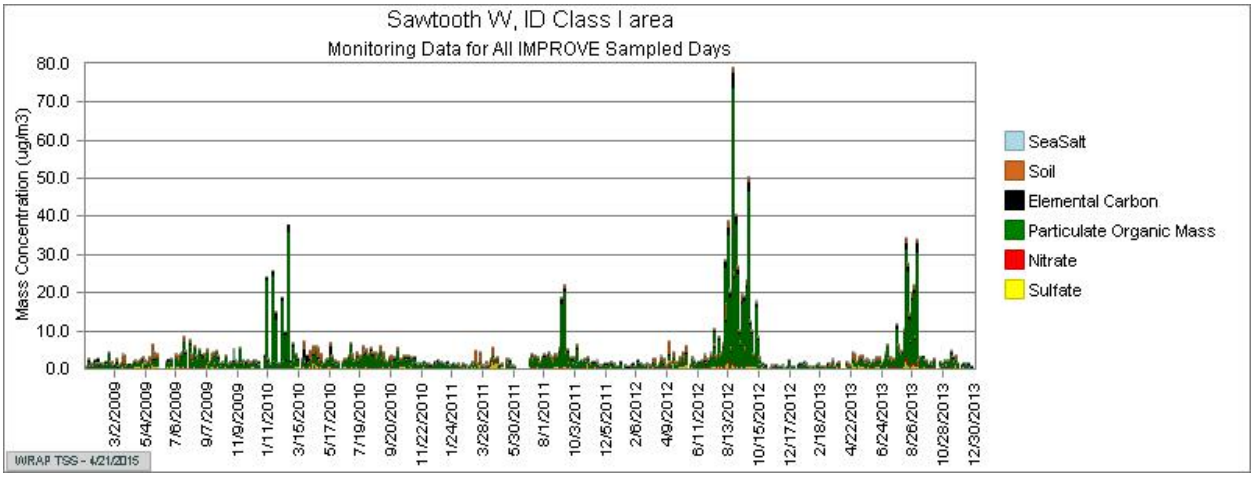


Figure E1-17

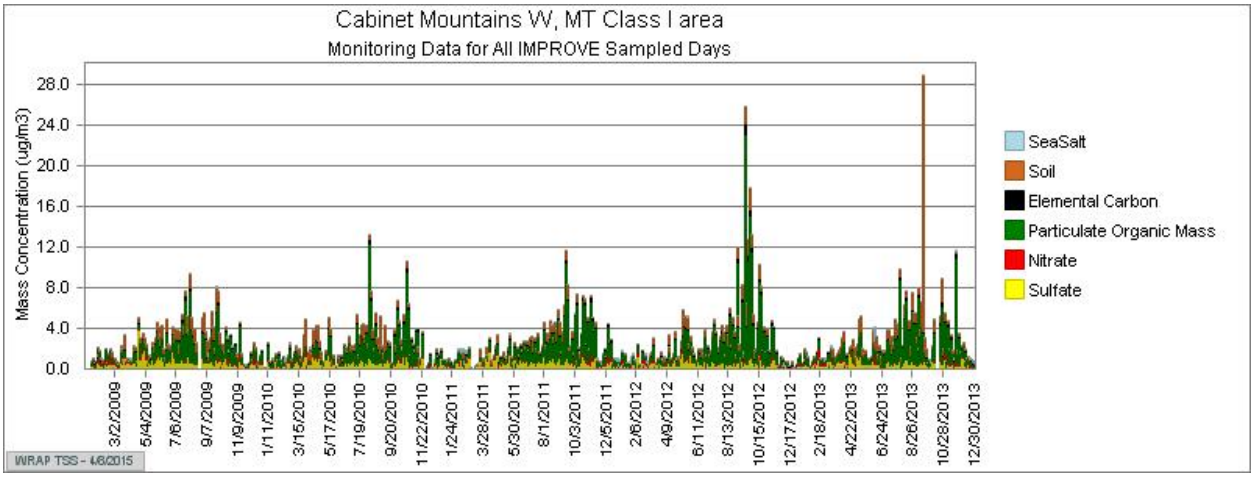
Central Idaho, Sawtooth Wilderness Station



Northern Idaho

Figure E1-18

Northern Idaho, Cabinet Mountains Wilderness Station



Southern New Mexico

Figure E1-19

Southern New Mexico, Bosque del Apache National Wildlife Refuge Station

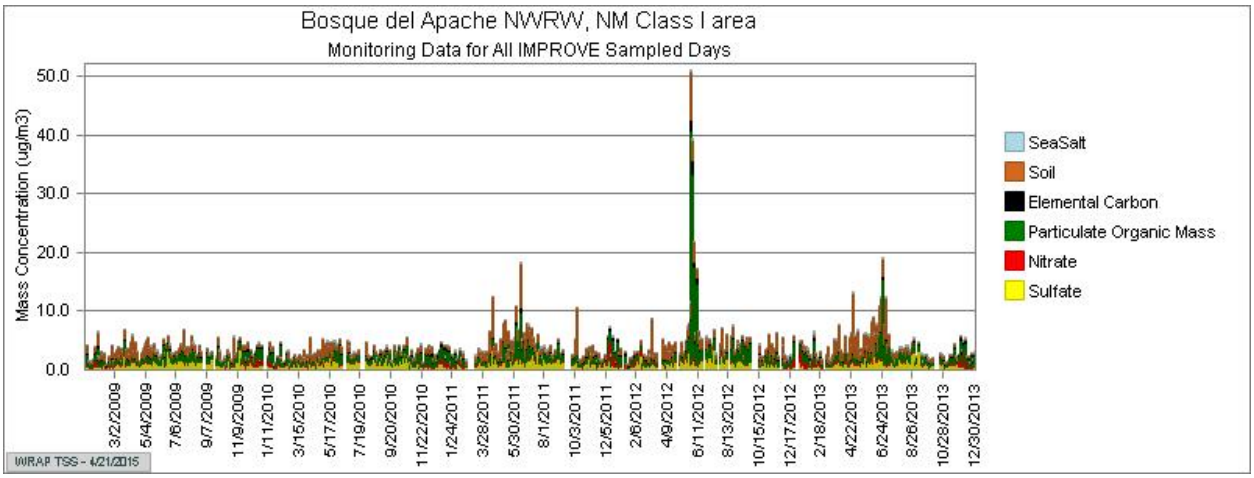


Figure E1-20

Southern New Mexico, Carlsbad Caverns Station

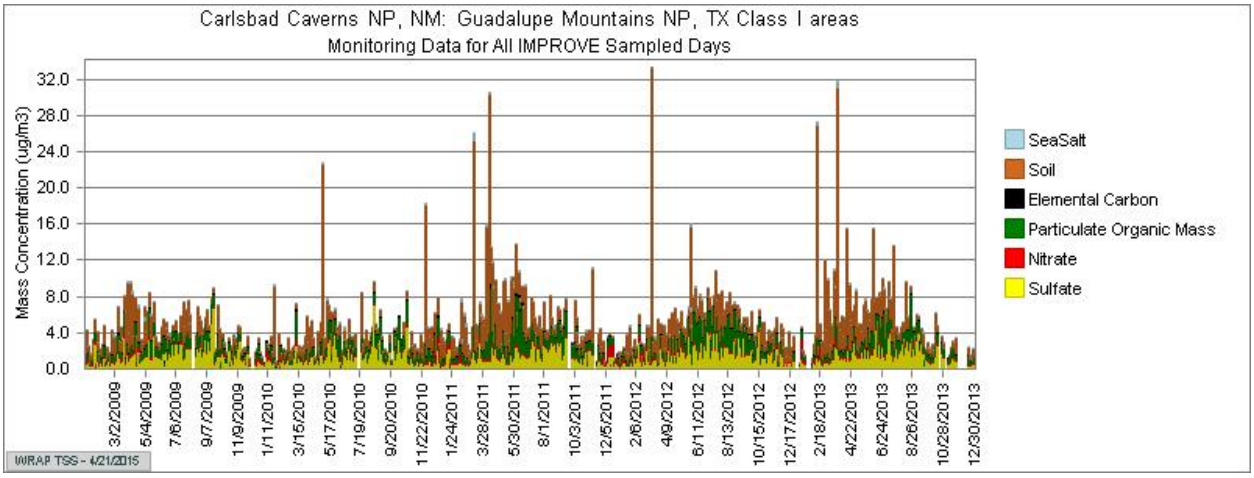


Figure E1-21

Southern New Mexico, Gila Wilderness Station

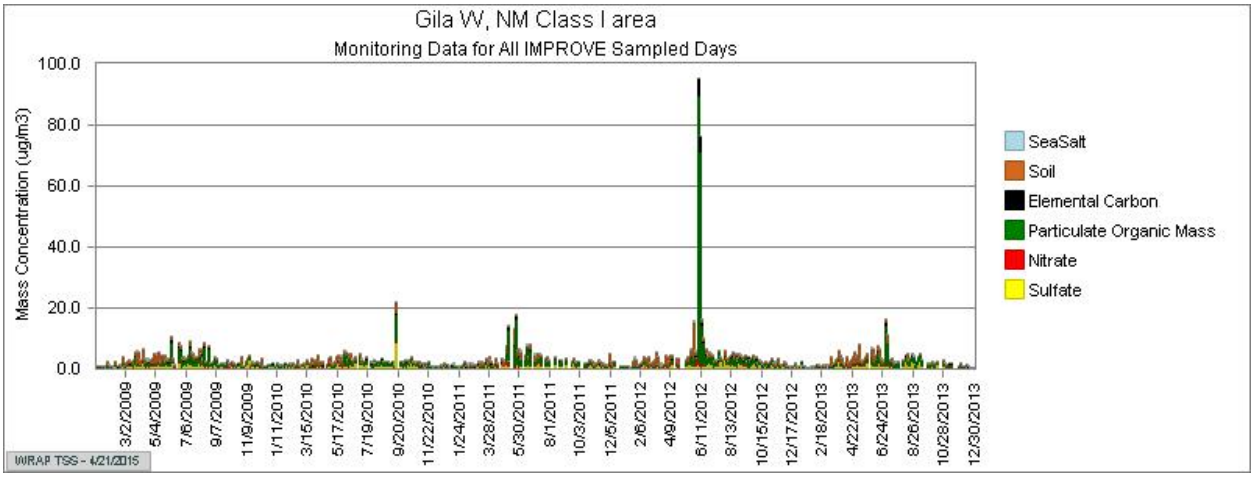
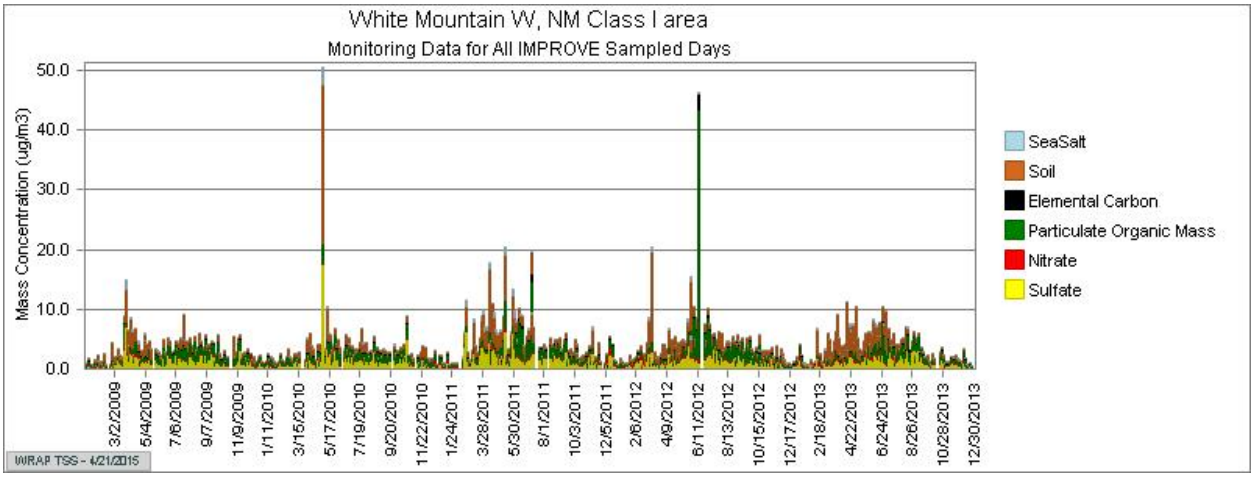


Figure E1-22

Southern New Mexico, White Mountain Wilderness Station



Attachment E2
$PM_{2.5}$ Monitor Data for the Period 2009-2014

Nonattainment Receptors

Imperial County, CA	60250005
Los Angeles – South Coast Air Basin, CA	
Los Angeles County	60371002, 60371103, 60371302, and 60371602
Riverside County	60658001 and 60658005
San Bernardino County	60710025 and 60712002
Plumas County, CA	60631009 and 60631010
San Joaquin Valley Air Basin, CA	
Fresno County	60190011 and 60195001
Kern County	60290014 and 60290016
Kings County	60311004
Madera County	60392010
Merced County	60470003
San Joaquin County	60771002
Stanislaus County	60990005 and 60990006
Tulare County	61072002
Shoshone County, ID	160790017

Other Sensitive Receptors (i.e., "Maintenance" Receptors)

Pinal County, AZ	40213013
San Bernardino County, CA	60719004
San Diego County, CA	60730003 and 60731002
Lemhi County, ID	160590004
Doña Ana County, NM	350130017

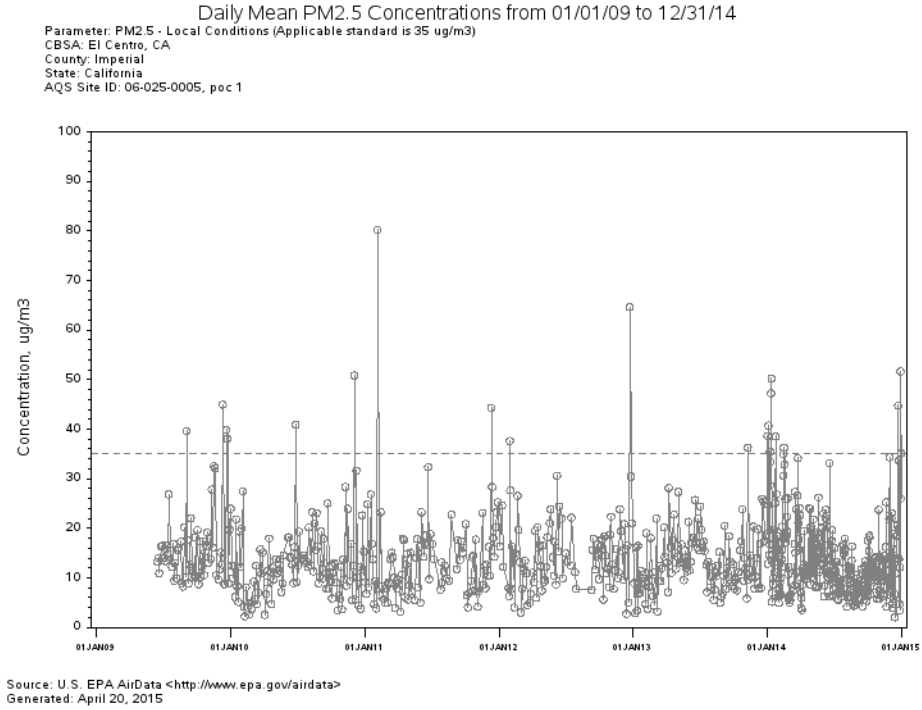
Data can be downloaded from AirData website: http://www.epa.gov/airdata/ad_viz_plotval.html

Nonattainment Receptors

Imperial County, CA

Figure E2-1

$PM_{2.5}$ Data for 60250005 Site, Imperial County, CA



Los Angeles–South Coast Air Basin, CA

Los Angeles County

Figure E2-2

$PM_{2.5}$ Data for 60371002 Site, Los Angeles County, CA

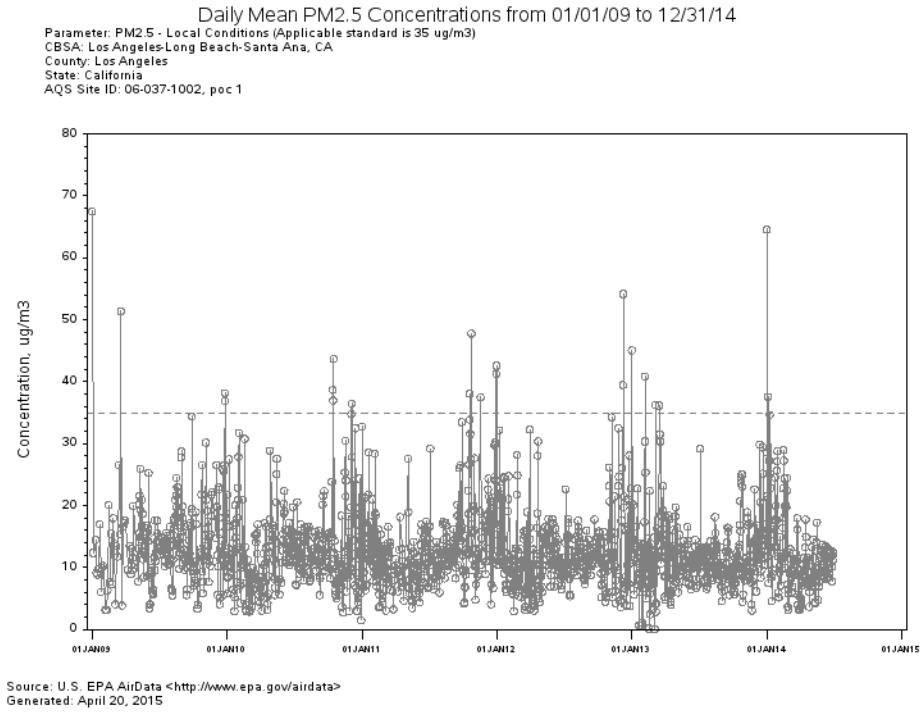


Figure E2-3

$PM_{2.5}$ Data for 60371103 Site, Los Angeles County, CA

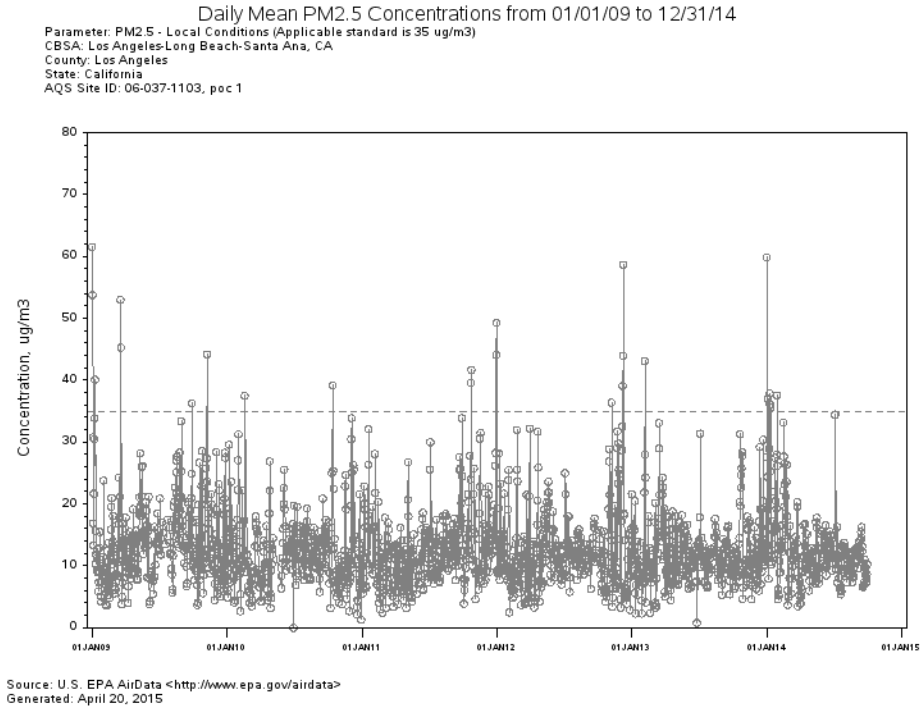


Figure E2-4

PM$_{2.5}$ Data for 60371302 Site, Los Angeles County, CA

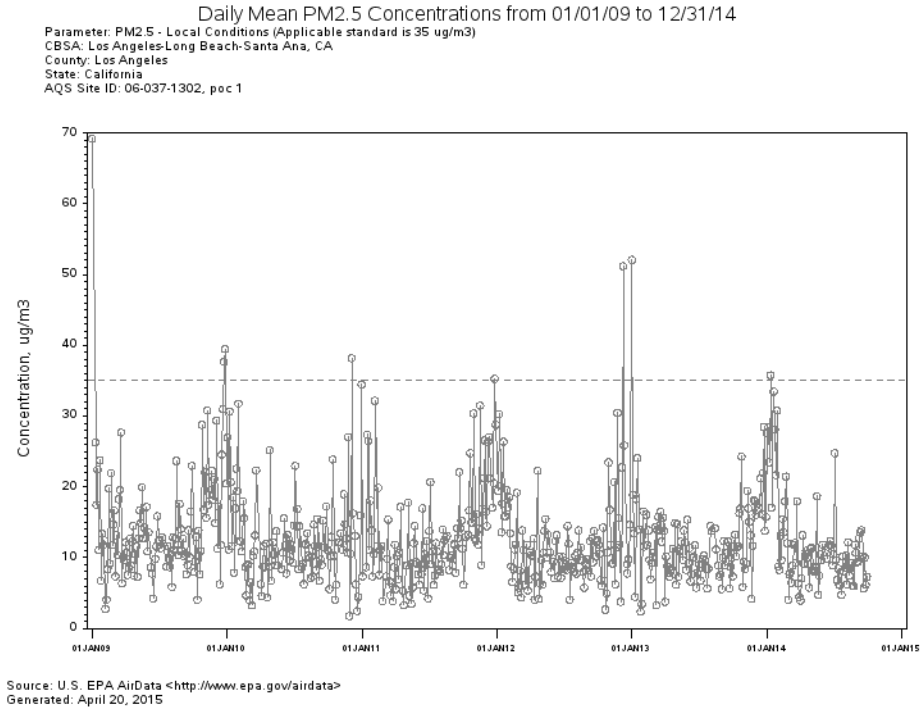


Figure E2-5

PM$_{2.5}$ Data for 603371302 Site, Los Angeles County, CA

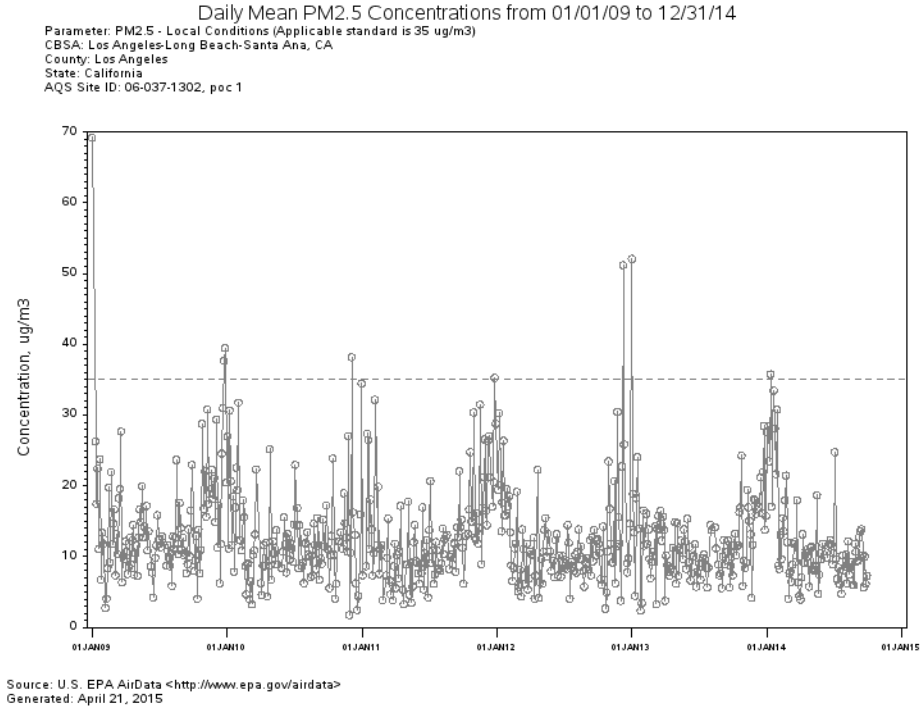
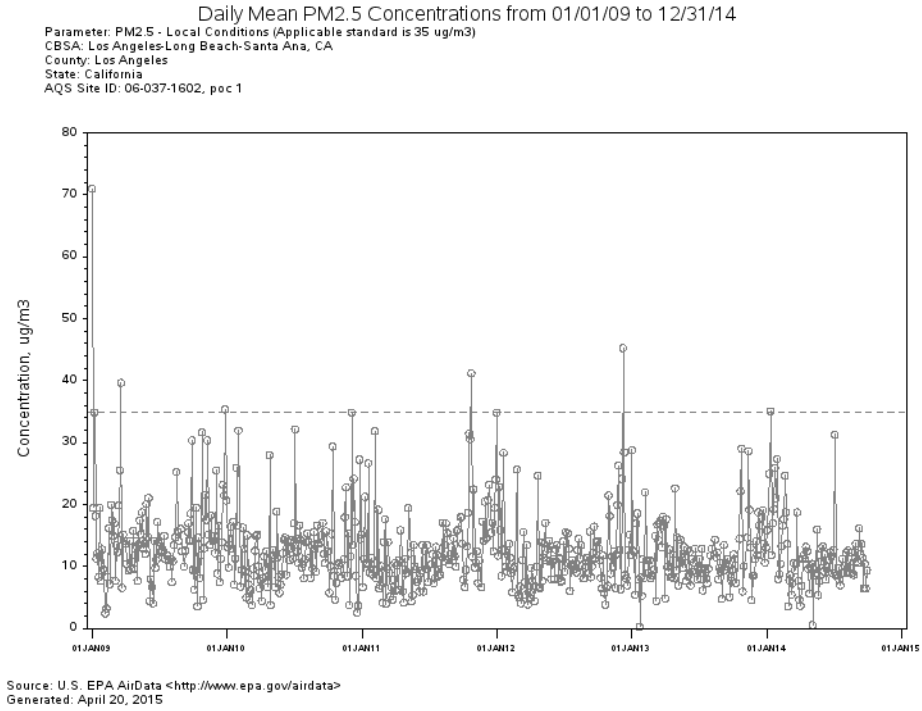


Figure E2-6

$PM_{2.5}$ Data for 60371602 Site, Los Angeles County, CA



Riverside County

Figure E2-7

PM$_{2.5}$ Data for 60658001 Site, Riverside County, CA

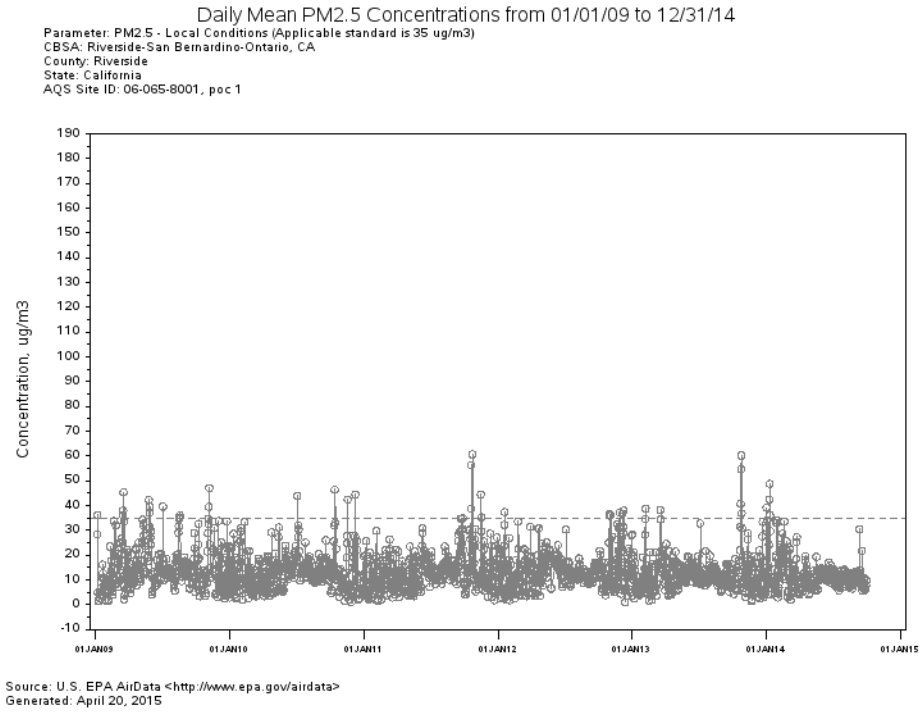
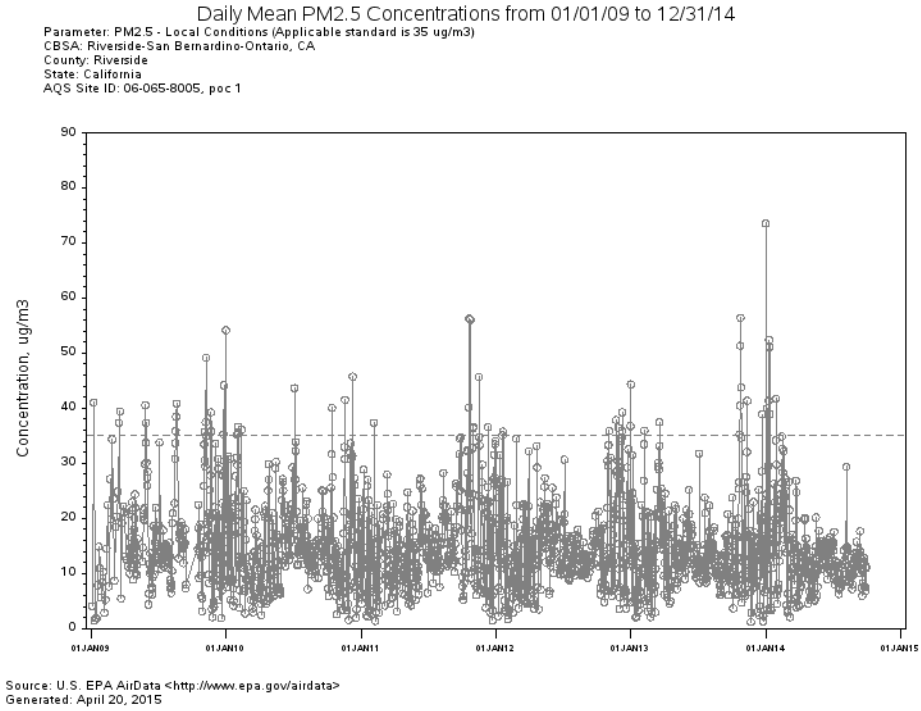


Figure E2-8

PM$_{2.5}$ Data for 60658005 Site, Riverside County, CA



San Bernardino County

Figure E2-9

$PM_{2.5}$ Data for 60710025 Site, San Bernardino County, CA

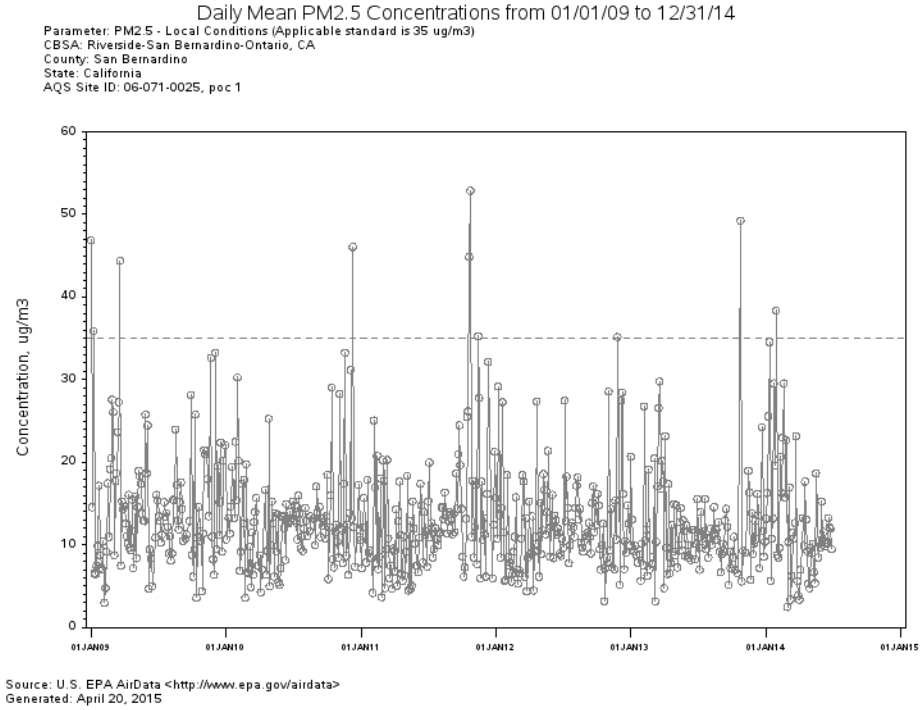
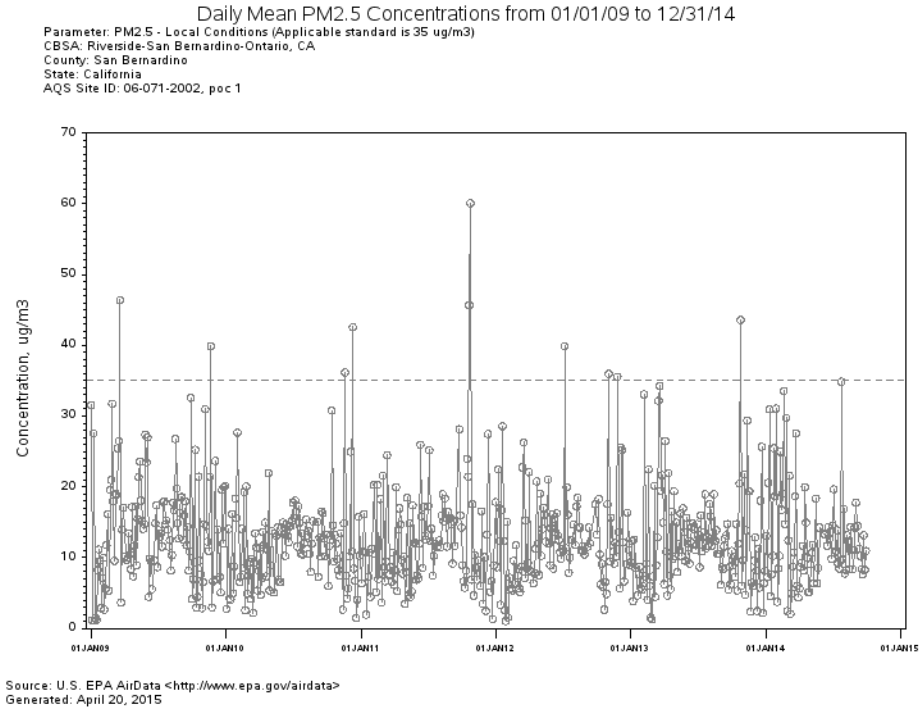


Figure E2-10

$PM_{2.5}$ Data for 60712002 Site, San Bernardino County, CA



Plumas County, CA

Figure E2-11

PM2.5 Data for 060631009 Site, Plumas County, CA

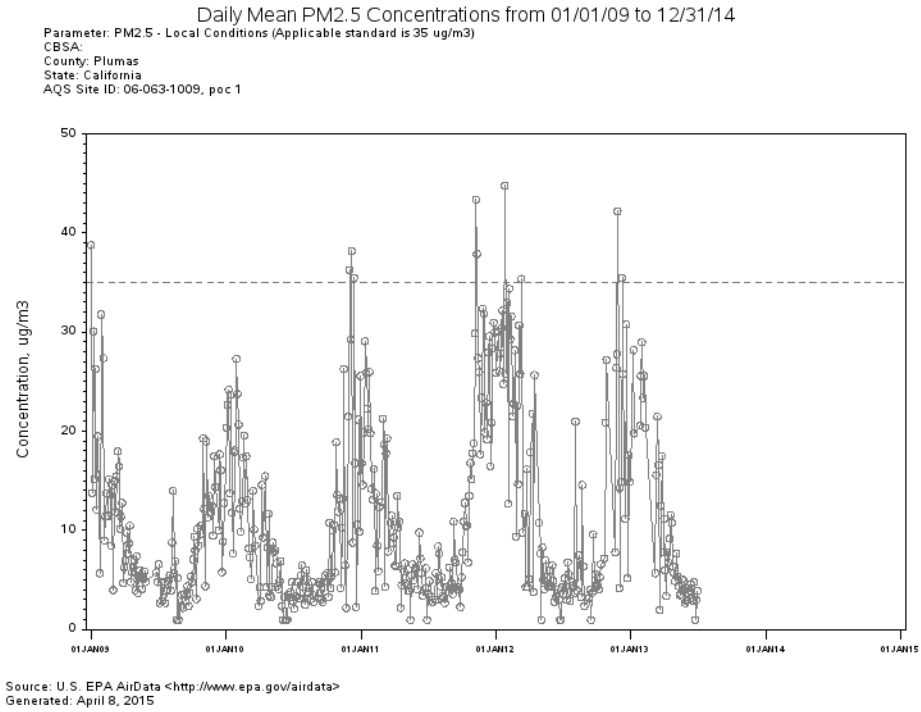
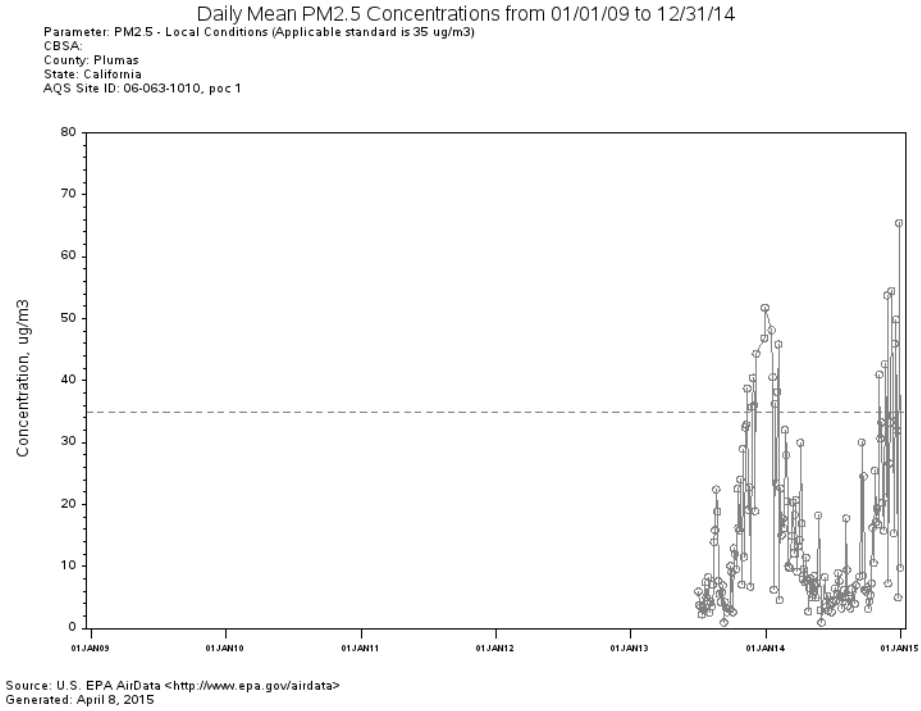


Figure E2-12

PM2.5 Data for 060631010 Site, Plumas County, CA



San Joaquin Valley Air Basin, CA

Fresno County

Figure E2-13

$PM_{2.5}$ Data for 060190011 Site, Fresno County, CA

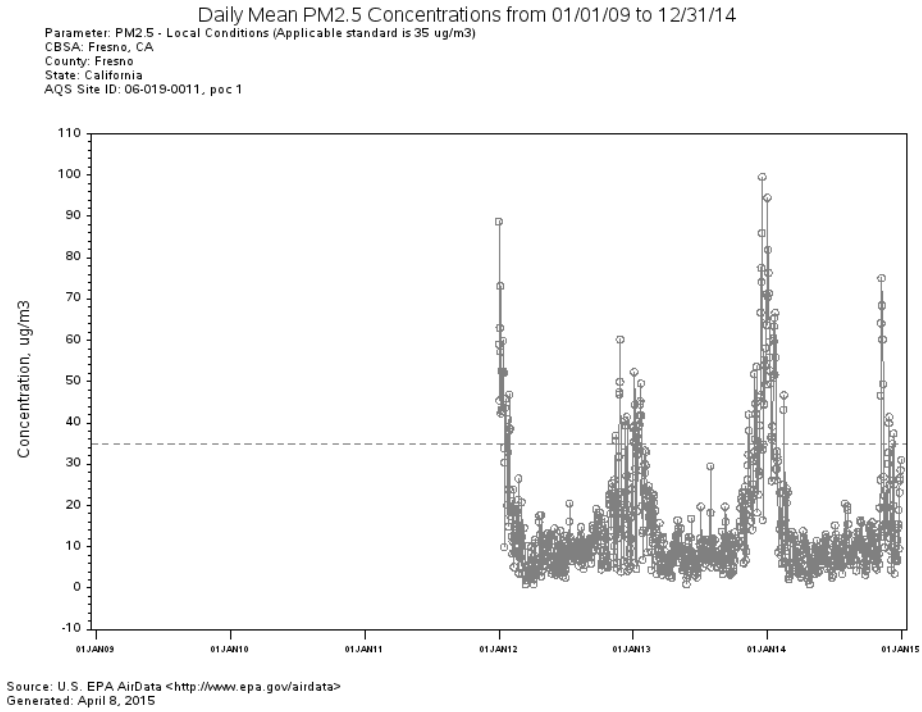
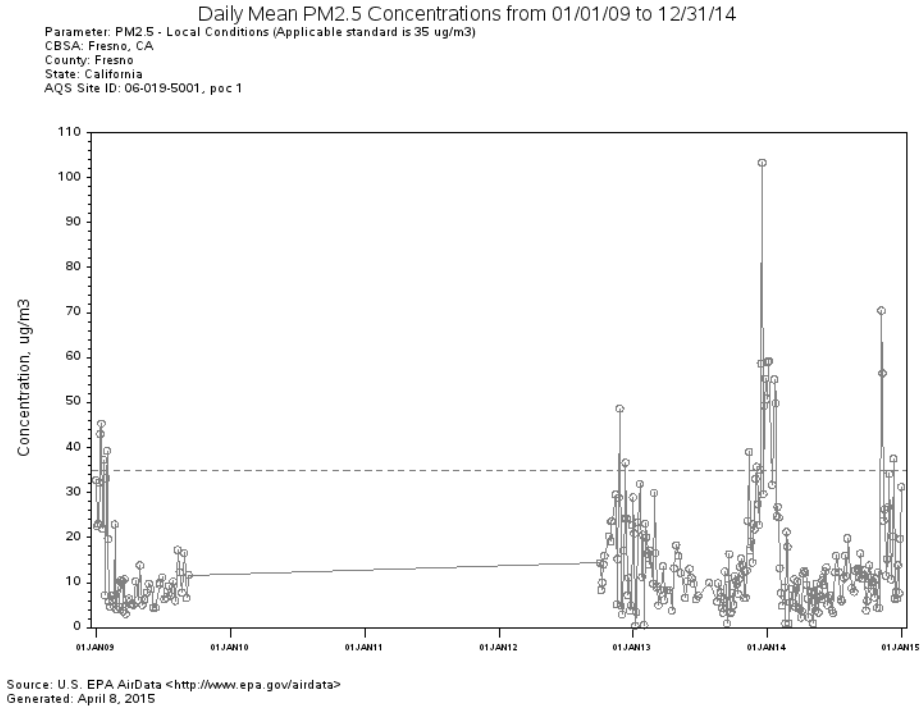


Figure E2-14

$PM_{2.5}$ Data for 060195001 site, Fresno County, CA



Kern County

Figure E2-15

PM$_{2.5}$ Data for 60290014 Site, Kern County, CA

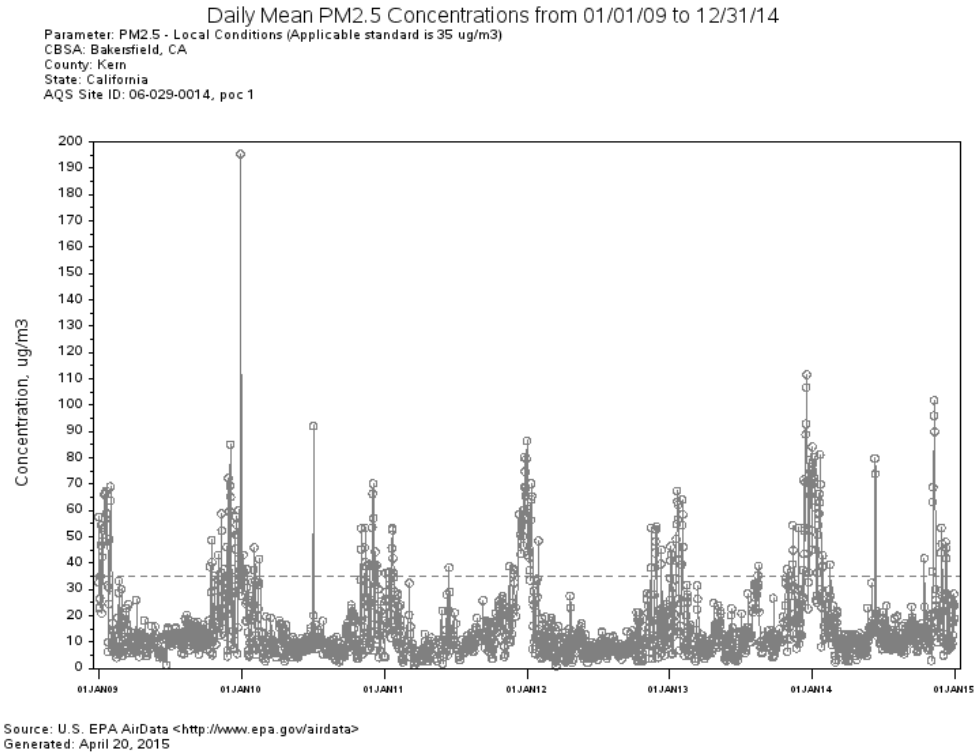
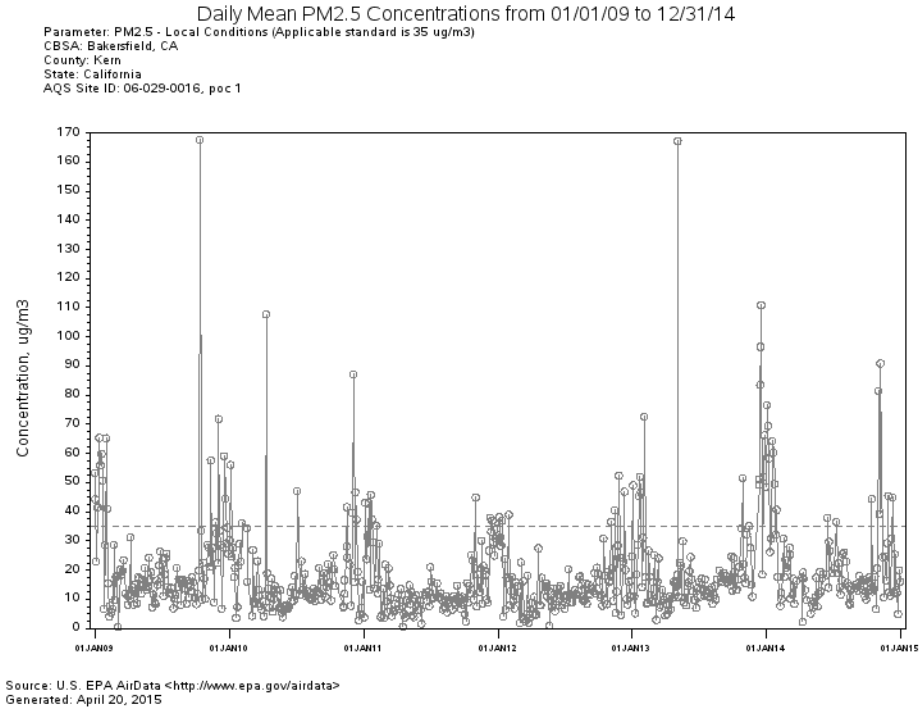


Figure E2-16

PM$_{2.5}$ Data for 60290016 Site, Kern County, CA



Kings County

Figure E2-17

PM$_{2.5}$ Data for 60310004 Site, Kings County, CA

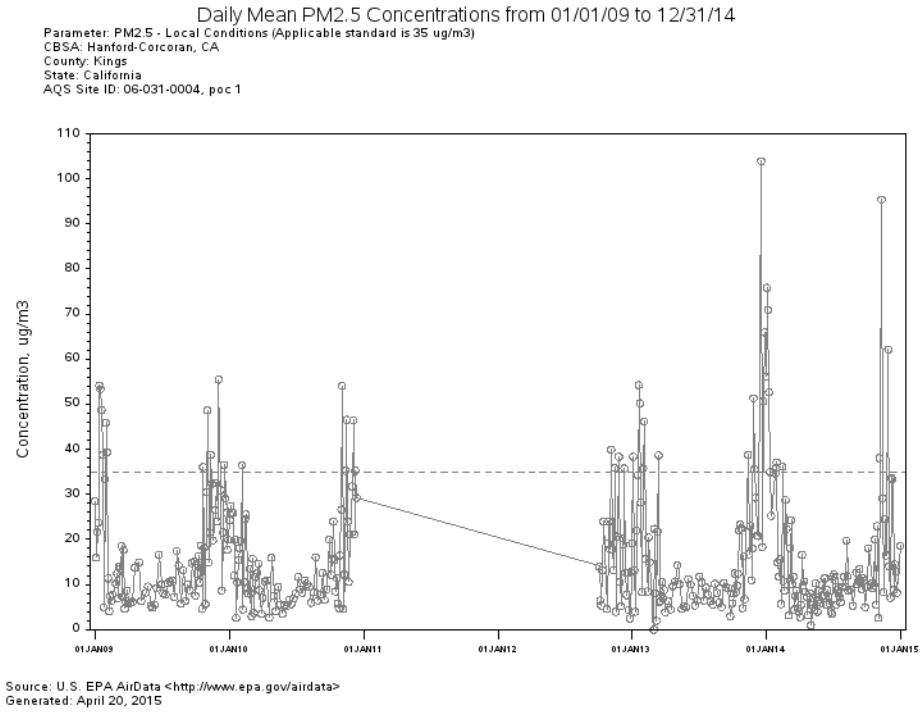
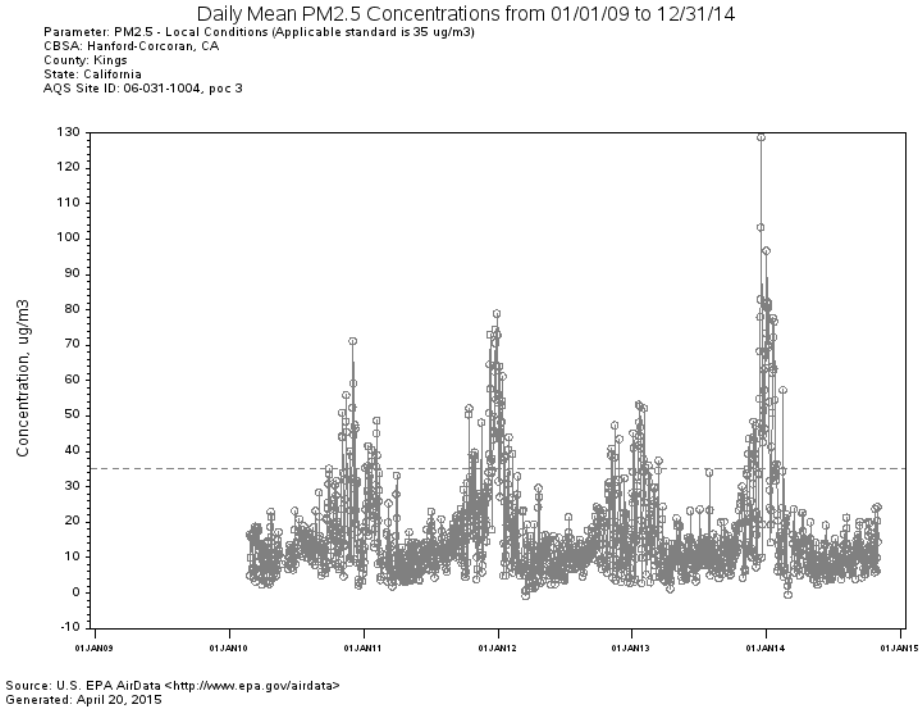


Figure E2-18

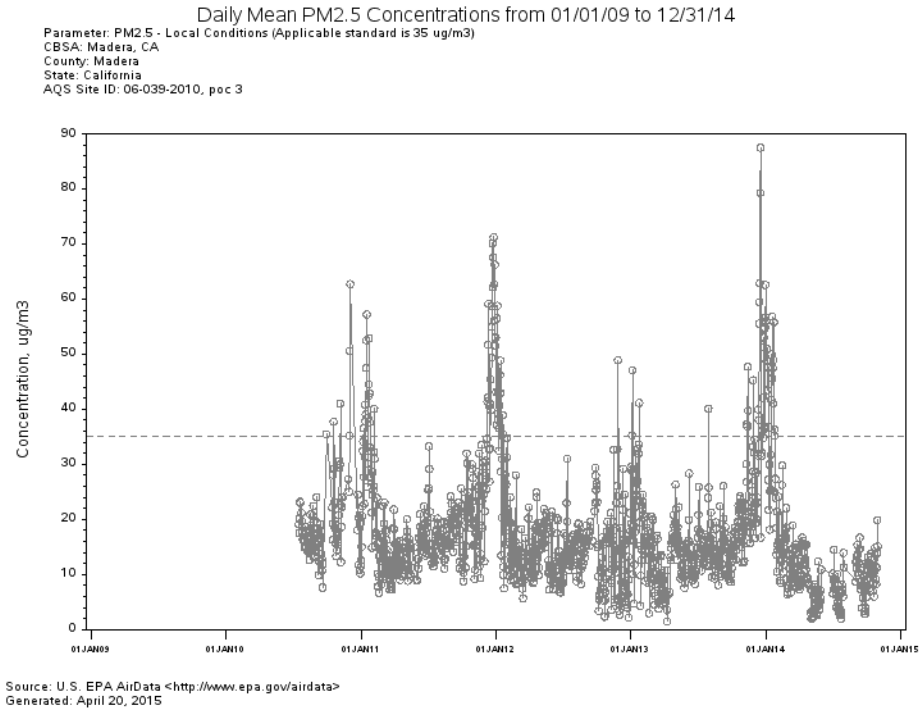
PM$_{2.5}$ Data for 60311004 Site, Kings County, CA



Madera County

Figure E2-19

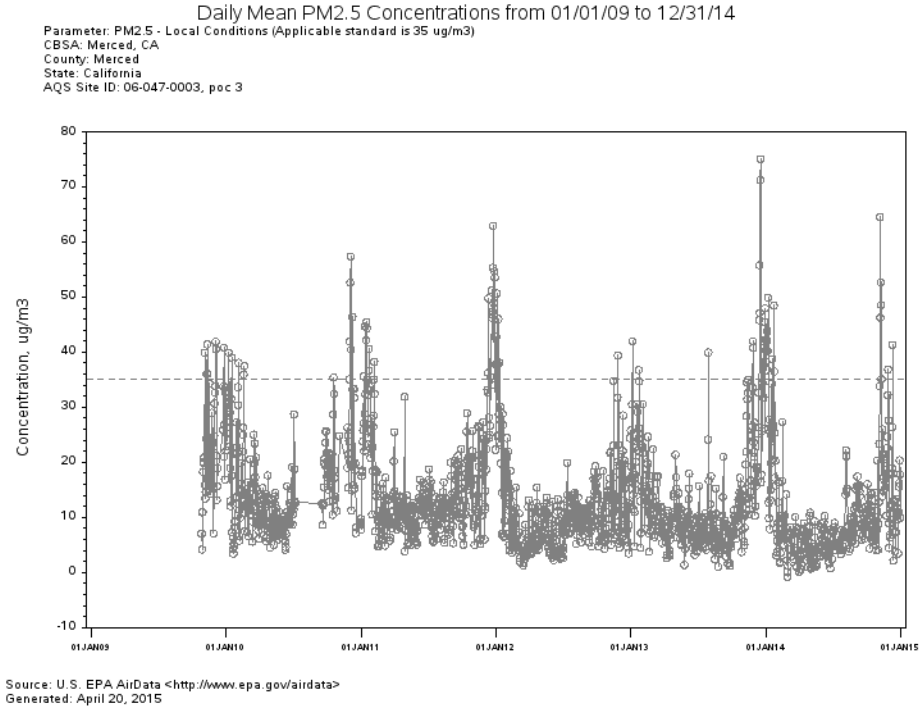
$PM_{2.5}$ Data for 60392010 Site, Madera County, CA



Merced County

Figure E2-20

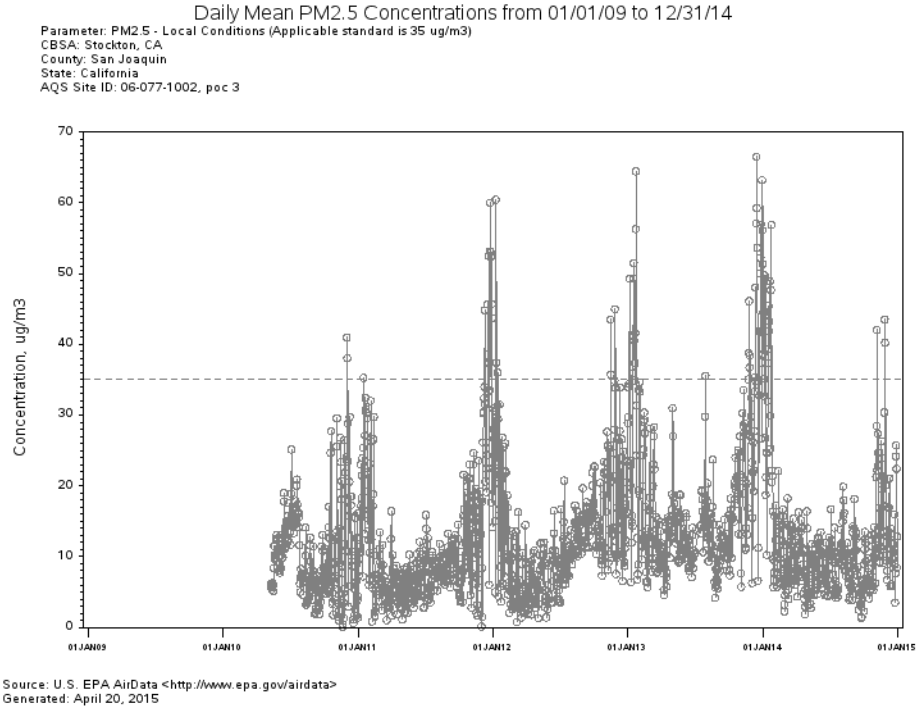
$PM_{2.5}$ Data for 60470003 Site, Merced County, CA



San Joaquin County

Figure E2-21

$PM_{2.5}$ Data for 60771002 Site, San Joaquin County, CA



Stanislaus County

Figure E2-22

$PM_{2.5}$ Data for 60990005 Site, Stanislaus County, CA

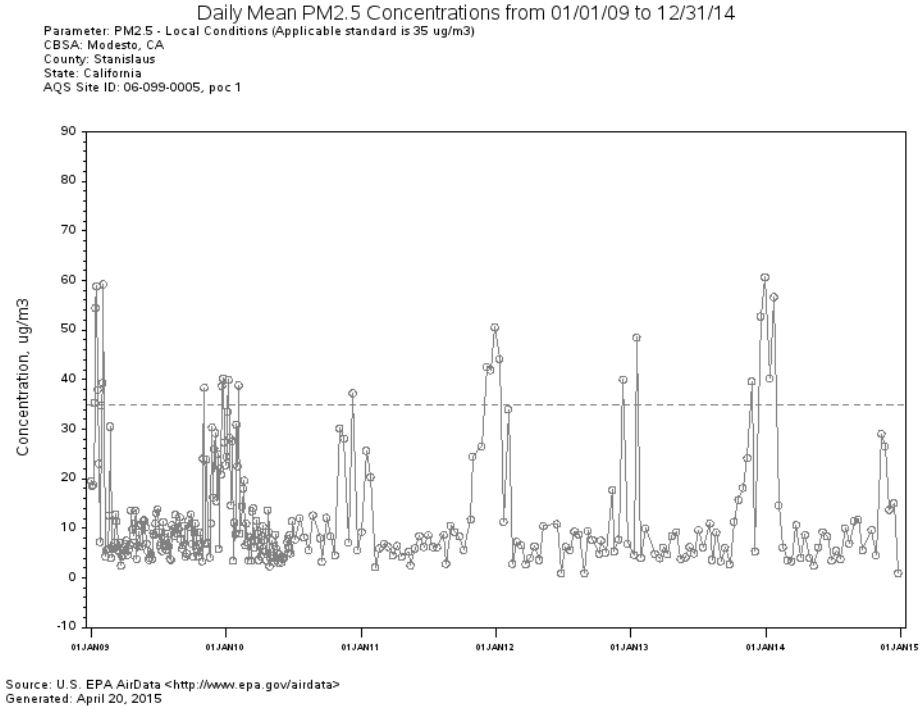
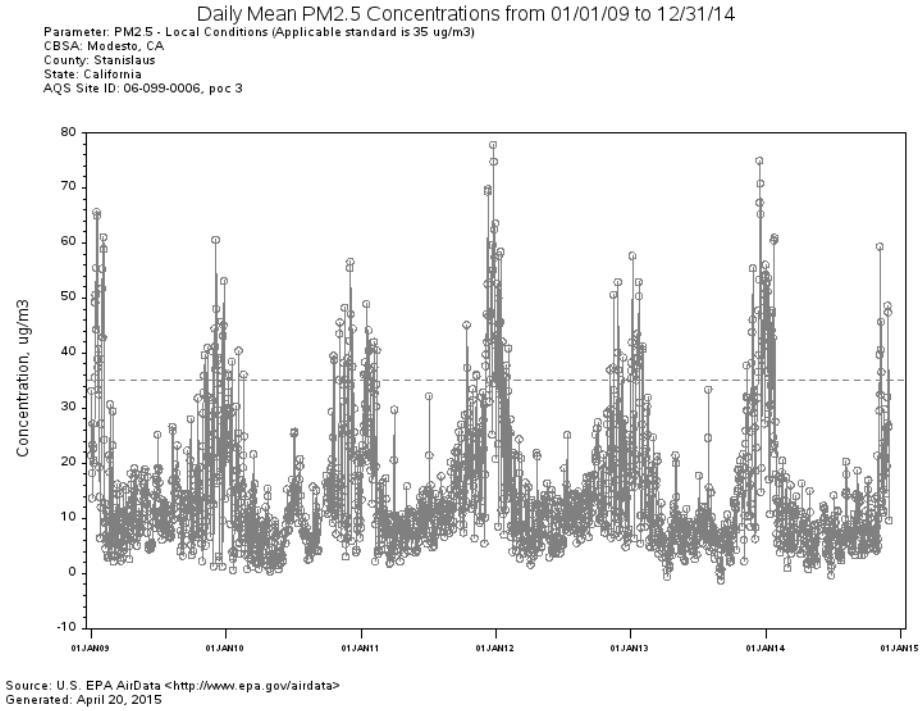


Figure E2-23

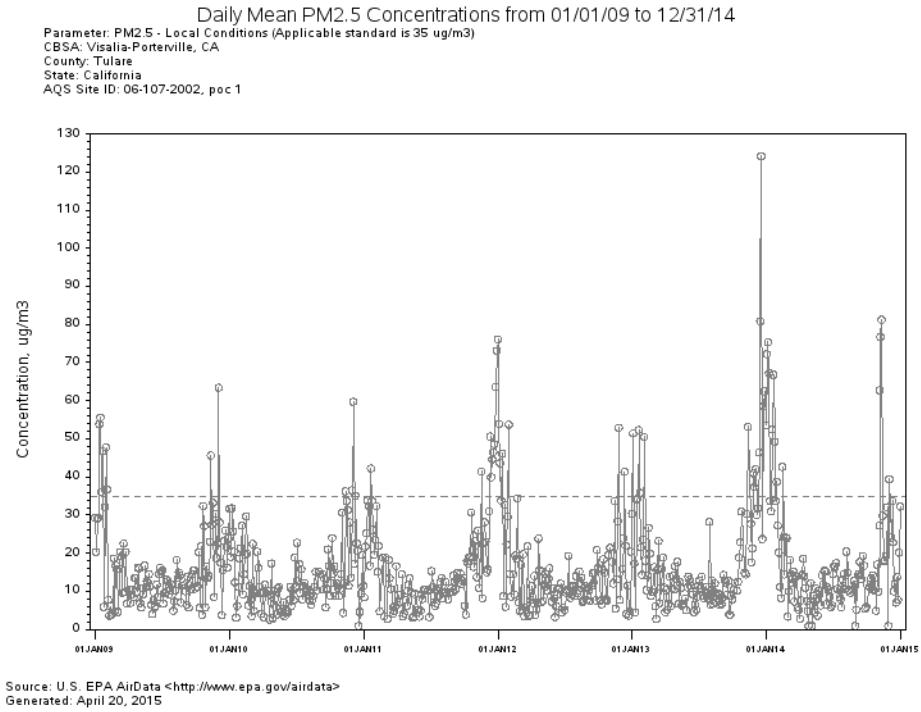
$PM_{2.5}$ Data for 60990006 site, Stanislaus County, CA



Tulare County

Figure E2-24

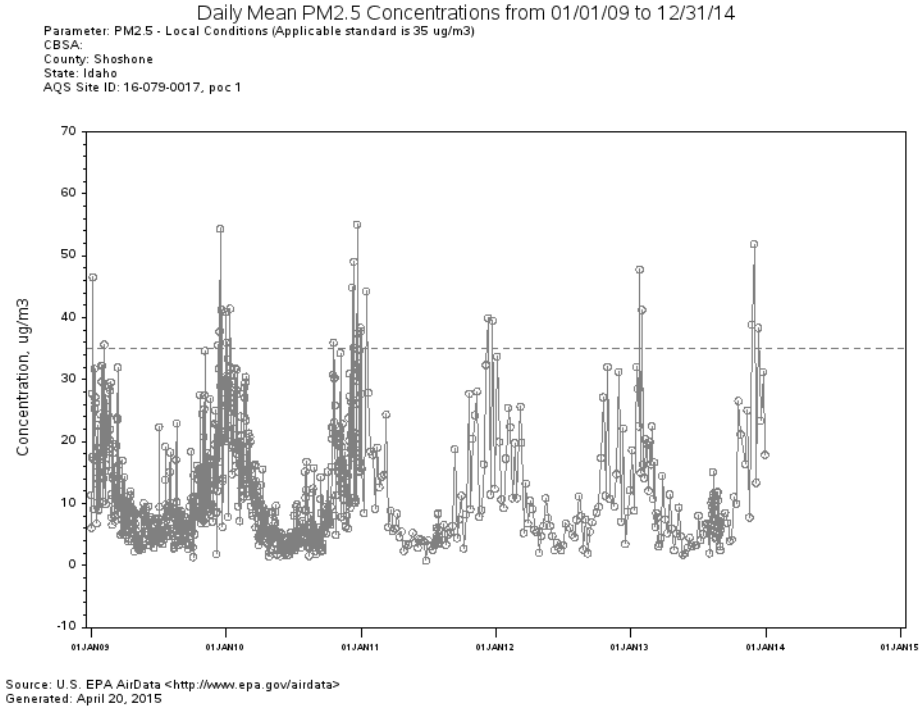
$PM_{2.5}$ Data for 61072002 Site, Tulare County, CA



Shoshone County, ID

Figure E2-25

$PM_{2.5}$ Data for 160790017 Site, Shoshone County, ID

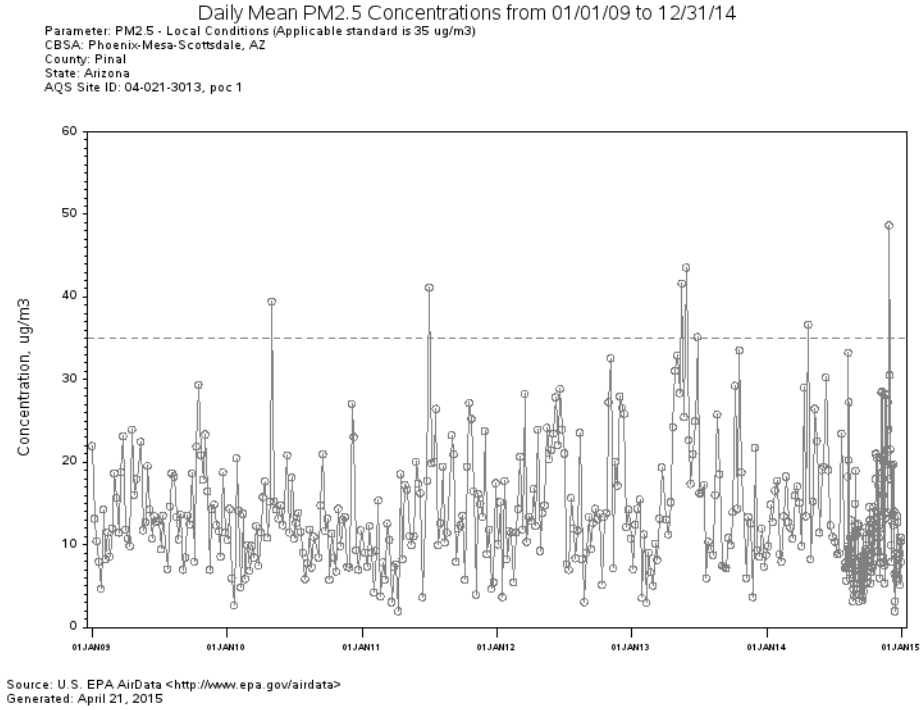


Other Sensitive Receptors (i.e., "Maintenance" Receptors)

Pinal County, AZ

Figure E2-26

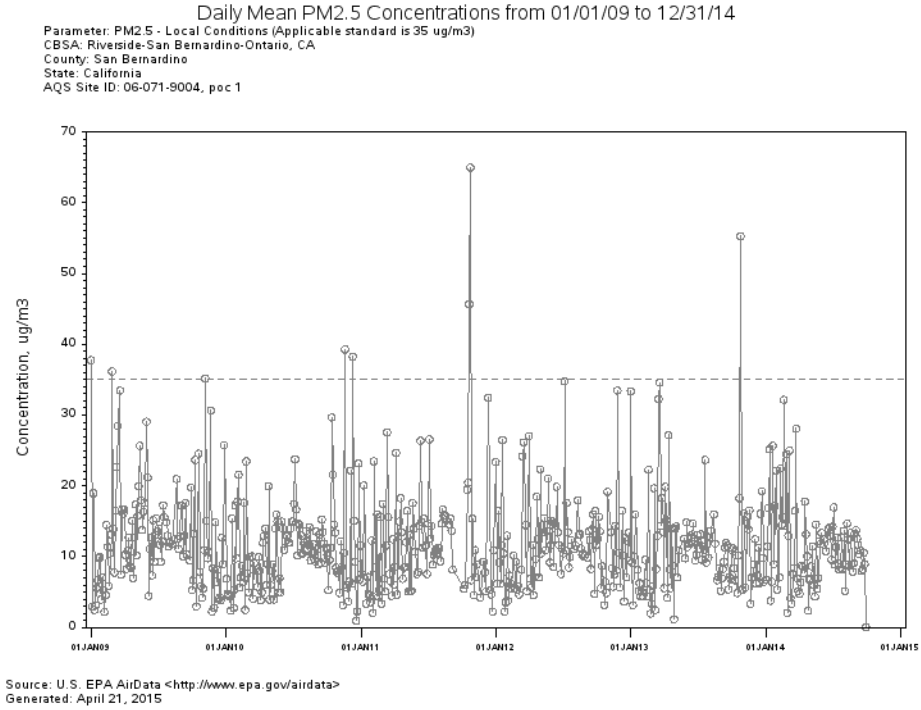
$PM_{2.5}$ Data for 40213013 Site, Pinal County, AZ



San Bernardino County, CA

Figure E2-27

PM$_{2.5}$ Data for 60719004 Site, San Bernardino County, CA



San Diego County, CA

Figure E2-28

PM$_{2.5}$ Data for 60730003 Site, San Diego County, CA

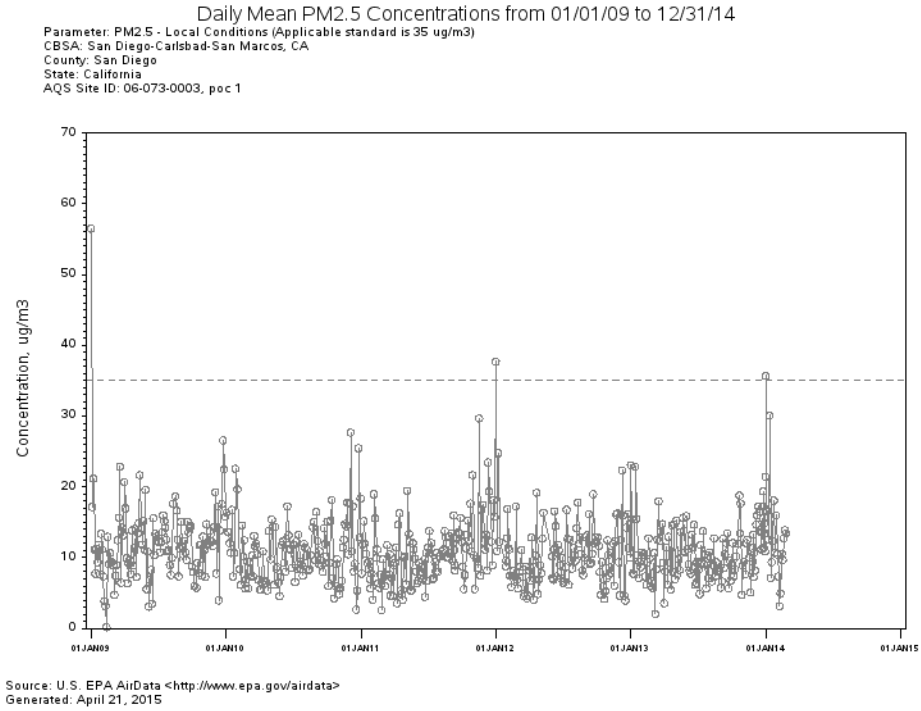
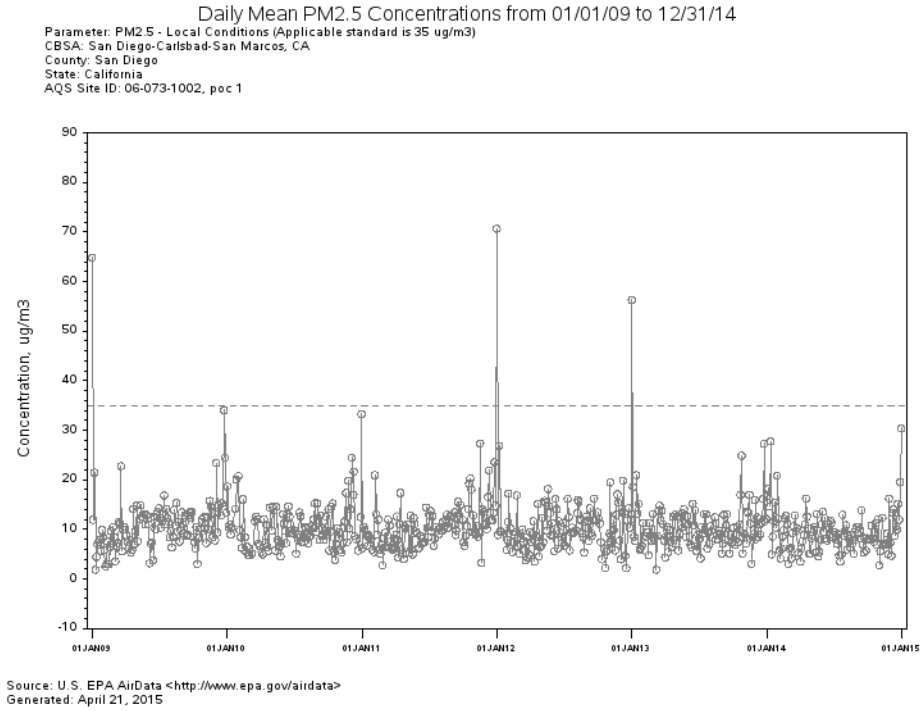


Figure E2-29

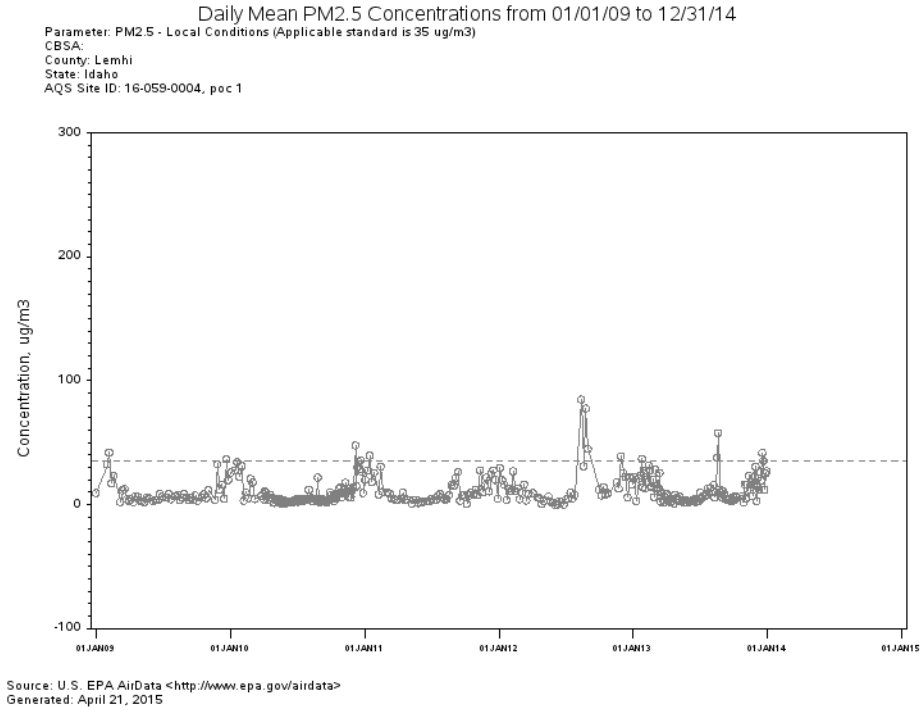
$PM_{2.5}$ Data for 60731002 Site, San Diego County, CA



Lemhi County, ID

Figure E2-30

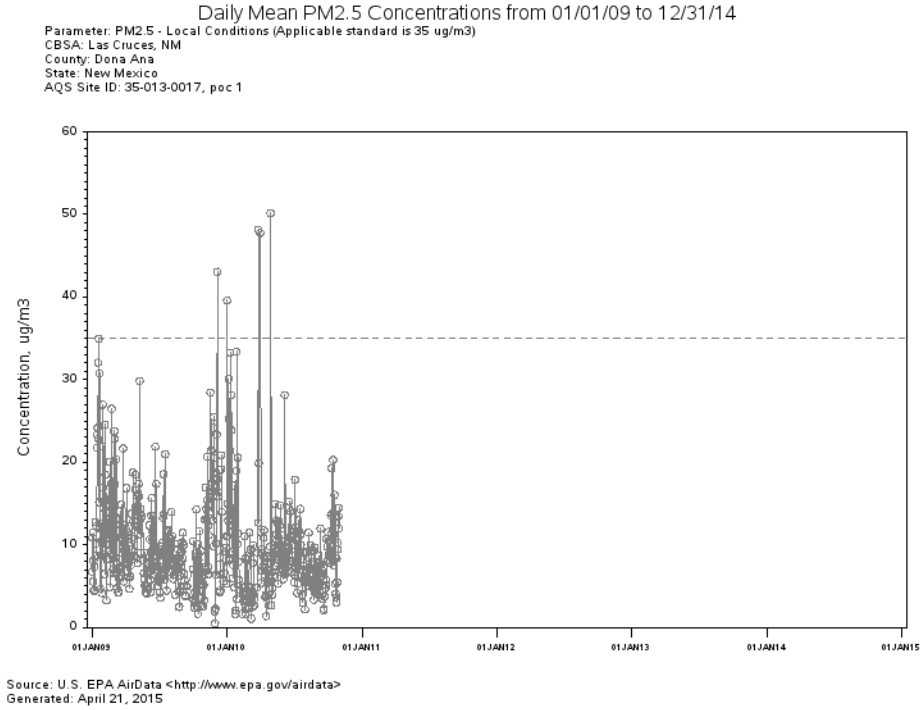
$PM_{2.5}$ Data for 160590004 Site, Lemhi County, ID



Doña Ana County, NM

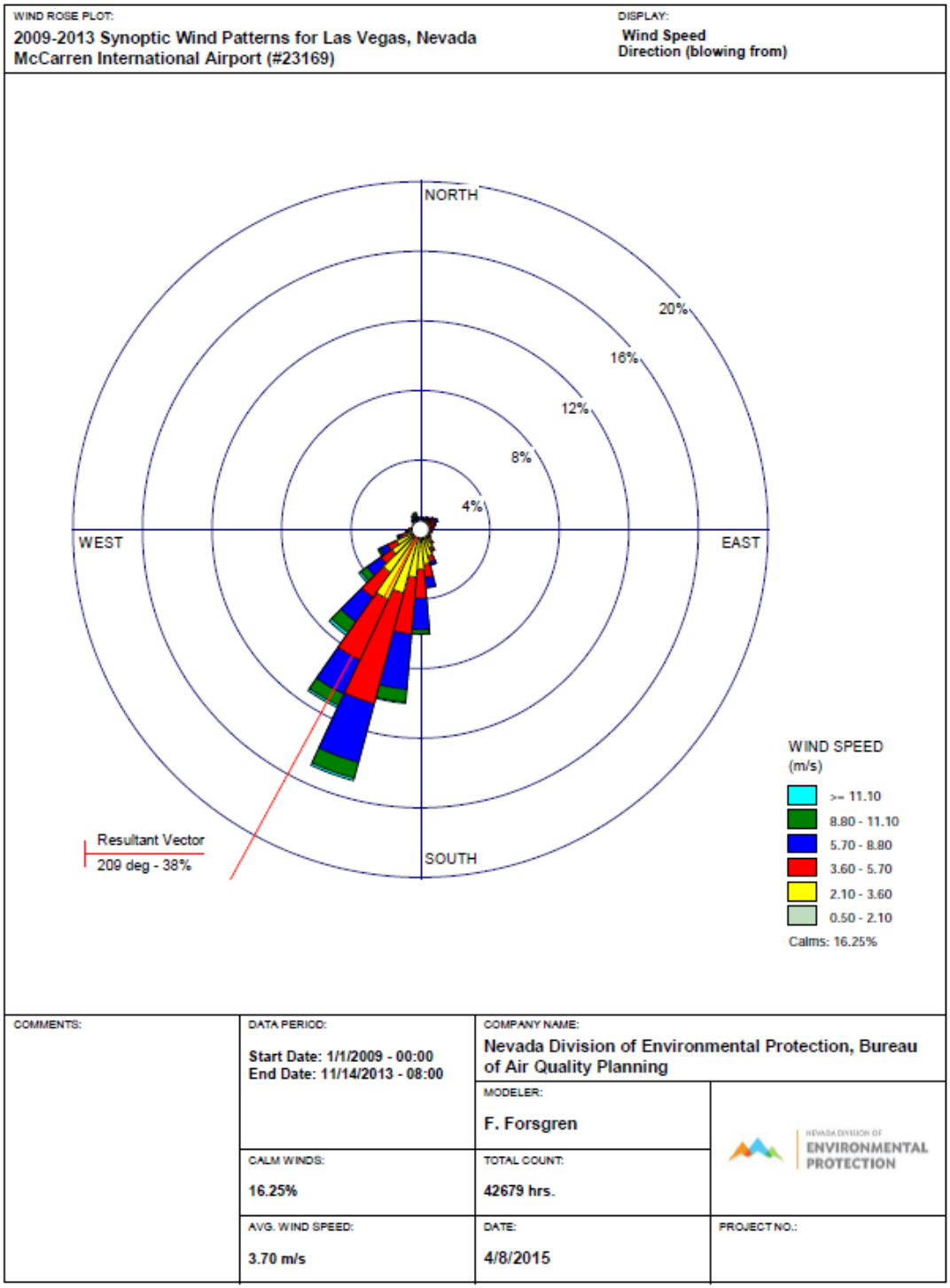
Figure E2-31

$PM_{2.5}$ Data for 350130017 Site, Doña Ana County, NM



Attachment E3
Wind Roses for Nevada Metropolitan Areas

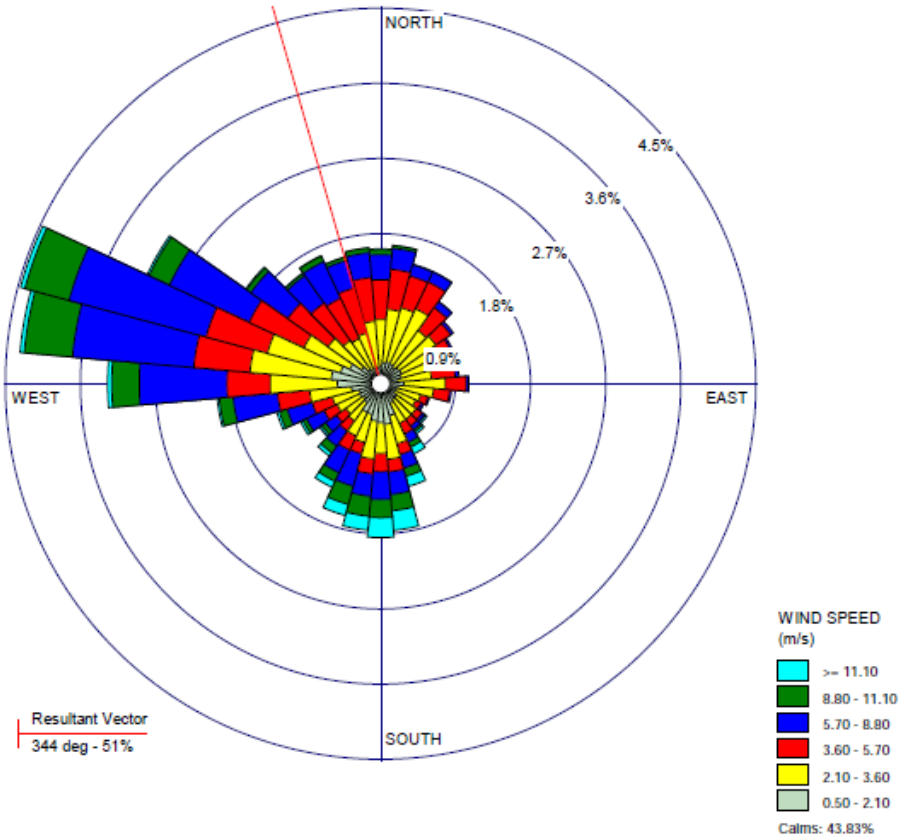
Las Vegas Wind Rose



Reno Wind Rose

WIND ROSE PLOT:
2009-2013 Synoptic Wind Patterns for Reno, Nevada
Reno/Cannon International Airport (#23185)

DISPLAY:
Wind Speed
Direction (blowing from)



COMMENTS:	DATA PERIOD:	COMPANY NAME:	
	Start Date: 1/1/2009 - 00:00 End Date: 12/31/2013 - 23:00	Bureau of Air Quality Planning	
		MODELER: F. Forsgren	NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
	CALM WINDS: 43.83%	TOTAL COUNT: 43802 hrs.	
	AVG. WIND SPEED: 2.44 m/s	DATE: 4/8/2015	PROJECT NO.:

WRPLOT View - Lakes Environmental Software

Attachment E4
2011 $PM_{2.5}$ Emission Data

$PM_{2.5}$ emissions data from the USEPA's 2011 National Emissions Inventory v2 are presented for each state and county with a sensitive receptor as listed below. The data is available from: http://www.epa.gov/cgi-bin/broker?polchoice=PM&_debug=0&_service=data&_program=dataprog.national_1.sas

Arizona

Pinal County, AZ

California

Fresno County
Imperial County
Kern County
Kings County
Los Angeles
Madera County
Merced County
Plumas County

Riverside County

San Bernardino County
San Diego County
San Joaquin County
Stanislaus County
Tulare County

Idaho

Lemhi County
Shoshone County

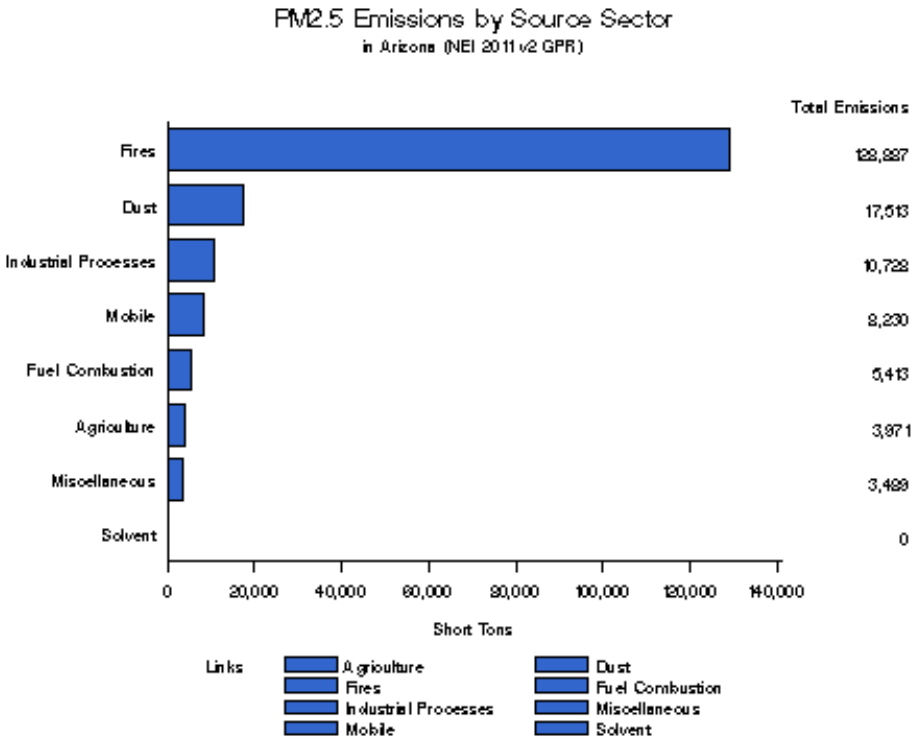
Nevada

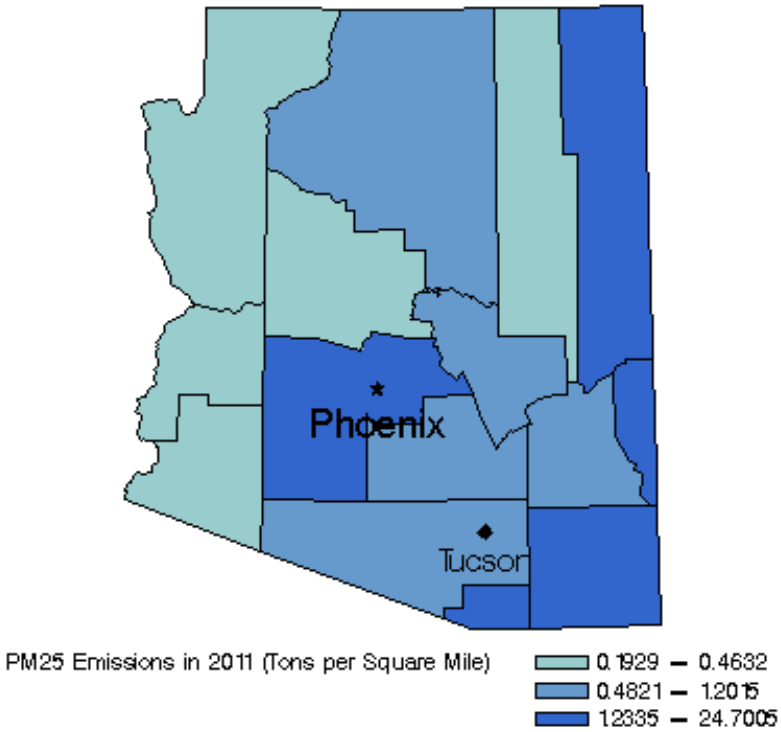
Clark County
Washoe County

New Mexico

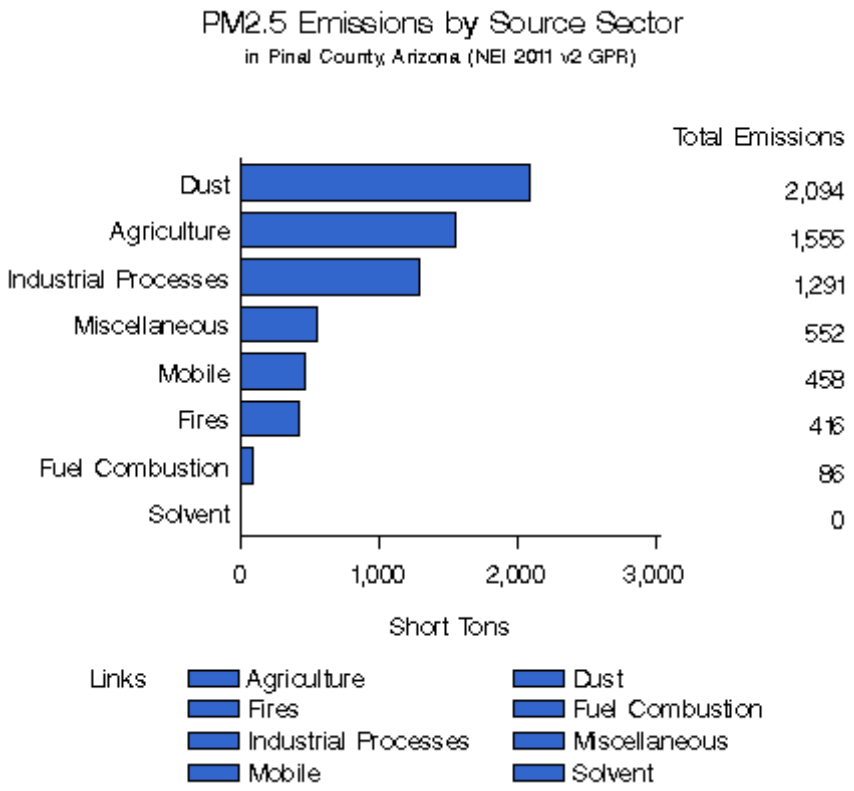
Doña Ana County

Arizona

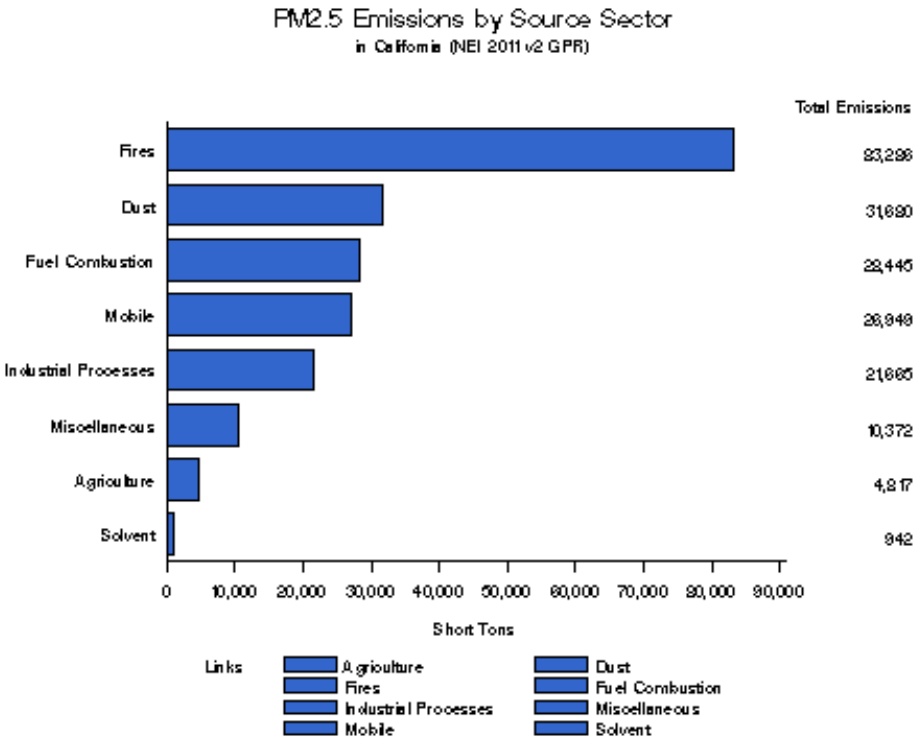

PM2.5 Emissions by Source Sector
in Arizona (NEI 2011 v2 GPR)
Total Emissions
Fires
128,887
Dust
17,513
Industrial Processes
10,728
Mobile
8,230
Fuel Combustion
5,413
Agriculture
3,971
Miscellaneous
3,489
Solvent
0
0
20,000
40,000
60,000
80,000
100,000
120,000
140,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent

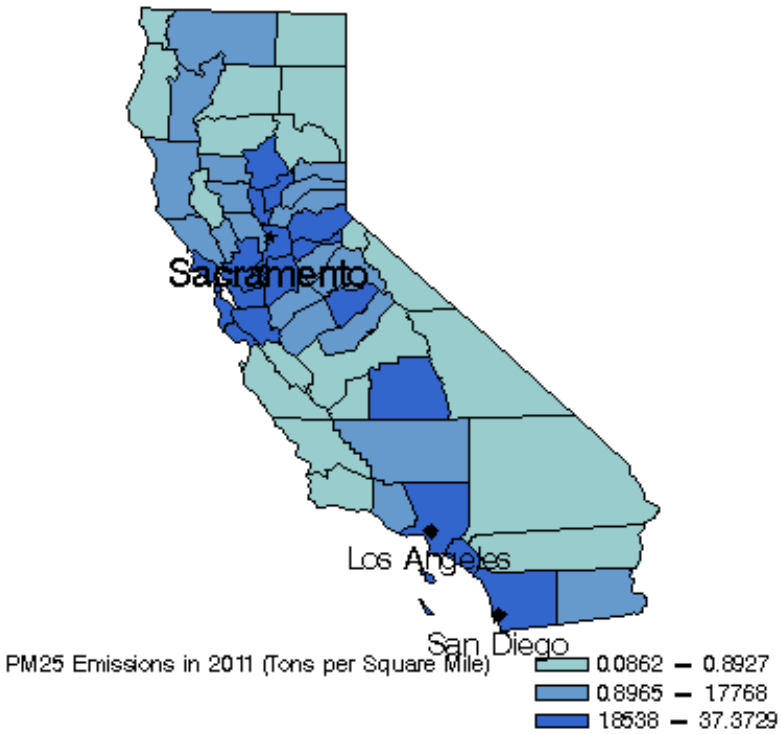

Phoenix
Tucson
PM25 Emissions in 2011 (Tons per Square Mile)
0.1929 – 0.4632
0.4821 – 1.2015
1.2335 – 24.7005

Pinal County

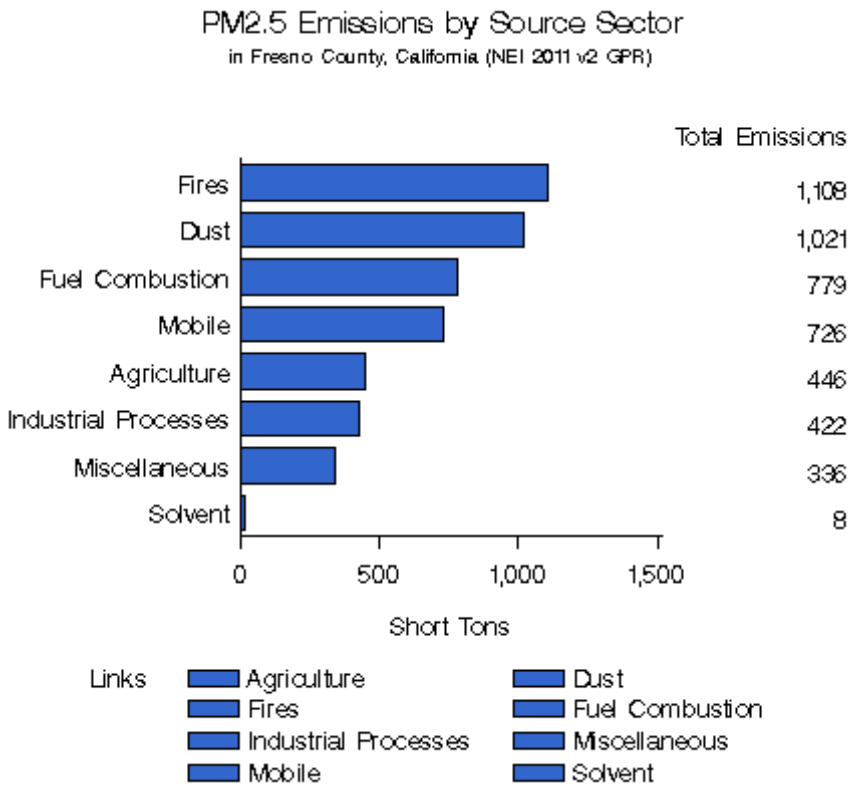


California

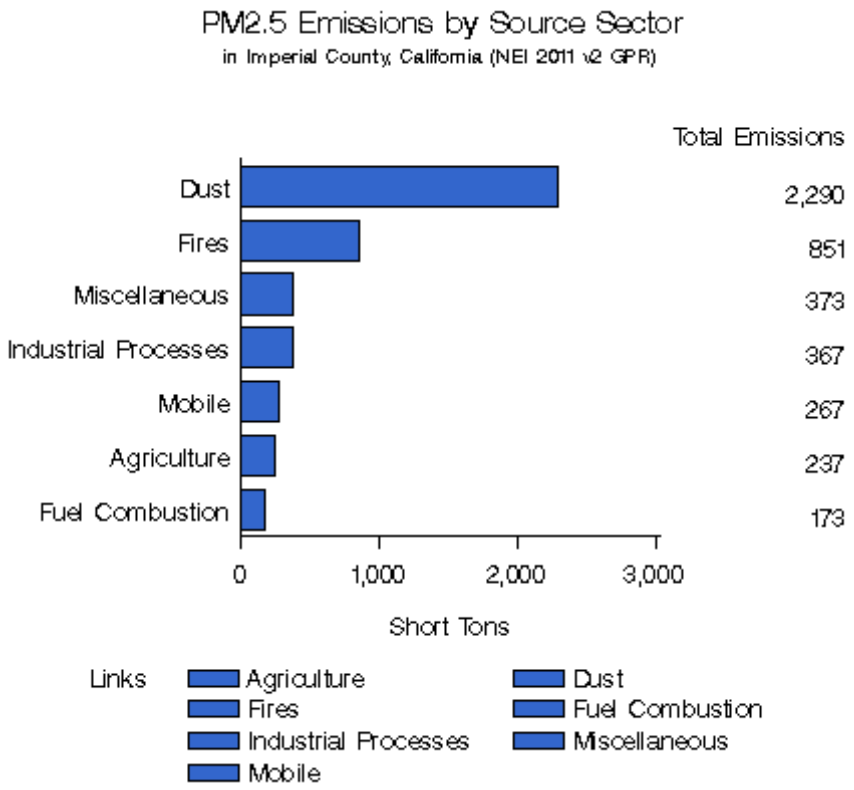

PM2.5 Emissions by Source Sector
in California (NEI 2011 v2 GPR)
Total Emissions
Fires
83,298
Dust
31,690
Fuel Combustion
28,445
Mobile
28,949
Industrial Processes
21,665
Miscellaneous
10,372
Agriculture
4,817
Solvent
942
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
80,000
90,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent


Sacramento
Los Angeles
San Diego
PM25 Emissions in 2011 (Tons per Square Mile)
0.0862 – 0.8927
0.8965 – 17.768
18.538 – 37.3729

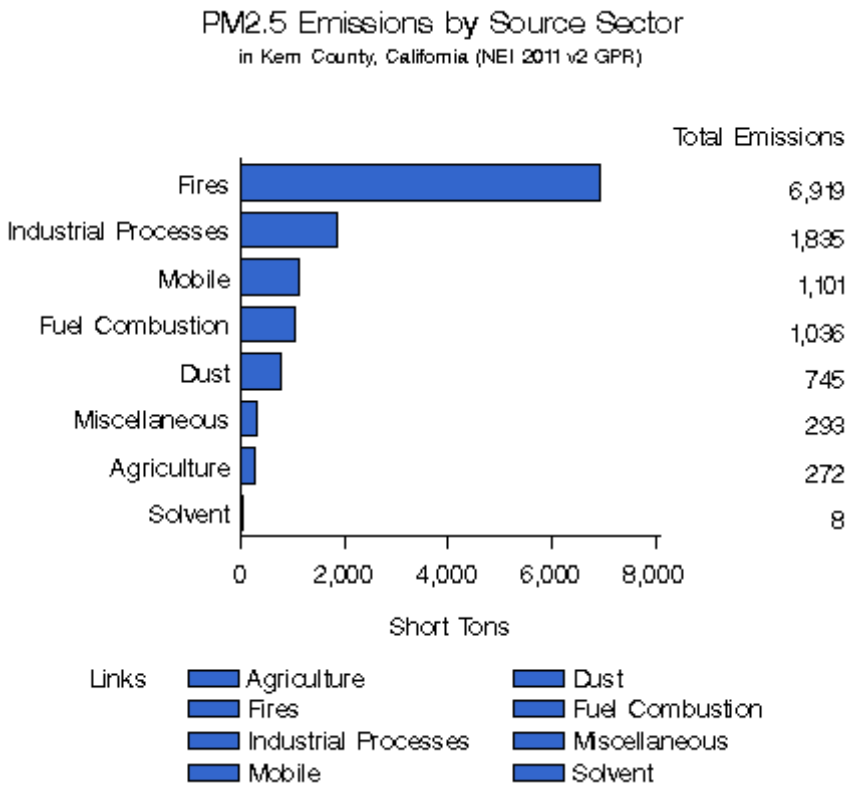
Fresno County



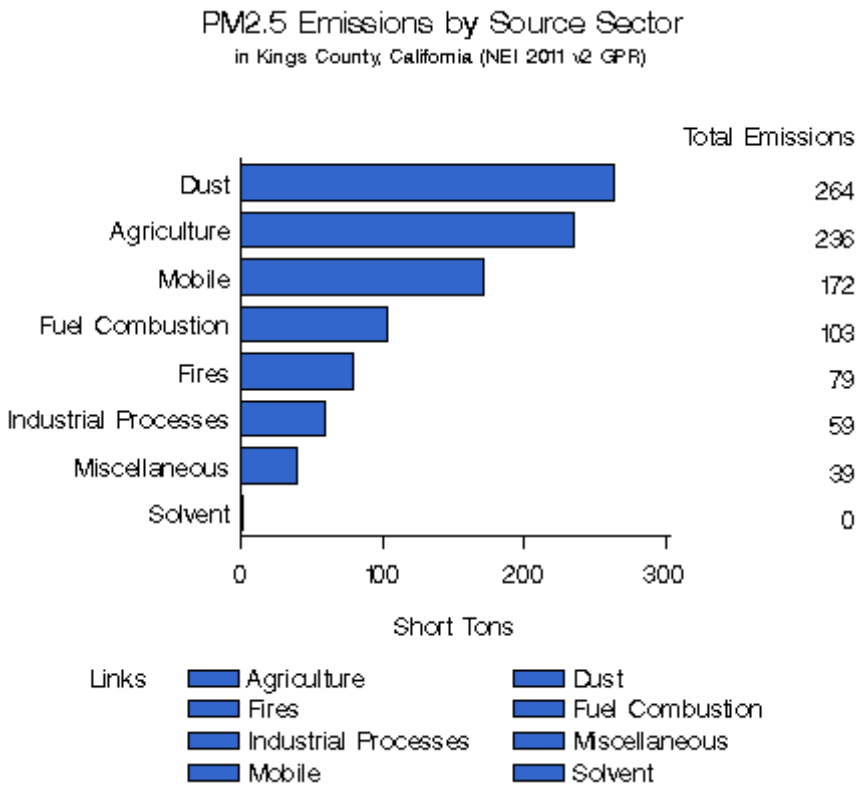
Imperial County



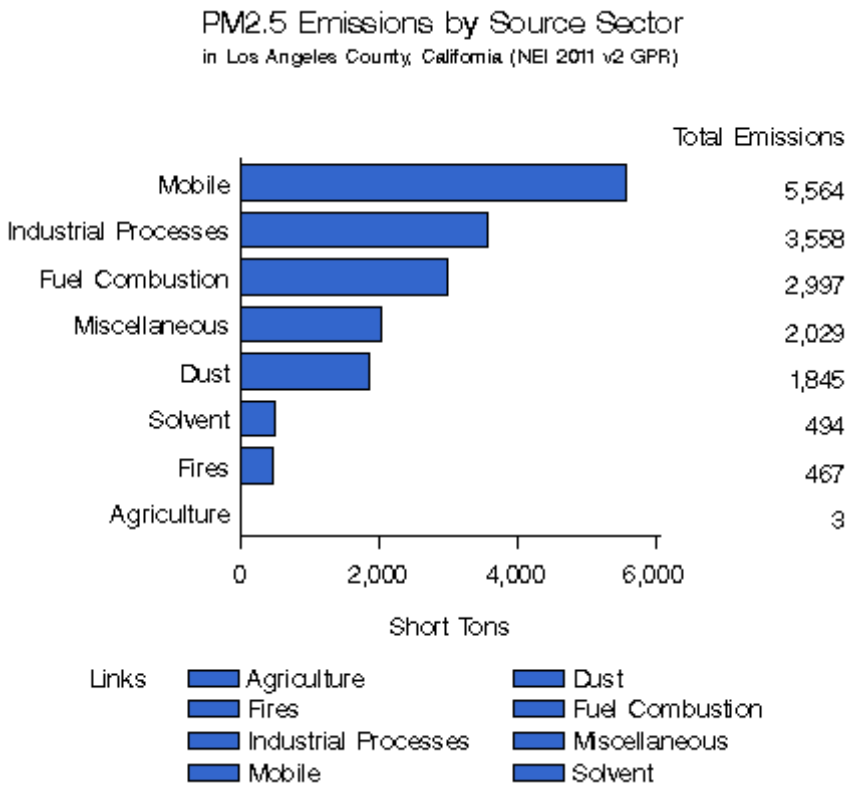
Kern County



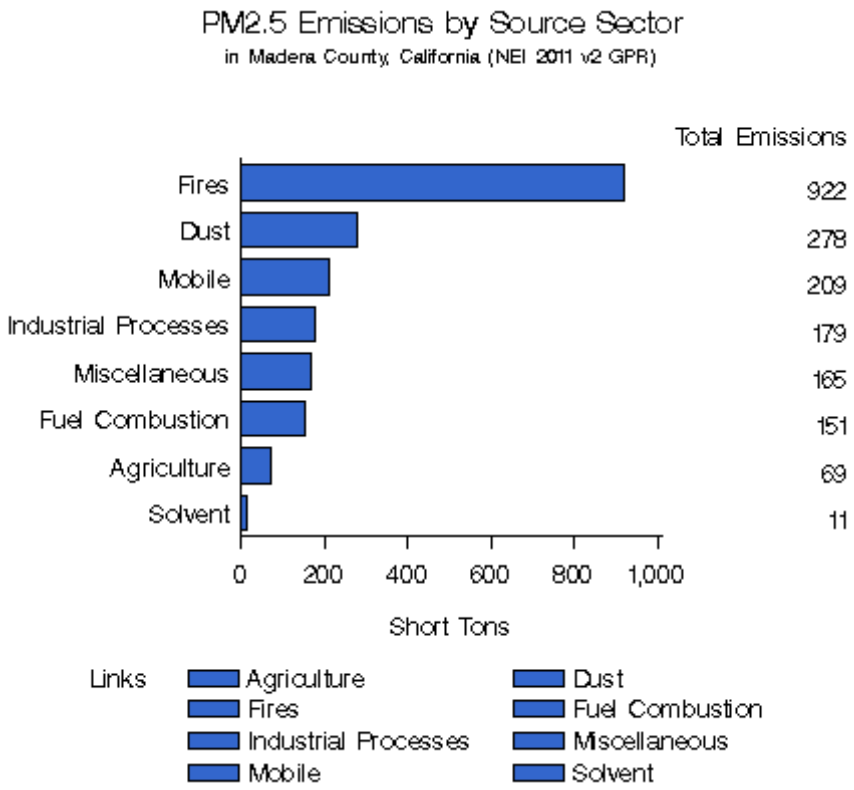
Kings County



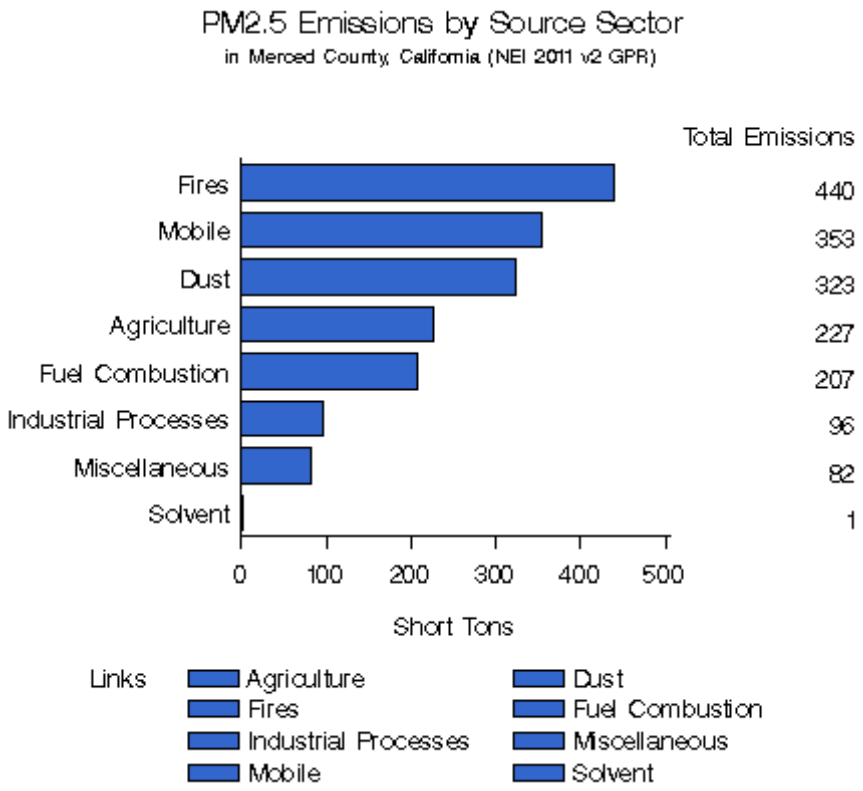
Los Angeles County



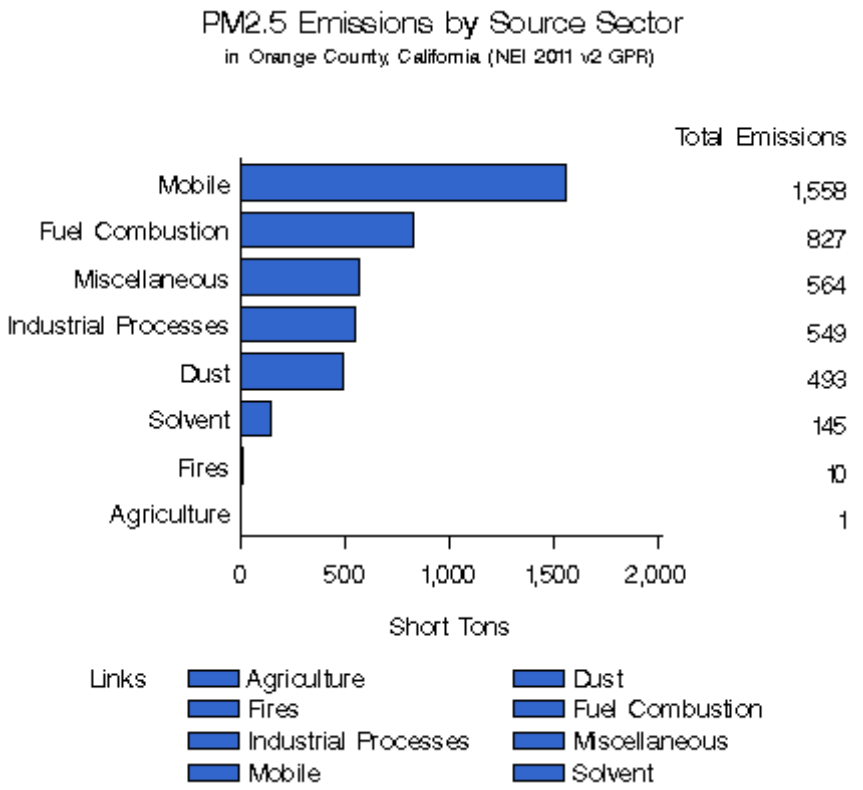
Madera County



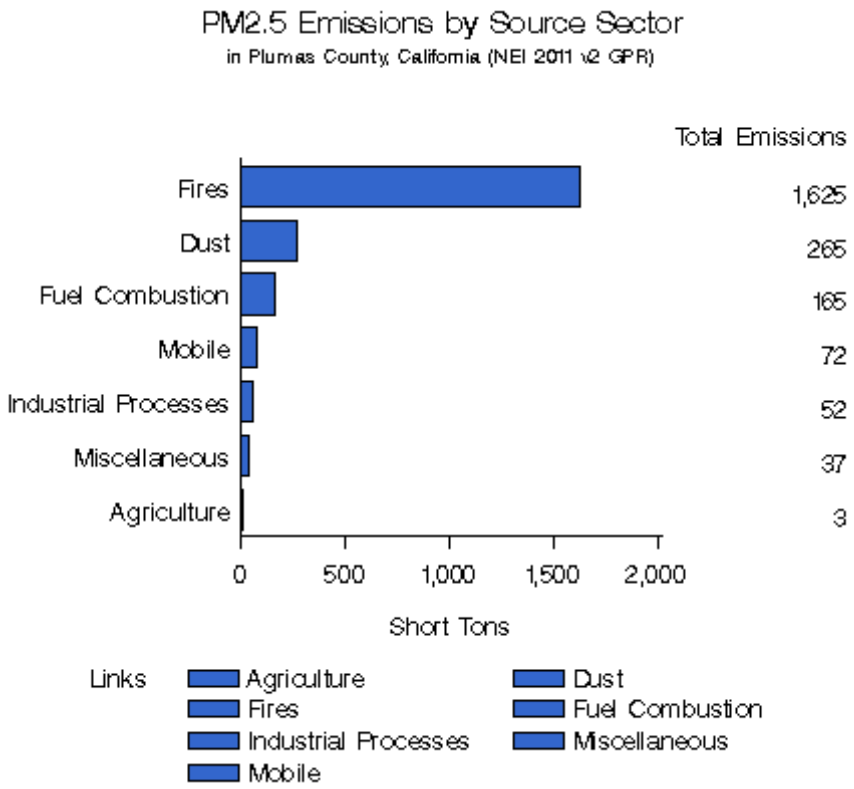
Merced County



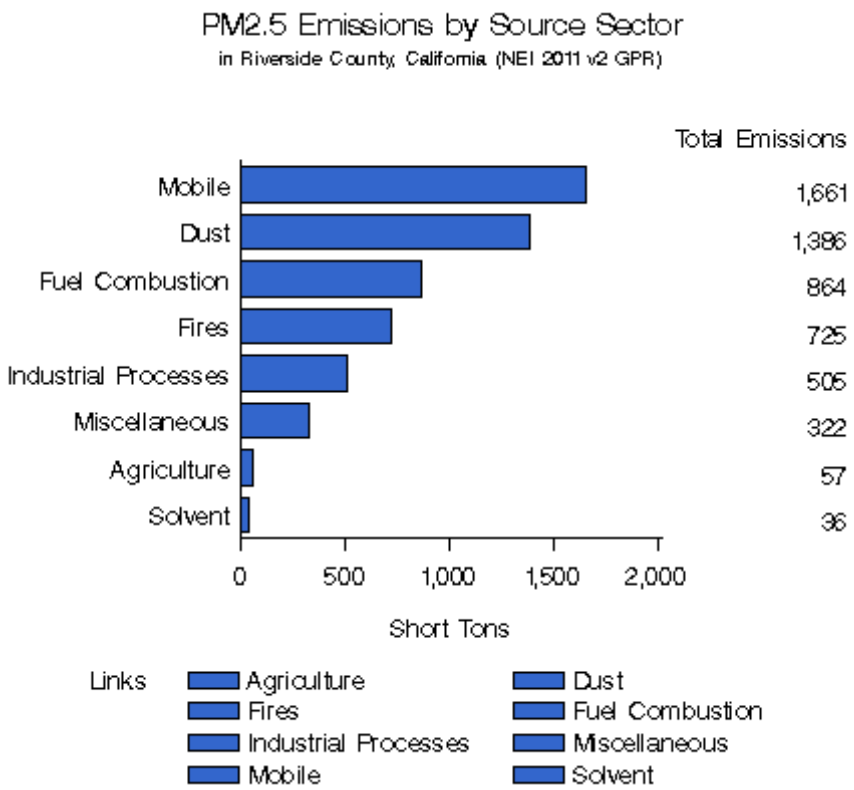
Orange County



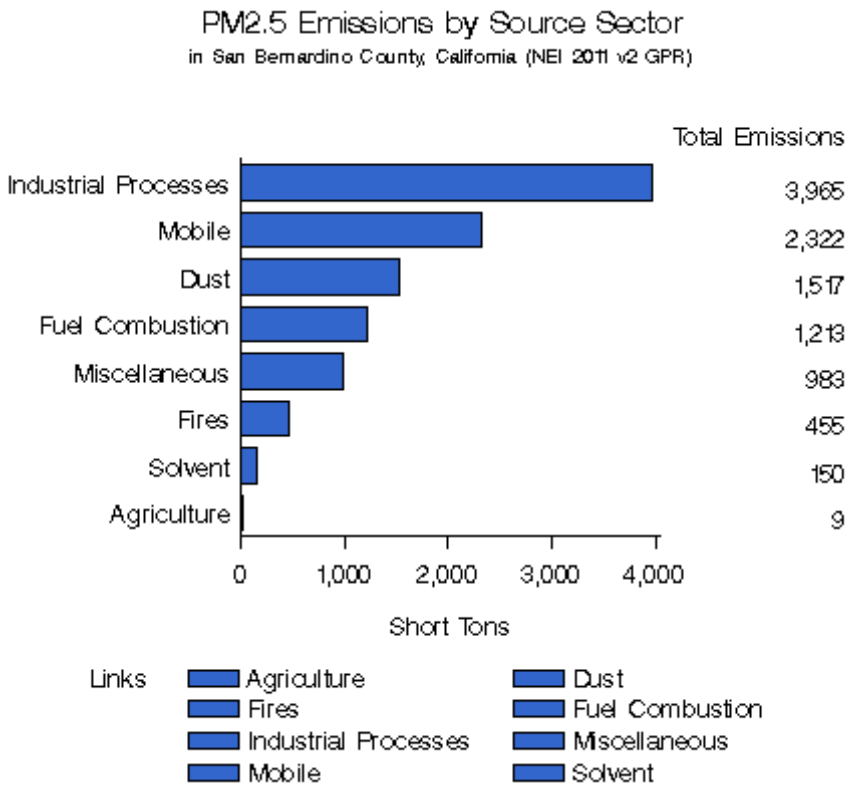
Plumas County



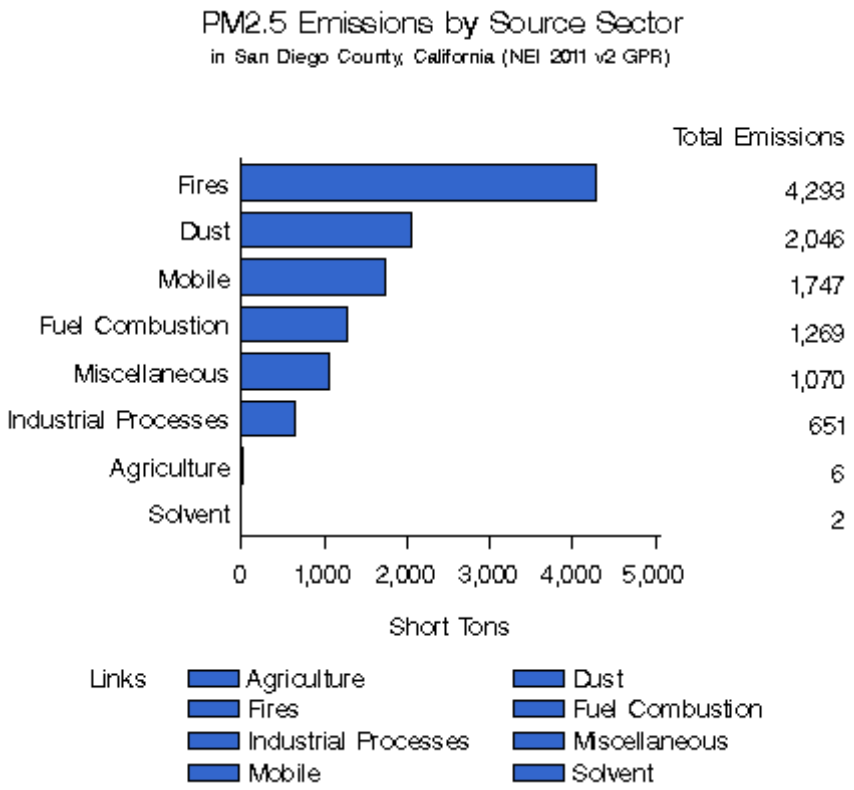
Riverside County



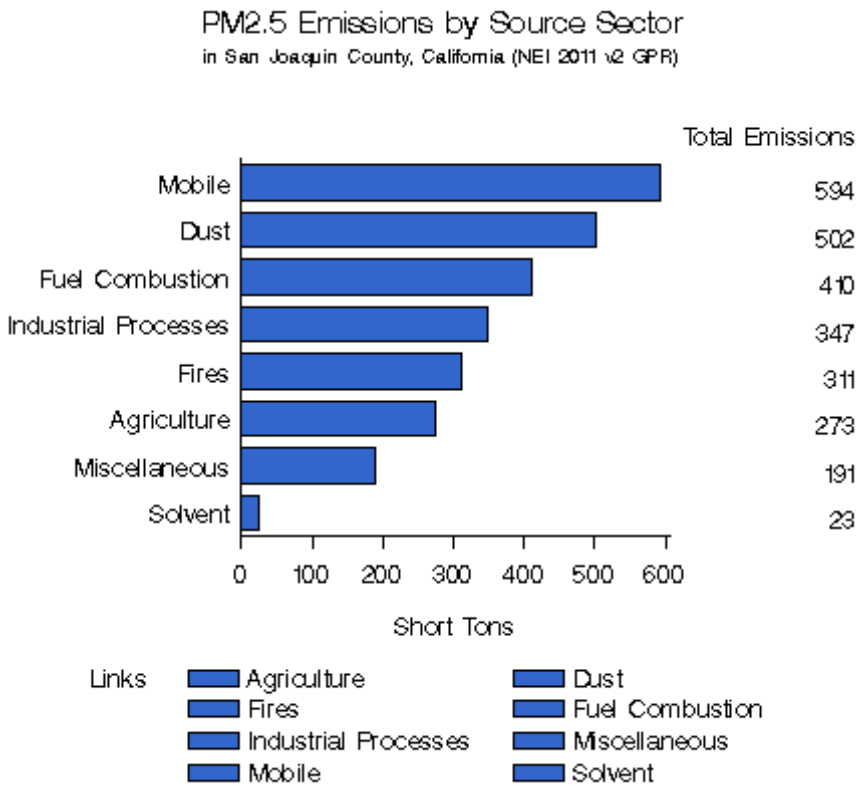
San Bernardino County



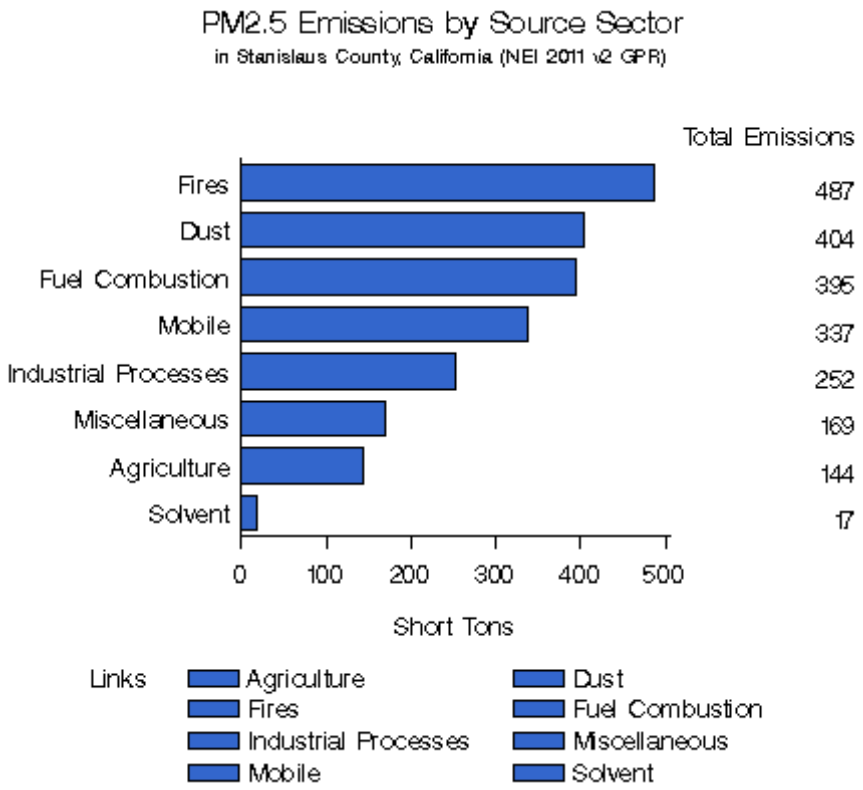
San Diego County



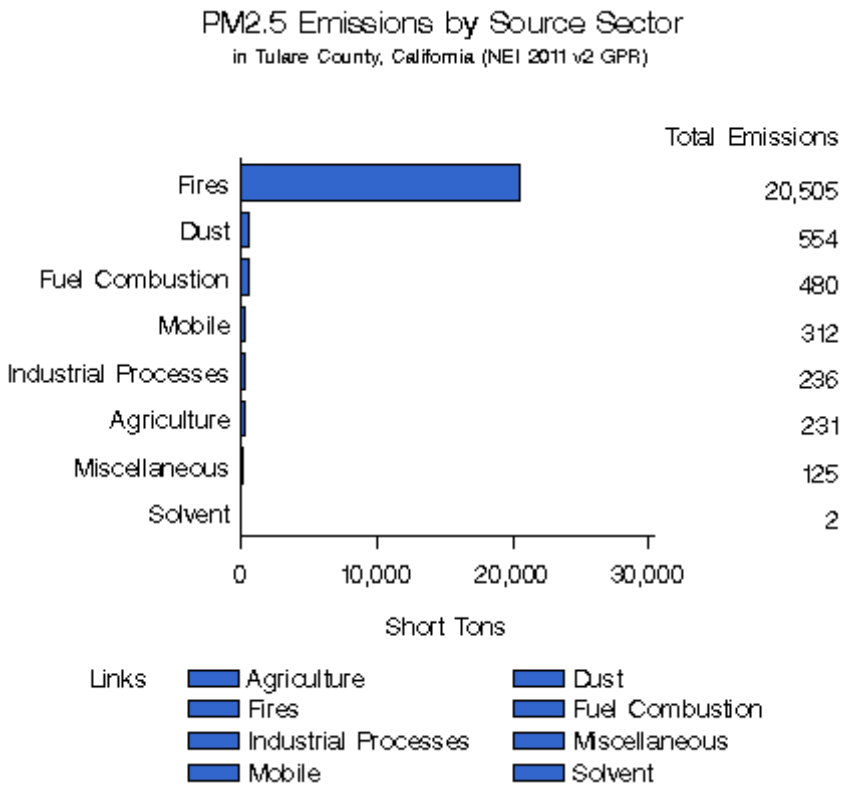
San Joaquin County



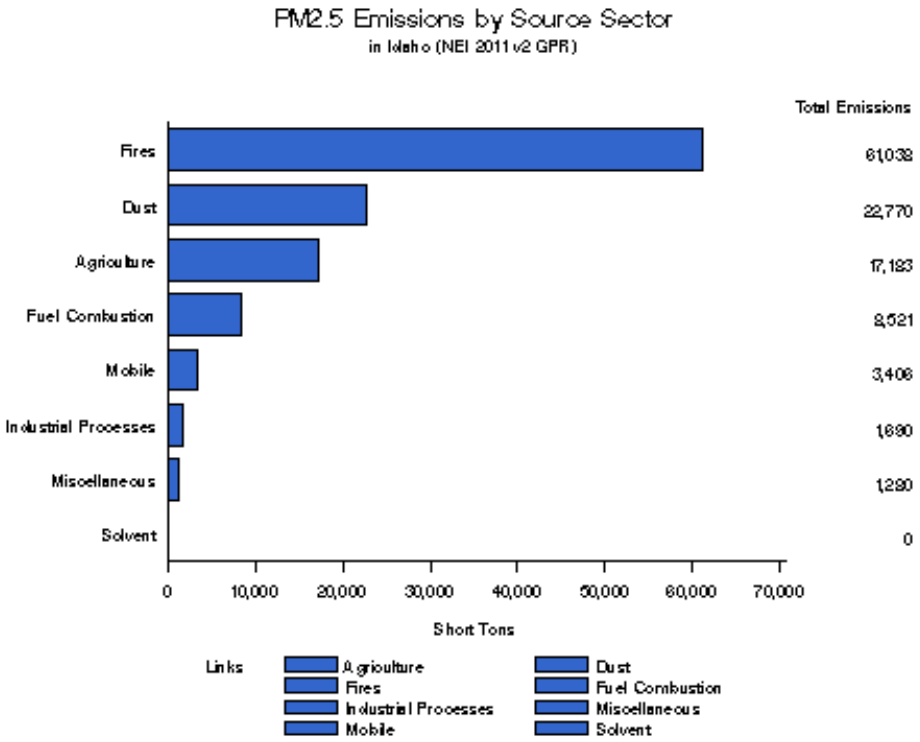
Stanislaus County

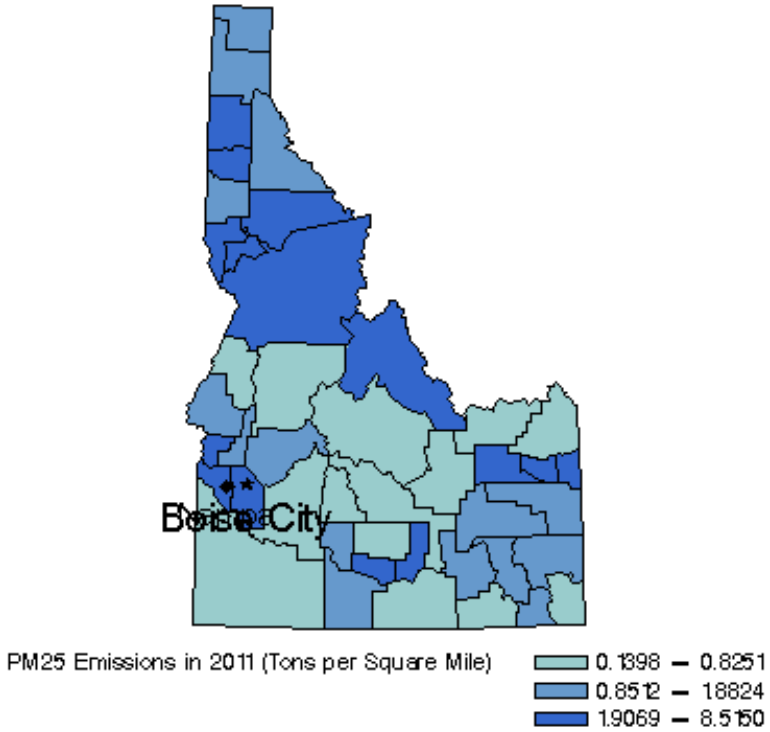


Tulare County

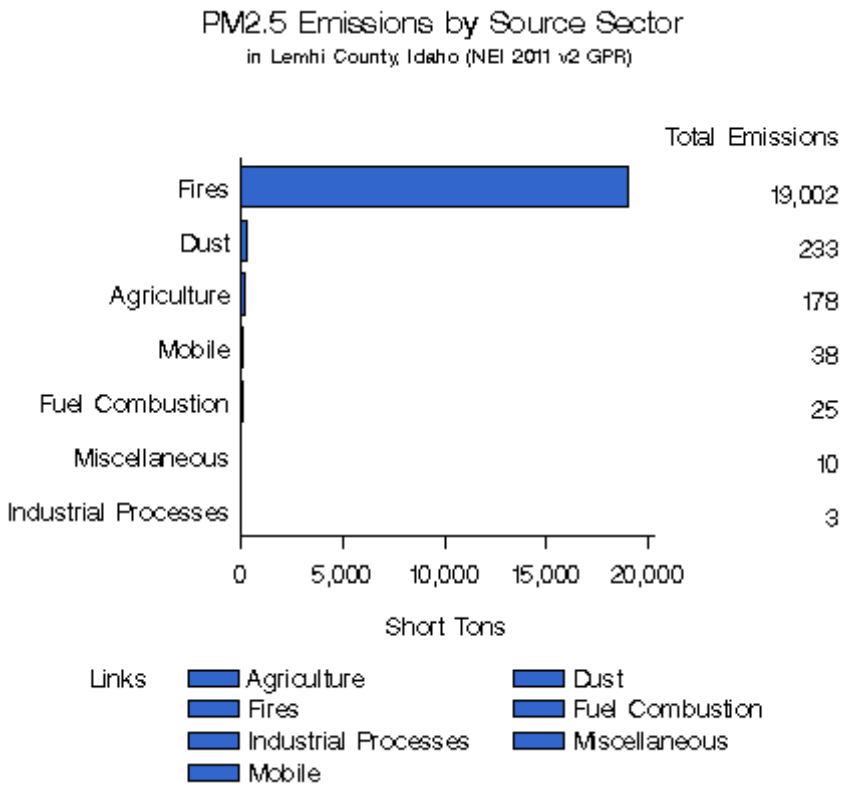


Idaho

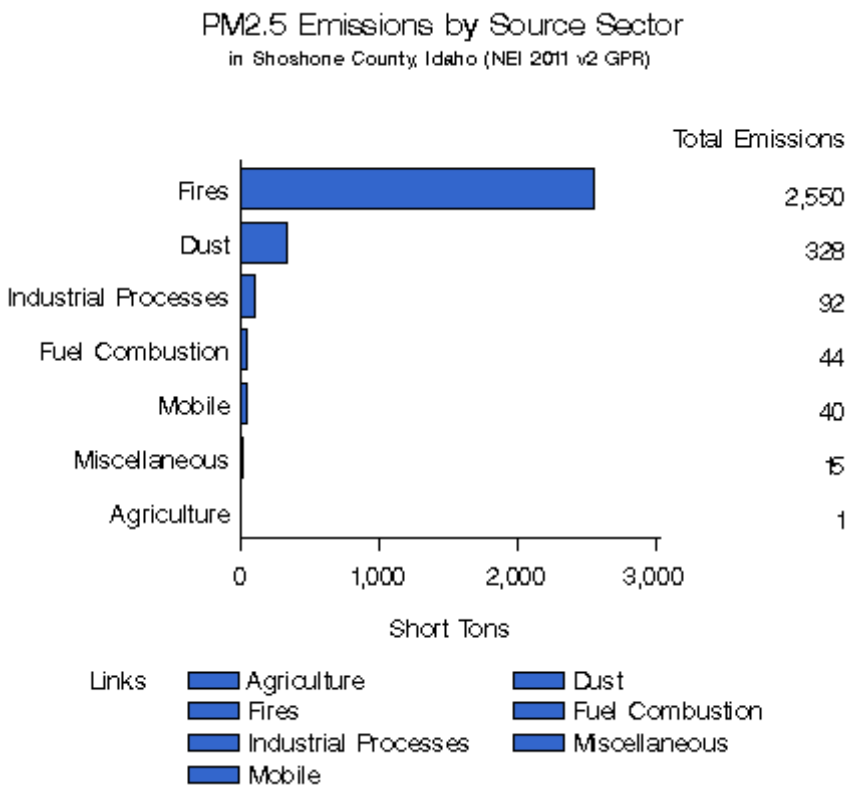

PM2.5 Emissions by Source Sector
in Idaho (NEI 2011 v2 GPR)
Total Emissions
Fires
61,038
Dust
22,770
Agriculture
17,183
Fuel Combustion
8,521
Mobile
3,408
Industrial Processes
1,690
Miscellaneous
1,280
Solvent
0
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
Short Tons
Links
Agriculture
Dust
Fires
Fuel Combustion
Industrial Processes
Miscellaneous
Mobile
Solvent


Boise City
PM25 Emissions in 2011 (Tons per Square Mile)
0.1398 – 0.8251
0.8512 – 1.8824
1.9069 – 8.5150

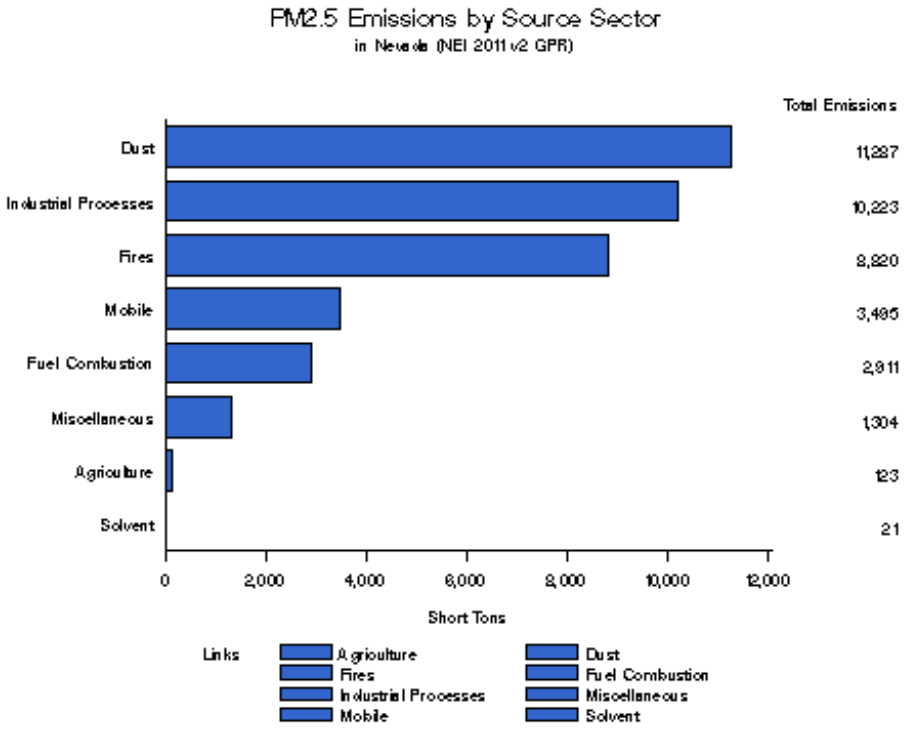
Lemhi County

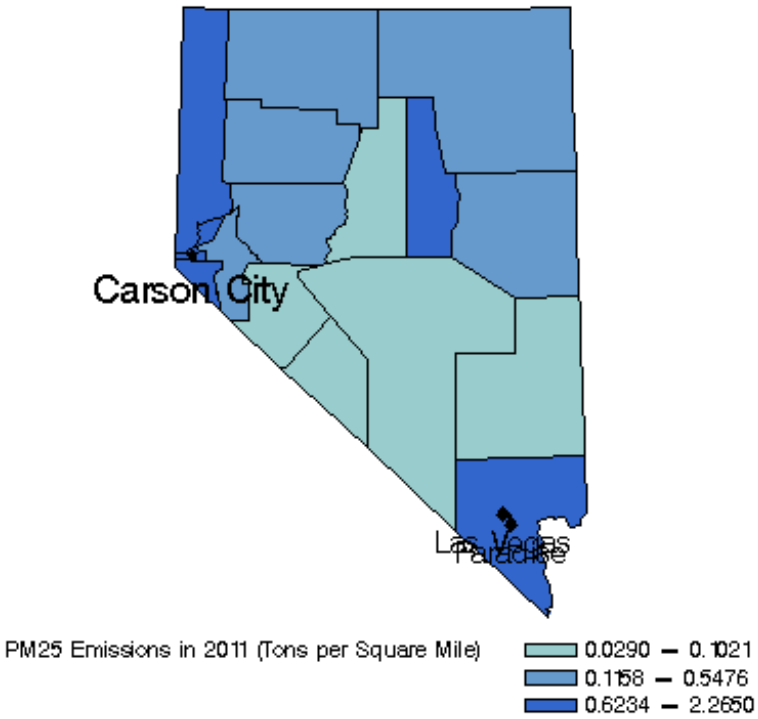


Shoshone County



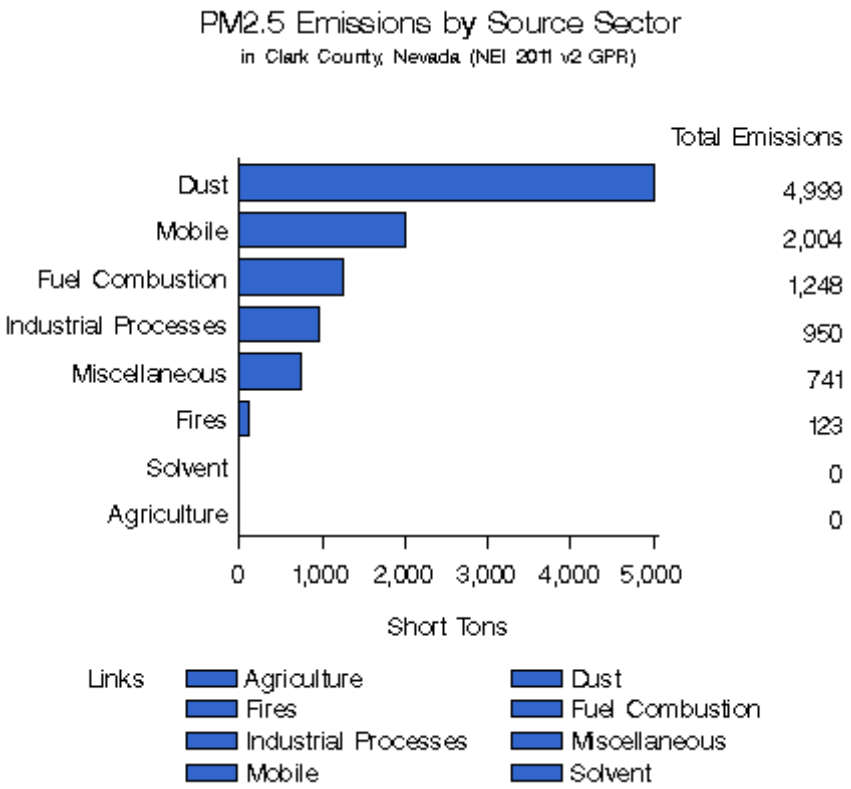
Nevada



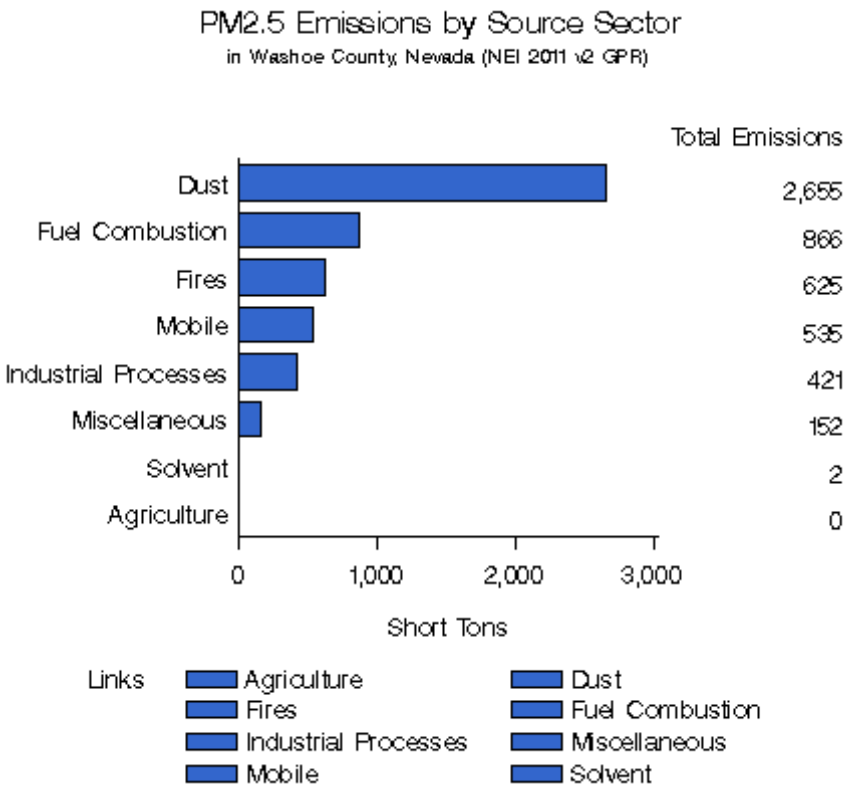


Note: The characterization of Eureka County in central Nevada as having emissions between 0.6234-2.2650 tons per square mile is most likely an artifact of USEPA's methodology for calculating $PM_{2.5}$ emissions from metallic and non-metallic mining activities. Actual emissions are likely much lower.

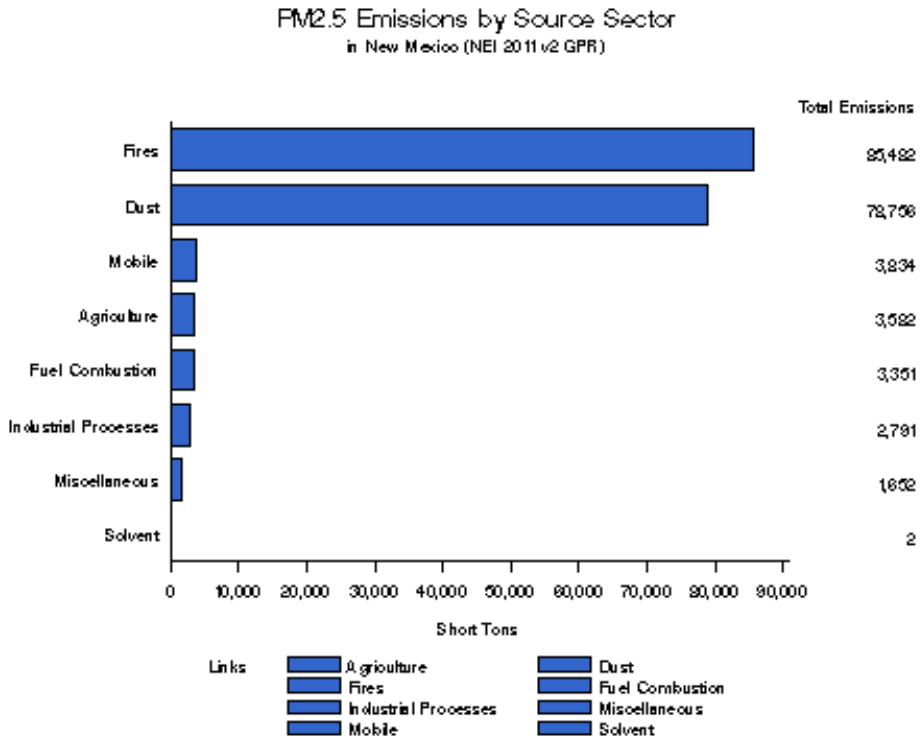
Clark County

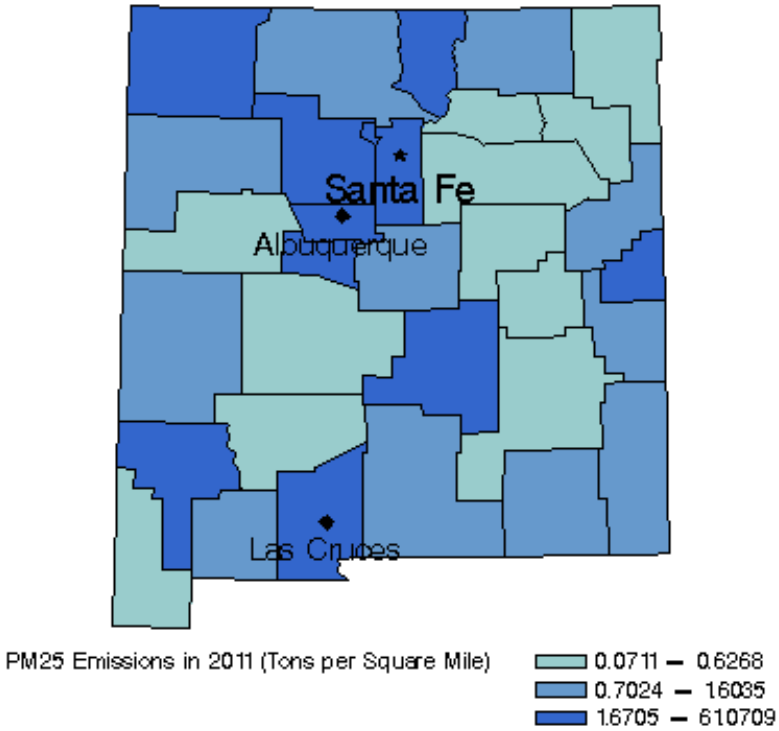


Washoe County

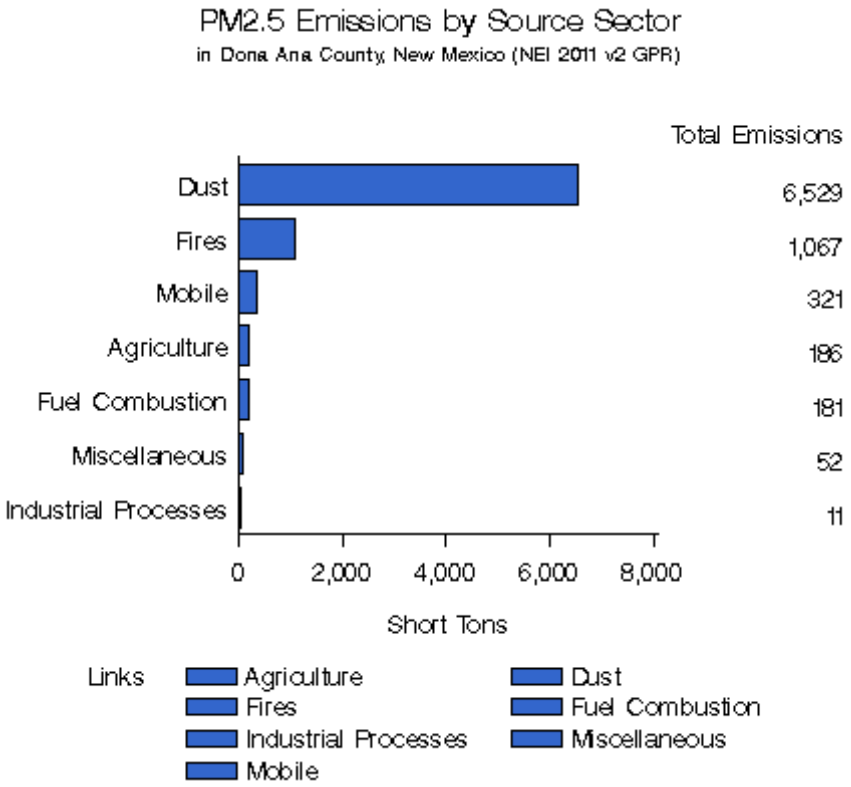


New Mexico


PM2.5 Emissions by Source Sector
in New Mexico (NEI 2011 v2 GPR)
Total Emissions
Fires
Dust
Mobile
Agriculture
Fuel Combustion
Industrial Processes
Miscellaneous
Solvent
85,482
79,758
3,834
3,582
3,351
2,791
1,652
2
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
80,000
90,000
Short Tons
Links
Agriculture
Fires
Industrial Processes
Mobile
Dust
Fuel Combustion
Miscellaneous
Solvent


Santa Fe
Albuquerque
Las Cruces
PM25 Emissions in 2011 (Tons per Square Mile)
0.0711 – 0.6268
0.7024 – 16035
1.6705 – 610709

Doña Ana County



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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **9/21/2015 - 10/20/2015**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Kim Bird

AMERICA ACEVEDO
NOTARY PUBLIC - STATE OF NEVADA
My Commission Expires: 06-26-2018
Certificate No: 14-14488-2

Proof of Publication

NOTICE OF PUBLIC HEARING WASHOE COUNTY DISTRICT BOARD OF HEALTH
The Washoe County District Board of Health does hereby declare 1:00 p.m., October 22, 2015, at the Washoe County Health District South Conference Room (1001 E. 9th Street, Reno) as the time, date, and place to consider the adoption of an Infrastructure State Implementation Plan (I-SIP) for the 2012 Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard for submittal to the U.S. EPA as a revision to the Washoe County portion of the Nevada SIP. Interested persons who may be affected or wish to comment on any action being considered on the above date should appear at the public hearing to submit oral testimony or may address comments, data, views, or arguments in written form prior to the hearing to the Washoe County District Board of Health, P.O. Box 11130, Reno, NV 89520. Copies of the I-SIP are available the Air Quality Management Division website (OurCleanAir.com) and offices (1001 E. 9th, Suite B171, Reno NV 89512) for inspection by any interested person. Kitty Jung, Chairman, Washoe County District Board of Health No 63191 Sept 21, Oct 7, 20, 2015

LEGALS LEGALS

NOTICE OF PUBLIC HEARING
WASHOE COUNTY DISTRICT BOARD OF HEALTH

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Kitty Jung, Chairman,
Washoe County District Board of Health

No 63191 Sept 21, Oct 7, 20, 2015

WASHOE COUNTY
HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

Public Health
Prevent. Promote. Protect.

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING NOTICE AND AGENDA

Members
Kitty Jung, Chair
Julia Ratti, Vice Chair
Neoma Jardon
Dr. George Hess
David Silverman
Dr. John Novak
Michael D. Brown

Thursday, October 22, 2015
1:00 p.m.

Washoe County Administration Complex
Health District South Conference Room
1001 East Ninth Street
Reno, NV

PUBLIC HEARING ITEMS SCHEDULED ON THIS AGENDA
(Complete item descriptions on third page.)

- **Recommendation to Deny the Appeal and Uphold Citation No. 5467, Case No. 1174 – Myan Management Group**
- **Adoption of "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)"**
- **Possible Adoption of CCHS Division Fee Schedule Revisions**

Items for Possible Action. All items numbered or lettered below are hereby designated for possible action as if the words "for possible action" were written next to each item (NRS 241.020). An item listed with asterisk (*) next to it is an item for which no action will be taken.

1:00 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**

   October 22, 2015

5. **Approval of Draft Minutes**

   September 24, 2015

6. **Recognitions**

   A. Years of Service

1. Linda Gabor, 10 years, 10/24/05 through 10/24/15 – CCHS
2. Scott Strickler, 10 years, 10/31/05 through 10/31/15 – EHS
3. Sandi Bridges, 20 years, 10/9/95 through 10/9/15 - EPHP

B. Retirements
1. Mike Osborn, 20 years, 10/30/95 through 11/2/15 – AQM

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. Budget Amendments/Interlocal Agreements

1. Ratification of Contract between Washoe County Health District and the Board of Regents of the Nevada System of Higher Education to provide educational opportunities for the University of Nevada College of Agriculture, Biotechnology & Natural Resources students in a public health agency environment for the period upon approval of the Board of Regents and the Washoe County Board of Health through June 30, 2016 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days prior to June 30 of each year; and if approved, authorize the Chair to execute the Contract.
   Staff Representative: Patsy Buxton

2. Approve Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period September 1, 2015 through June 30, 2016 in the total amount of $135,798.00 in support of the Public Health Preparedness Program, Preparedness, Assurance, Inspections, Statistics (PAIS), IO-TBD; Approve amendments totaling an increase of $118,085 in both revenue and expense to the FY16 the Public Health Preparedness Program, Preparedness, Assurance, Inspections, Statistics (PAIS), IO-TBD; and if approved authorize the Chair to execute.
   Staff Representative: Erin Dixon

C. Ratification of Sales Agreement between Washoe County Health District and Patagonia Health to provide an Electronic Medical Record/Practice Management System for the Community and Clinical Health Services Division via a subscription service in the total amount of $237,019; for an initial five year term from service effective date with automatic renewal for subsequent one year periods unless Vendor notifies Client in writing at least three months prior to the end of the then current term of its intent not to renew or Client notifies Vendor at least 30 days prior to the end of the then current term of its intent not to renew; and if approved, authorize the Chair to execute the Agreement.
Staff Representative: Steve Kutz

D. Approve the termination of License Agreement dated January 29, 2003 between the Washoe County District Health Department (Health District) and QS Technologies, Incorporated, now doing business as Netsmart and all subsequent amendments effective December 31, 2015; and if approved authorize the Chair to sign the termination letter.
Staff Representative: Steve Kutz

8. **PUBLIC HEARING: Air Pollution Control Hearing Board Cases Appealed to the District Board of Health:**

   A. Recommendation to Deny the Appeal and Uphold Citation No. 5467, Case No. 1174 – Myan Management Group
   Staff Representative: Charlene Albee

9. **PUBLIC HEARING: Adoption of "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)."**
   Staff Representative: Charlene Albee

10. **PUBLIC HEARING: Proposed approval and adoption of revisions to the Health District Fee Schedule, specific to the Community and Clinical Health Services (CCHS) Division; and if approved, authorize CCHS to increase fees yearly using the Consumer Price Index for the Western Region.**
    Staff Representatives: Steve Kutz and Patsy Buxton.

11. **Review, discussion, and adoption of the Business Impact Statement regarding a proposed revision to the Health District Fee Schedule, specific to the addition of the Regional Technology Fee for Air Quality Management and Environmental Health Services, with a finding that the proposed Regional Technology Fee does not impose a direct and significant economic burden on a business; or does the proposed fee directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the Proposed Regional Technology Fee for November 19, 2015 at 1:00 pm.**
    Staff Representative: Charlene Albee

12. **Discussion and possible reappointment of Louis S. Test to the REMSA Board of Directors as the Member of the Legal Profession District Board of Health Appointed Representative.**
    Staff Representative: Christina Conti

13. **Presentation, discussion and possible approval of the use of the IAED Omega determinant codes and REMSA's alternative response process within the REMSA Franchise, effective November 1, 2015 contingent upon EMS Advisory Board approval.**
    Staff Representative: Brittany Dayton

14. **Regional Emergency Medical Services Authority**
    Presented by Jim Gubbels

    A. Review and Acceptance of the REMSA Operations Reports for September, 2015

    *B. Update of REMSA's Community Activities during September, 2015

15. **Acknowledge receipt of the Health District Fund Financial Review for September Fiscal Year 2016**
    Staff Representative: Anna Heenan

16. **Discussion and potential direction to the District Health Officer to utilize two or more hours of staff time to monitor the implementation of the special event EMS mandates and report back to the Board so that the Board may receive regular updates on how the implementation is proceeding through the local jurisdictions. [Ratti]**

17. **Discussion and potential Board consensus to approve casting one vote on behalf of the Board to nominate Dr. Novak for an At-Large position on the NALBOH Board and to cast one vote for a second At-Large position on the ballot.**

Staff Representative: Kevin Dick

18. **Review, discussion and possible direction to staff regarding a five-year plan for recurring Board and Health District significant activities, to include Legislative policy and activities, Community Health Needs Assessment, Community Health Improvement Plan, Strategic Planning, Budgeting, and Governance Self-Assessment. [Ratti]**
    Staff Representative: Kevin Dick

19. **Annual Performance Evaluation of District Health Officer, to include Discussion of the Evaluation Results and Possible Approval of the Board's Recommendation, and Consideration and Possible Approval of Compensation and Benefits**
    Presented by Kitty Jung

20. ***Staff Reports and Program Updates**

    A. **Air Quality Management, Charlene Albee, Director**
    Program Update, Divisional Update, Program Reports

    B. **Community and Clinical Health Services, Steve Kutz, Director**
    Chronic Disease Prevention Program (CDPP), Divisional Update, Program Reports

    C. **Environmental Health Services, Bob Sack, Director**
    EHS Division Update, Program Updates - Food, IBD, Land Development, Vector-Borne Disease and EHS Inspections / Permits / Plan Review

    D. **Epidemiology and Public Health Preparedness, Dr. Randall Todd, Director**
    Program Updates for Communicable Disease, Public Health Preparedness, and Emergency Medical Services

    E. **Office of the District Health Officer, Kevin Dick, District Health Officer**
    Community Health Improvement Plan, Truckee Meadows Healthy Communities, Quality Improvement, Fees, Other Events and Activities and Health District Media Contacts

21. ***Board Comment**
    Limited to announcements or issues for future agendas.

22. **Emergency Items**

23. ***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.

24. **Adjournment**

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, PO Box 1130, Reno, NV 89520-0027, 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. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). 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. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. 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.

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 – Limited to Announcement or Issues for future Agendas."

Posting of Agenda; Location of Website. In accordance with NRS 241.020, this agenda has been posted at: https://notice.nv.gov, (i) Washoe County Administration Building (1001 E. 9th Street); (ii) State of Nevada Division of Public and Behavioral Health, Carson City, NV; (iii) Reno City Hall, 1 E. 1st St, Reno, NV; (iv) Sparks City Hall, 1675 Prater Way, Sparks, NV; (v) Washoe County Health District website www.washoecounty.us/health; and (vi) State of Nevada Website: https://notice.nv.gov. Agendas and staff reports are posted four days prior to the meeting.

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. Ms. Dawn Spinola, 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. Spinola is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at dspinola@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.

WASHOE COUNTY
HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

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STAFF REPORT
BOARD MEETING DATE: October 22, 2015

DATE: October 2, 2015

TO: District Board of Health

FROM: Daniel Inouye, Branch Chief
(775) 784-7214, dinouye@washoecounty.us

THROUGH: Charlene Albee, Director
(775) 784-7211, calbee@washoecounty.us

SUBJECT: Adoption of "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)"

SUMMARY

The Clean Air Act (CAA) requires state and local air quality management agencies to demonstrate the ability to implement, maintain, and enforce National Ambient Air Quality Standards (NAAQS). This Infrastructure State Implementation Plan (I-SIP) is the formal plan demonstrating that the Washoe County Health District, Air Quality Management Division can meet those requirements.

Health District Strategic Objective supported by this item: Strengthen District-wide infrastructure to improve public health.

PREVIOUS ACTION

June 28, 2012 DBOH adopted the "Washoe County Portion of the Nevada Infrastructure State Implementation Plan for the 2006 $PM_{2.5}$ National Ambient Air Quality Standard".

BACKGROUND

The U.S. Environmental Protection Agency (EPA) establishes health based national ambient air quality standards (NAAQS) for six criteria pollutants including $PM_{2.5}$ (particulate matter less than or equal to 2.5 microns in diameter). The CAA directs states to address basic State Implementation Plan (SIP) requirements to implement, maintain, and enforce the NAAQS. Many of the CAA Section 110(a)(2) SIP elements relate to the general information and authorities that constitute the "infrastructure" of a state's air quality management program. States are required to submit an Infrastructure SIP (I-SIP) within three years after promulgation of a new or revised standard. In 2012, an I-SIP was adopted and submitted to address the 2006 $PM_{2.5}$ NAAQS revisions.

In December 2012, EPA strengthened the $PM_{2.5}$ annual standard from 15.0 to 12.0 $\mu g/m^3$ which triggered another I-SIP review. This I-SIP updates the previous plan adopted in 2012 to reflect the new standard and demonstrates that the air quality management program will meet the CAA requirements to implement, maintain, and enforce the NAAQS without any substantive changes to the previously adopted I-SIP.

The $PM_{2.5}$ I-SIP was prepared in coordination with the Nevada Division of Environmental Protection (NDEP) and Clark County Department of Air Quality.

The first of three public notices for the public hearing was published in the Reno Gazette-Journal on September 21, 2015. The I-SIP has been available for public inspection at the AQMD website (OurCleanAir.com) and office since September 22, 2015.

FISCAL IMPACT

There will be no fiscal impacts from the Board adopting this I-SIP.

RECOMMENDATION

Staff recommends that the DBOH adopt "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)", and direct Staff to forward it to EPA via NDEP as an amendment to the Washoe County portion of the Nevada $PM_{2.5}$ State Implementation Plan.

POSSIBLE MOTION

Should the Board concur with Staff's recommendation, a possible motion would be:

"I move to adopt "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)""

WASHOE COUNTY
HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

Public Health
Prevent. Promote. Protect.

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING MINUTES

Members
Kitty Jung, Chair
Julia Ratti, Acting Chair
Neoma Jardon
Dr. George Hess
David Silverman
Dr. John Novak
Michael D. Brown

Thursday, October 22, 2015
1:00 p.m.

Washoe County Administration Complex
Health District South Conference Room
1001 East Ninth Street
Reno, NV

1:00 p.m.

1. *Roll Call and Determination of Quorum

Acting Chair Ratti called the meeting to order at 1:00 p.m.

The following members and staff were present:

Members present: Julia Ratti, Acting Chair
Dr. George Hess
Dr. John Novak
David Silverman
Mike Brown
Neoma Jardon

Members absent: Kitty Jung, Chair

Ms. Spinola verified a quorum was present.

Staff present: Kevin Dick, District Health Officer, ODHO
Leslie Admirand, Deputy District Attorney
Anna Heenan, Administrative Health Services Officer, AHS
Charlene Albee, Division Director, AQM
Steve Kutz, Division Director, CCHS
Randall Todd, Division Director, EPHP
Bob Sack, Division Director, EHS
Christina Conti, EMS Program Manager, EPHP
Brittany Dayton, Emergency Medical Services Coordinator, EPHP
Daniel Inouye, Air Quality Supervisor, AQM
Patsy Buxton, Fiscal Compliance Officer, AHS
Linda Gabor, Public Health Nurse Supervisor, CCHS
Dawn Spinola, Administrative Secretary/Recording Secretary, ODHO

2. *Pledge of Allegiance

Councilmember Jardon led the pledge to the flag.

3. *Public Comment

As there was no one wishing to speak, Acting Chair Ratti closed the public comment period.

4. Approval of Agenda

October 22, 2015

Chief Brown moved to approve the agenda for the October 22, 2015, District Board of Health regular meeting. Dr. Novak seconded the motion which was approved six in favor and none against.

5. Approval of Draft Minutes

September 24, 2015

Dr. Novak moved to approve the minutes of the September 24, 2015 District Board of Health regular meeting as written. Dr. Hess seconded the motion which was approved six in favor and none against.

6. Recognitions

A. Years of Service

1. Linda Gabor, 10 years, 10/24/05 through 10/24/15 – CCHS

Mr. Dick congratulated Ms. Gabor and presented her with a commemorative certificate.

2. Scott Strickler, 10 years, 10/31/05 through 10/31/15 – EHS

Mr. Strickler was not in attendance.

3. Sandi Bridges, 20 years, 10/9/95 through 10/9/15 – EPHP

Ms. Bridges was not in attendance.

B. Retirements

1. Mike Osborn, 20 years, 10/30/95 through 11/2/15 – AQM

Mr. Dick congratulated Mr. Osborn on both 20 years with the County and his retirement. Mr. Dick presented Mr. Osborn with a commemorative certificate and a commemorative clock.

7. Consent Items

A. Budget Amendments/Interlocal Agreements

1. Ratification of Contract between Washoe County Health District and the Board of Regents of the Nevada System of Higher Education to provide educational opportunities for the University of Nevada College of Agriculture, Biotechnology & Natural Resources students in a public health agency environment for the period upon approval of the Board of Regents and the Washoe County Board of Health through June 30, 2016 unless extended by the mutual agreement of the Parties; with automatic renewal for two successive one-year periods for a total of three years on the same terms unless either party gives the other written notice of nonrenewal at least 60 days

prior to June 30 of each year; and if approved, authorize the Chair to execute the Contract.
Staff Representative: Patsy Buxton

2. Approve Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period September 1, 2015 through June 30, 2016 in the total amount of $135,798.00 in support of the Public Health Preparedness Program, Preparedness, Assurance, Inspections, Statistics (PAIS), IO-TBD; Approve amendments totaling an increase of $118,085 in both revenue and expense to the FY16 the Public Health Preparedness Program, Preparedness, Assurance, Inspections, Statistics (PAIS), IO-TBD; and if approved authorize the Chair to execute.
Staff Representative: Erin Dixon

C. Ratification of Sales Agreement between Washoe County Health District and Patagonia Health to provide an Electronic Medical Record/Practice Management System for the Community and Clinical Health Services Division via a subscription service in the total amount of $237,019; for an initial five year term from service effective date with automatic renewal for subsequent one year periods unless Vendor notifies Client in writing at least three months prior to the end of the then current term of its intent not to renew or Client notifies Vendor at least 30 days prior to the end of the then current term of its intent not to renew; and if approved, authorize the Chair to execute the Agreement.
Staff Representative: Steve Kutz

D. Approve the termination of License Agreement dated January 29, 2003 between the Washoe County District Health Department (Health District) and QS Technologies, Incorporated, now doing business as Netsmart and all subsequent amendments effective December 31, 2015; and if approved authorize the Chair to sign the termination letter.
Staff Representative: Steve Kutz

Councilmember Jardon moved to approve the Consent Agenda as presented. Mr. Silverman seconded the motion which was approved six in favor and none against.

8. PUBLIC HEARING: Air Pollution Control Hearing Board Cases Appealed to the District Board of Health

A. Recommendation to Deny the Appeal and Uphold Citation No. 5467, Case No. 1174 – Myan Management Group
Staff Representative: Charlene Albee

Acting Chair Ratti opened the public hearing and swore in all staff and members of the audience that intended to provide testimony.

Ms. Albee reviewed the staff report. She noted the Air Pollution Control Hearing Board (APCHB) had upheld the citation written to Myan Management (Myan) based on the fact the determination had been made that the appellants had not followed their own internal asbestos operation and maintenance plan, and had not been able to control the activities that had taken place. Additionally, she noted the fine calculation had acknowledged that the fine had been significantly reduced based on the history of compliance, degree of cooperation received, the corrective action taken and the limited public exposure.

Ms. Albee noted the apartment in question had been vacant, but as there was no evidence regarding who had created the disturbance or when it occurred, there was a period of time where there was a potential of limited public exposure. There almost certainly had been

exposure to any individuals who would have been involved with the incident.

Acting Chair Ratti explained the appellant would be allowed 15 minutes to present their case, public comments would be accepted, limited to three minutes each, the Board would have an opportunity to ask questions, then the discussion would be closed and the Board would vote.

Appellant's Representative Debbie Leonard noted her clients, Myan and the owners of the property, had a history of compliance with asbestos regulations and had no previous violations. During the initial steps of a project to correct a foundation problem, it had been determined that drywall had been disturbed, but there had been no authority given to anyone to disturb it.

Ms. Leonard stated there was no dispute that the impact to public health was negligible or that her clients were willing to pay the fine. She explained the consequences of having a Notice of Violation against the property were very severe, and may include the loan being considered in default, the lender taking possession of the property, or calling in the personal guarantees made by the owners.

Ms. Leonard noted the owners and representatives from Myan were in the audience and available to answer questions. She explained the owners had other apartment buildings that were held in conjunction with equity partners and through conventional loans, and all of the parties would be affected by the action.

Ms. Leonard provided an overview of the case. She explained the building had been constructed in 1977, making it a likely candidate for asbestos-containing materials. The owners had worked with Myan since January of 2014 at the complex in question and for a total of three years elsewhere. She reiterated they were committed to handling asbestos-containing materials in the proper manner, and have an operations and maintenance plan that addresses them. She pointed out that some of the funds expended on asbestos-abatement activities included moving tenants out and putting them up elsewhere during improvement so they were not exposed.

Ms. Leonard explained that standard operating procedure included pre-approving renovations, ensuring an asbestos abatement contractor is ready to come in, and that the maintenance manager has asbestos training. The asbestos abatement contractor has been called in six times for other projects, demonstrating the owner's commitment.

Ms. Leonard explained the work on the apartment in question was planned to be exterior, until it was decided the ceiling should be removed to observe the soundness of the trusses. It was noted that work would need to be performed by the asbestos abatement contractor. When the contractor came out on June 22 to provide an estimate, they did not witness any disturbance to the drywall. Due to scheduling conflicts, another contractor was chosen. They bid the job over the phone and came out to do the work on July 13. A few hours after their arrival, they notified the manager that there had been drywall disturbance and he had contacted Investigator Suzanne Dugger from the Air Quality Management Division.

Ms. Leonard stated this was the first time anyone was aware of the disturbance as it had not been authorized. The owners authorized the contractor, who was still on site, to do the abatement work as directed by Ms. Dugger. She reiterated the exposure to public health was negligible as it was in an interior wall layer of an empty apartment. She opined it was not a blatant violation.

Ms. Leonard explained the owners and the manager cooperated with Ms. Dugger to work

to determine who was responsible for the action but were unable to do so. Two days later, after the abatement had been completed, the Health District issued two Notices of Violation (NOV). Both were appealed. The Deputy District Attorney notified them that the NOV issued to the owners was only a warning, and that was acceptable to them. However, the NOV issued to Myan clearly stated that it was in regards to a violation, which could trigger the default provisions of the loans.

Ms. Leonard explained the owners were unwilling to suffer the severe consequences of the default actions based on a situation that created only a negligible impact to public health. The Health District offered a mediation process, with the only possible outcome being that the fine would be reduced, which would not change the outcome for the owners. Therefore, they appealed to the Air Pollution Control Hearing Board (APCHB), who indicated they were only reluctantly upholding the violation because they did not feel they had discretion to do anything differently.

Ms. Leonard reiterated they were not attempting to get out of anything. She stated they could voluntarily make a donation in the amount of the fine to the School District. She stated a reduction from an NOV to a warning or dismissal would work for her clients. She opined the Board had the authority to use discretion in their decision.

Acting Chair Ratti called for further public comment and no one responded.

Acting Chair Ratti requested Counsel explain what level of discretion the Board had in terms of options. Deputy District Attorney (DDA) Admirand explained the Board had the option to modify the initial action, as it was governed by the regulations that allow the Board to conduct any hearing, issue any orders or take any other action authorized by the Nevada Revised Statute (NRS). NRS 445(B).450 allows the Board to make efforts to obtain voluntary compliance through warning, conference or other appropriate means. That interpretation comports with general administrative law, which entitles the control officer and the hearing board weight to their findings and decisions, but does not bind this Board to their conclusions. The District Board of Health (DBOH) does have the authority of the initial decision maker just as if they were initially deciding what type of action to take. Therefore, they did have the option to modify the action.

Acting Chair Ratti asked if the APCHB had the same level of discretion. DDA Admirand stated they did but that question was not raised during their hearing.

Acting Chair Ratti opened the discussion to Board questions.

Dr. Hess asked Ms. Albee if she had the actual measurements and calculated surface area of the drywall that was removed. Ms. Albee stated she believed that was included in the staff report. Dr. Hess stated he had not been able to find it and opined the area was approximately 80 square feet. He noted the request from the contractor who had performed work, Advanced Installation, referenced 50 square feet. Ms. Albee explained Advanced Installation was conducting a cleanup, not the abatement. Dr. Hess asked if Ms. Albee knew if it was 50 or 80 square feet and she responded that would be an on-site determination done by the inspector.

Ms. Albee went on to explain that the way the citation was written, the fine was upheld and the NOV was for the notification. Dr. Hess pointed out that Section 030.107 (A)(1), stated that 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, and opined this case did not meet that standard. Ms. Albee explained there

were two notification forms, the first is Acknowledgement of Asbestos Assessment, which is required to be submitted prior to disturbance. It serves as local notification of the work. If the square footage exceeds the limits noted in Section 030.107 (A)(1), then an Environmental Protection Agency (EPA) notification, National Emission Standards for Hazardous Air Pollutants (NESHAP), is required. In this case the NESHAP was not required as the footage fell below the thresholds. Ms. Albee stated the Acknowledgement form had not been submitted as required.

Acting Chair Ratti clarified, stating that if any asbestos was to be disturbed it required the local notification, and if it exceeded a certain amount it also required Federal notification. Ms. Albee stated that was correct. Dr. Hess requested he be provided a copy of the regulation at some point in the future.

Mr. Silverman asked if there was a downside to reducing the violation to a warning, given that the consequences to the property owner for potential violation and default triggers seemed to be severe. He pointed out they were not fighting the fine or disputing the events.

Ms. Albee explained that the actions taken by the Air Quality Management Division (AQM) on an enforcement basis were reportable to EPA. If a violation has been documented and an NOV citation issued, any Board action to reduce, dismiss or otherwise alter the action is reported to EPA. They have a review process to see if AQ is fulfilling their delegated obligations. She went on to say that to the best of her knowledge, through Nevada Revised Statutes (NRS) no fine can be collected unless there is an NOV. DDA Admirand confirmed that was correct.

Acting Chair Ratti summarized that point, noting that their options were to either uphold the violation and order the fine be paid, or reduce it to a warning and collect no fine. Ms. Albee stated it could also be dismissed.

Mr. Silverman asked if there were any other creative options. DDA Admirand explained they could uphold the citation and reduce the fine. Mr. Silverman opined the fine was not the issue and DDA Admirand agreed.

Dr. Novak asked if the appellants had any idea how long it had been between the time the disturbance occurred and when it was reported. Ms. Leonard stated her client did not know. Dr. Novak stated that meant there was a possibility it may have been open the entire time. Ms. Leonard acknowledged that was possible. She reiterated that it had not been breached as of June 22, but was by July 13, and no one had reported anything during that time. Dr. Novak asked if he was correct or incorrect in assuming that the management did not enter or view the unit during that time. Ms. Leonard opined that was correct.

Building Owner Joe Kramer reiterated they had had no intention of disturbing the drywall. At the time the contractor had indicated it would be necessary to pull the ceiling down, they had been stopped due to the fact the owners and Myan knew there was likely to be asbestos, and called in the asbestos-abatement contractor. At that point they were reported to AQM. He stated they do everything they can to comply. He reiterated the potential punishment was not equal to the crime and reviewed some of the potential default actions.

Mr. Kramer stated they did not know the exact time that drywall was removed. He reiterated the removal was never planned or intended. Dr. Novak asked if it was possible that it could have been open to the public over that time period. Mr. Kramer stated he did not know.

Councilmember Jardon noted she had not seen any exhibits showing time stamps

covering the time that Advanced Installations entered the apartment and when Myan was contacted. Ms. Leonard explained there were not time stamps but there had been testimony in front of the APCHB by the property manager Mr. McCain that he had provided access to the workers, and it was approximately two hours later that their superintendent came to him and told him that he had contacted the Health District because they had found the breach.

Councilmember Jardon opined the violation would likely also affect future funding opportunities. Ms. Leonard acknowledged that was a concern. Councilmember Jardon asked if she was correct in stating that the Board's action will be reported to the EPA and they would review the case and make a decision as to whether or not that action was appropriate. Ms. Albee stated the EPA conducts a review of all AQ actions on a semi-annual basis. Any red flags warrant a more thorough review, and a significant issue could trigger an audit. Councilmember Jardon asked if they would consider the appellant's historical performance. Ms. Albee stated they would, and that is also considered in the calculation of the fine amount. She noted the fine had been reduced by 60 percent from the original starting point.

Ms. Albee explained AQ was following Federal regulations that they were delegated to enforce in cases where there is not a known person that created the situation. They work with the party responsible for the property, consistent with other similar violations.

Dr. Hess reiterated he did not feel there was a violation of the rule. The pre-notice was not referenced in Section 030. He opined there should just be a warning. Ms. Albee read the governing regulation into the record, stating:

> Section 030.107 is the Hazardous Air Pollutants, Section A is Asbestos Sampling and Notification. It says no permit for the demolition or for the renovation of any NESHAP-regulated facility, and she added a NESHP-regulated facility is four or more living units or any commercial space, 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 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 Acknowledgement Form", may result in a citation or other enforcement action

Acting Chair Ratti summarized, noting there was a disturbance prior to the issue of a permit. Ms. Albee clarified it was prior to a survey being performed. Acting Chair Ratti asked how they would know when it was required to get an asbestos assessment. Ms. Albee stated it was in the presence of materials that may potentially contain asbestos. Work to be done outside that does not touch the building does not have any potential to disturb asbestos-containing material. Acting Chair Ratti opined the assessments of the owner and management had been reasonable and Ms. Albee agreed.

Acting Chair Ratti asked Ms. Albee if she was alluding to the fact the written procedures had not been followed and Ms. Albee noted that was correct. In the manual the owners are

required to generate their own work activity permit which allows them to control the operations happening in the facility. During the APCHB, it had been acknowledged that one had not been generated for the project.

Mr. Kramer stated they do have a plan and do follow it. He reiterated they did not generate a permit plan for the wall because they were unaware of the disturbance.

Acting Chair Ratti opined there had been compelling testimony about the owner's financial situation, and she was clear about their concern. She noted that was not actually relevant to the Board, it was not something that they could consider. She explained her standpoint was to try to be fair to all appellants in a similar situation, so if an egregious violation was heard and they also used financing as their defense, that would not be enough for her to change her opinion of the violation. While she empathized, she did not feel that fact was relevant.

Acting Chair Ratti went on to say that what she did feel was relevant was the past actions of the appellant in how they deal with asbestos. She opined that is something that the District can regulate and it was something that Counsel had referred to as perhaps extenuating circumstances. They cannot influence the contractual relationships that a party enters into with their financing partners.

Mr. Silverman stated he agreed that the Board's job is not to make a decision based on consequences to the appellant. He noted it was important to consider the nature of the violation. He reiterated it had been stated that the effects had been negligible. There was no question it was a violation but at what level. He had earlier asked the question regarding potential options in hopes that in the future there would be a way to uphold the policies, ordinances and laws while not damaging businesses who are behaving in a proactive manner, such as the appellants. He agreed that if the violation was egregious, the consequences would not matter. He stated he was inclined to move to dismiss. He would have preferred to reduce but that was apparently not an option.

Dr. Novak suggested the owners be given a warning as there was a violation, which is not being contested. He reiterated his concern with the response from the management company, as they had not conducted any type of inspection of the facility over a three-week period. They should have known about the problem and been more proactive. The area was not secured and it is unknown how many people may have been exposed. He supported the fine and violation being levied against the management company, and the owners getting a warning. He agreed that perhaps in the future another type of notification that does not include the term violation could be developed. He noted the owners have done work in the past and had taken the correct actions.

Chief Brown opined staff did an excellent job working within the boundaries of codes, ordinances and laws, and the decisions they had to make were difficult. He sympathized with the issues and opined there was always a solution. He reiterated there was a violation and an NOV. He stated he stood by staff's decisions and actions and would support their recommendation, and would make a decision with the rest of the Board after all discussion was complete.

Dr. Hess stated he stood in opposition to finding them in violation. He opined that it was not a serious violation. It did not meet any of the criteria described earlier, as the square footage appeared to be less than what was required to trigger a notice.

Councilmember Jardon stated she had heard the appellant say they could live with a

warning. She viewed it as clear culpability on some part but there was neither an egregious nor repetitious history. Her opinion was that the penalty should be minor rather than severe. She stated she would be supportive of a warning.

Acting Chair Ratti stated she felt there was evidence of effort to comply. Track record and history were important. She agreed with Chief Brown in regards to supporting staff, but the process exists so there can be discretion. She had heard testimony that let her know they had made every effort to comply, and when they found they were not in compliance they acted. While a mistake was made and that needed to be considered, she supported a warning as well.

Mr. Silverman stated he was prepared to make that recommendation.

Mr. Silverman moved to reduce the violation to a warning, and encourage the Board to consider how to handle something like this in the future, to still receive the fine, and not cause detrimental challenges to a non-egregious violation. Dr. Hess seconded the motion.

Acting Chair Ratti opined the item was not agendized for the second portion of his request, so perhaps he could restate.

Mr. Silverman moved to change the violation to a warning. Councilmember Jardon seconded the motion. The motion passed six in favor and none against.

9. PUBLIC HEARING: Adoption of "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)."
Staff Representative: Charlene Albee

Ms. Albee explained the report was the result of the US EPA setting the national ambient air quality standards. Part of the process is to be sure the delegated programs have the infrastructure in place to enforce regulations, come up with plans, and work to meet and attain the standard. She introduced Mr. Inouye, Branch Chief of the Monitoring and Planning Section.

Mr. Inouye explained EPA establishes health-based air quality standards for six criteria of pollutants including fine particulate matter, or $PM_{2.5.}$ The Infrastructure SIP (ISIP) is a summary of air quality regulations and programs demonstrating the ability to meet the clean air requirements set by the EPA in 2012.

Mr. Inouye stated no comments had been received since the comment period began on September 21. Staff recommended adoption.

Acting Chair Ratti opened the public hearing. Seeing that no one wished to testify, she initiated Board discussion.

Dr. Hess noted there had been previous discussions about EPA imposing a new standard of 70 parts per million and this documents referenced a different measure. Mr. Inouye reiterated that EPA establishes standards for different pollutants and the ISIP specifically referenced fine particulate matter, specific to an annual average versus a 24-hour standard.

Dr. Hess asked if ozone was measured the same way. Mr. Inouye replied that ozone has an eight-hour standard that has been revised three times. Earlier in the month it had been strengthened to 70 parts per billion. An ISIP is required for each pollutant in each averaging time.

Dr. Novak moved to adopt the Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2). Dr. Hess seconded the motion which was approved six in favor and none against.

10. PUBLIC HEARING: Proposed approval and adoption of revisions to the Health District Fee Schedule, specific to the Community and Clinical Health Services (CCHS) Division; and if approved, authorize CCHS to increase fees yearly using the Consumer Price Index (CPI) for the Western Region.
Staff Representatives: Steve Kutz and Patsy Buxton

Ms. Buxton presented the staff report. She noted previous revisions had been approved in 2013 and the Fundamental Review had recommended fee schedules be updated every three to five years and should reflect the full cost of service provision, including a proportional share of infrastructure support. This is the first fee schedule that utilizes the Resource-Based Relative Value System (RBRVS) methodology. Ms. Buxton explained RBRVS is supported by the Federal government and allows better opportunity to identify efficiencies and better understand cost relative to service delivery.

Ms. Buxton explained CCHS management was utilizing RBRVS as a management tool to evaluate and identify services with higher costs and ones that are used often but have a low relative value. Alternative code utilization methods are underway. Average rates for similar services provided in the community were reviewed to help decide if the District's costs were reasonable. In many cases they are lower, but in some they are higher. If they were higher, the community average was used. She provided specific examples.

Ms. Buxton explained it had been discovered that it is not feasible or practical to put programs with case management disease investigation activities into a clinic services model, so some adjustments were made to the Tuberculosis (TB) and Sexually Transmitted Disease (STD) program fees.

Dr. Hess asked Ms. Buxton if she had utilized a relative value unit (RVU), because some of the fees seemed fine and others out of line. He noted a Medicare unit was $36. Ms. Buxton noted the RVU was based on a service code type, so they were different. The conversion factor is 35.8228. Dr. Hess asked if that was dollars and Ms. Buxton replied it was.

Dr. Hess indicated he had conducted some research, and reiterated some of the fees did not calculate correctly using the $36 unit, which was close to what Ms. Buxton was using. Ms. Buxton explained the fees were based on 2014 rates.

Mr. Kutz noted that the Immunization program would be utilizing a schedule of discounts for the administration of immunization fees for privately purchased vaccines. It had been discovered that other agencies providing vaccines did so on a sliding fee scale. This action is expected to save staff time and effort as well as providing consistency within CCHS.

Mr. Kutz noted the schedule of discounts has sufficient proportional increments so that inability to pay is never a barrier to pay in CCHS. The discounts are based on income, family size, and ability to pay.

Mr. Kutz stated that in addition to approving and adopting the revisions to the fee schedule, staff was requesting the Board to authorize CCHS to increase fees yearly using the Western Region CPI, until the fees are updated again in the next three to five years. He explained AQM and Environmental Health Services (EHS) would be making the same

request when their fees were presented in December. If the fees are approved, they will take effect January 1, 2016.

Mr. Kutz stated staff would continue to review cost and utilization data and analyze the impact of implementing the schedule of discounts in the Immunization program.

Acting Chair Ratti opened the public hearing, and asked when the fees were last raised. Mr. Kutz stated they were last approved on April 25, 2013 and went into effect July 1, 2013. Acting Chair Ratti noted that would mean a time period of two and a half years since they had last changed.

Acting Chair Ratti asked for confirmation that this was an entirely new process. Mr. Kutz acknowledged that previously the fees had been based on direct costs and now they were using a nationally-recognized and nationally-approved methodology, which better captured true costs.

Acting Chair Ratti asked Mr. Dick if a different methodology was being used for this division because it is for health care, as opposed to the other divisions. He stated that was correct.

Dr. Hess asked questions about two specific fees, suggesting they may be overpriced in relation to the amount of time and effort required to perform the procedures. Mr. Kutz explained they were based on utilization data gathered from the clinic and compared against community averages.

Dr. Hess asked how many providers had been utilized to determine averages and Mr. Kutz stated it had been four. Dr. Hess noted provider reluctance to disclose charges was the reason he had asked about RVUs, as that would provide a good ballpark figure. Mr. Kutz suggested they review the process with him after the meeting.

Acting Chair Ratti requested an explanation of Mr. Christie's role in the process. Mr. Kutz explained Mr. Christie was a resource made available through the Title X program, Office of Population Affairs. He worked with them to provide the RBRVS methodology. Parts of the process had been used in the past for Family Planning, but the full transition was not made at that time.

Mr. Kutz went on to explain that CCHS had contacted Mr. Christie regarding creating worksheets for the other clinical programs, which were received. Staff entered the data with Mr. Christie's recommendations, and the compilation resulted in the proposed fees.

Acting Chair Ratti requested an explanation of how the process evolved, why it was considered more valid than previous processes and how it was determined the fees were appropriate. Mr. Kutz opined the methodology standardizes the way the fees are calculated, which mirrors the process of many other agencies. When comparing to community averages, the proposed prices were generally similar. He reiterated that there will be a schedule of discounts, so that no one will be denied for inability to pay.

Acting Chair Ratti asked who pays for most of the medical care provided and asked if it was known what percentage of clients are subsidized. Mr. Kutz stated that information was not immediately available. Support is provided by grants, the Health fund, the percentage collected at checkout, donations, and third-party payer reimbursement.

Acting Chair Ratti noted there was a possibility for significant revenue increase, particularly due to the increase in third-party payer reimbursement. Mr. Kutz explained the impact to the clients would be negligible, but higher billing meant a higher percentage would

be reimbursed by the insurance companies. Mr. Kutz explained the discount schedule and payment request process.

Dr. Novak noted the approval included annual CPI adjustments and revisions, and a full update in January of 2021. Mr. Kutz explained that was a proposal for the presentation of the results of the next full update of the fee schedule. Dr. Novak noted it concerned him to wait five years, as most businesses conduct annual reviews. He preferred that the fees be brought back to the Board in the next two to three years, because CPI may not cover medical costs over five years, particularly in light of the anticipated population increase.

Mr. Kutz reiterated the Fundamental Review recommendation was to develop a fee structure that remains stable and consistent for three to five years. Mr. Dick suggested the fees be monitored and brought back to the Board if staff feels it is important to do so or if the Board provides that direction. Dr. Novak asked how staff would know if the fees continued to be appropriate if reviews were not conducted. Mr. Kutz stated it could be reviewed annually and adjustments requested if cost changes are significant. Dr. Novak stated an annual review would be fine.

Acting Chair Ratti pointed out she had been the one pushing for a three- to five-year fee schedule due to the amount of staff time and effort that goes into fee revisions. For businesses working to establish a budget, dramatic changes from year to year does not create a stable business environment. She acknowledged that medical costs are increasing rapidly, and supported the idea of staff conducting an annual review and returning to the Board every three to five years with a full update. Staff would still have the ability to request Board review for other adjustments in the meantime.

Chief Brown asked if the CPI to be used was the Medical CPI. Mr. Kutz explained that it had been decided to use the Western Region CPI to maintain consistency throughout the Health District. Acting Chair Ratti opined that was another good reason to review the fees annually at the staff level.

Chief Brown moved to accept staff's recommendation to adopt the proposed revision to the Health District fee schedule, specific to the Community and Clinical Health Services (CCHS) division, and authorize the CCHS to increase the fees yearly using the Consumer Price Index of the Western Region. Dr. Novak seconded the motion which was approved six in favor and none against.

11. Review, discussion, and adoption of the Business Impact Statement regarding a proposed revision to the Health District Fee Schedule, specific to the addition of the Regional Technology Fee for Air Quality Management and Environmental Health Services, with a finding that the proposed Regional Technology Fee does not impose a direct and significant economic burden on a business; or does the proposed fee directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the Proposed Regional Technology Fee for November 19, 2015 at 1:00 pm.
Staff Representative: Charlene Albee

Ms. Albee explained a seven-year average of permit and license fees had been utilized to calculate the fees that would be charged to help cover the costs of Accela regional permitting and licensing maintenance fees. The methodology was approved by the Oversight Committee, consisting of the County and City managers and the District Health Officer. It was determined the fees would cover the Health District costs, to include annual maintenance, as well as necessary hardware and software upgrades.

Ms. Albee explained staff had reached out to local associations and provided individual presentations, and every effort had been made to be as transparent as possible. The general consensus is that no one likes new fees, but the business partners acknowledge the fact that it was something they had asked for, as they had wanted the ability to conduct more business online. One concern expressed was that they did not want the money to go into a general fund. They were assured these would be dedicated to the Accela program. The fee is built into the system, allowing easy annual analysis. The percentage can be adjusted with respect to the level of revenue being collected.

Ms. Albee noted the most important concern the community expressed was that the fees not be assessed until the system goes live, and they were assured that would be the case.

The Business Impact Statement was compiled jointly by the parties and would be presented to all governing bodies, with the exception of the City of Reno, who had adopted the tech fee as part of their budget. The City of Sparks and Washoe County had postponed adoption until they could analyze impact to their enterprise funds and fees.

[At 2:45 p.m. Dr. Novak left the meeting.]

Acting Chair Ratti explained the Board needed to adopt the Business Impact Statement so that the fee hearing could be held on November 19.

Dr. Hess moved to accept the business impact statement. Mr. Silverman seconded the motion. Acting Chair Ratti asked Counsel if the language for the motion contained in the staff report needed to be referenced. DDA Admirand stated the language did not need to be used, the Business Impact Statement just needed to be considered. She opined the motion made by Dr. Hess acknowledged that it was, but opined he could modify it if he wished.

Dr. Hess moved to approve and adopt the business impact statement as outlined. Mr. Silverman, as the second, accepted the change. The motion was approved five in favor and none against, Dr. Novak not being present for the vote.

[At 2:47 p.m. Dr. Novak returned to the meeting.]

12. Discussion and possible reappointment of Louis S. Test to the REMSA Board of Directors as the Member of the Legal Profession District Board of Health Appointed Representative.
Staff Representative: Christina Conti

Ms. Conti reviewed the staff report. Mr. Test noted he had been on the REMSA Board for a number of years and had participated in the development of the original franchise agreement. He opined his role was a fiduciary for the citizens. He was happy to see that communication was becoming more open.

Chief Brown moved to reappoint Mr. Test to the REMSA Board. Dr. Novak seconded the motion which was approved six in favor and none against.

Acting Chair Ratti thanked Mr. Test for his service and comments regarding open communication. She noted the DBOH would like to continue to work with the REMSA Board to make changes within the limits of the franchise.

13. Presentation, discussion and possible approval of the use of the IAED Omega determinant codes and REMSA's alternative response process within the REMSA franchise agreement, effective November 1, 2015 contingent upon EMS Advisory Board approval.
Staff Representative: Brittany Dayton

Ms. Dayton noted the original staff report had been updated as a result of a meeting with

the regional partners on October 16. The change involved staff recommendation for a tiered implementation process if the Board approved the Omegas.

Ms. Dayton explained the tiered response plan would mean that REMSA would no longer be sending ambulances to Omega calls, which are defined by the Emergency Medical Dispatch (EMD) process as low-acuity, non-emergent calls. REMSA has approved 52 Omega determinants for which they would not send an ambulance. The tiered response means that if REMSA does not send an ambulance, Fire will cancel if they learn it is an Omega call while they are in route. If Fire arrives on scene of an Omega call, they will radio REMSA's dispatch and request an ambulance to come to release them from the scene, and REMSA will send one as though it were a Priority 3 call.

Ms. Dayton explained the response was tiered because once the outstanding concerns were addressed; Fire will be using a one-page form to release from scene. It will be used if Fire makes patient contact and gets verbal consent from REMSA's Emergency Communications nurse.

Ms. Dayton noted that typically the plan and process would have already been presented for approval to the Emergency Medical Services Advisory Board (EMSAB), but due to scheduling issues, that would occur on October 23. This was why her staff report approval request was contingent on EMSAB approval.

Ms. Dayton stated REMSA had presented the Omega protocol to the EMSAB in June, and that Board had directed staff to work with the regional partners, which they had done. The EMSAB is aware of those efforts but has yet to approve the process.

Acting Chair Ratti asked what happens to the person if neither REMSA nor Fire will come to their aid when they call. Ms. Dayton stated the call would be transferred to the Nurse Healthline, and an alternative pathway which provides better resources for them will be provided for their complaint. The calls are prioritized through the EMD process which is overseen by the International Academy of Emergency Dispatch (IAED).

Dr. Hess asked if an ambulance could be dispatched during the time the nurse was talking to the caller and Ms. Dayton stated it could. She pointed out that if the patient requests an ambulance one will be sent.

Chief Brown expressed concern that the Board was going to make a decision for the region about how the 911 system was going to change. He noted the determination of the emergency would be done through a dispatch center at the ambulance service, not the Public Safety Answering Point (PSAP). He supported the Omega process. He asked if the other agencies that had been queried about their process had been dispatched out of one center or did they also transfer calls to the ambulance service. Ms. Dayton opined one of the three utilized the same structure as Washoe County and the other two had a single dispatch center.

Acting Chair Ratti, to provide a reminder for the Board members, initiated a discussion about the current process. Ms. Dayton explained a 911 call, based on the location, would go to one of three PSAPs. They determine the kind of assistance needed and if it is medical, they transfer the call to REMSA for EMD and full medical questioning and then prioritize the call.

Acting Chair Ratti added that the PSAP also dispatches Fire based on the initial information. She summarized, stating in this case, Fire is dispatched then the call is transferred to REMSA, who makes the determination it is not necessary to dispatch. She expressed concern that Fire was answering calls and REMSA was not.

Ms. Dayton stated that once the determination was made, REMSA dispatch would use simulcast to announce that it is an Omega call, and that is how Fire would know to cancel. Acting Chair Ratti summarized, adding that when Fire is notified, they can make their choice based on their governing body and their guidance on whether or not they are going to proceed or return.

Acting Chair Ratti stated it was unfortunate that EMSAB had not been able to meet and discuss the topic yet. She would feel much more comfortable if they had decided on it, as the City Manager of Sparks is a member and he would have had the opportunity to tell her about how the city feels about this relatively significant change.

Ms. Conti noted regional Emergency Medical Services (EMS) partners were in the audience and suggested they may be able to speak from their city's point of view. Acting Chair Ratti clarified she would like to understand the urgency of the issue and Ms. Conti explained a delay would hamper efforts to compile statistics.

Dr. Novak stated he would feel more comfortable knowing where the legal issues stood prior to the Board making any decisions. Ms. Dayton explained a form was under review by the attorneys. The tiered process would allow them time to finalize review and create additional indemnification agreements or potentially have REMSA add the Fire agencies to their policies as additional insured. The initial tier of the proposal included REMSA sending an ambulance to release Fire if requested.

Dr. Hess opined it was premature to approve the Omegas prior to EMSAB taking action and stated he would prefer to table it to the next meeting.

Acting Chair Ratti agreed it was a bit premature for the Board to make the decision. She noted the franchise agreement process had taken six years and expressed that she was pleased it had resulted in the opportunity to explore issues such as the one being addressed. She opined another month would not make a substantial difference in the outcome. She noted the issue that needed to be addressed with Spark's leaders prior to a decision being made would be the perceived change in customer service.

Dr. Hess moved to table the item. Chief Brown seconded the motion.

DDA Admirand explained a date certain did not need to be set, Acting Chair Ratti added that they could bring it back for discussion when they were ready to do so.

Ms. Dayton asked if the Board preferred that all legal agreements be finalized prior to bringing the item back. Acting Chair Ratti deferred the question to the EMSAB so they could provide guidance. Dr. Novak agreed.

Ms. Conti explained the reason for requesting the clarification was that the item had been presented to the Board so that they would have the option of approving the overall concept and EMSAB would be responsible for approving the process. She stated it would be left with EMSAB's decision.

Acting Chair Ratti suggested the approved determinants be sent to all Board members.

The motion was approved six in favor and none against.

Councilmember Jardon stated she would need to leave and requested any matters that required her attention be promoted on the agenda. Acting Chair Ratti opined the District Health Officer review was one of the more important issues that needed to be handled as a Board, and requested Item 19 be promoted to be heard next. DDA Admirand stated that action was allowed.

19. Annual Performance Evaluation of District Health Officer, to include Discussion of the Evaluation Results and Possible Approval of the Board's Recommendation, and Consideration and Possible Approval of Compensation and Benefits
Presented by Acting Chair Ratti

Mr. Dick noted that at the last meeting the Board had approved the survey to be distributed, as well as the list of recipients. When the survey was sent out, it included the link and a list of his accomplishments. A compilation of the survey results had been provided to the Board members, as well as his Certificate of Participation demonstrating successful participation in an Epidemiology course provided by the Centers for Disease Control as suggested by Dr. Hess. He offered to read the list of goals the Board had set for him during his previous review.

Councilmember Jardon requested a breakdown of how many and who the respondents were, and Mr. Dick reviewed them for her. The list included Board members, Division Directors, outside agencies such as the City and County Managers, as well as the State Department of Health and Human Services, the university, and members of other community organizations that the Health District works with. Councilmember Jardon asked how many requests had been sent and Mr. Dick stated there had been 30.

Acting Chair Ratti observed that the overall results were positive. Members indicated they would appreciate a review of the recommended goals. Acting Chair Ratti listed the eight goals, which are as follows:

1. Work on continuous quality improvement
2. Continuing education in public health
3. Using social media for emergency communication
4. Changing the culture of the Health District to focus on the future
5. A strategic plan review
6. Rework of the fee process
7. Transparent EMS data
8. Improve, continue and foster the relationship with the County

Dr. Novak opined Mr. Dick was doing well in all areas. Acting Chair Ratti stated she was pleased with the progress made in all areas. She noted for the record one member had stated it was good, two others provided a thumbs up.

Councilmember Jardon noted good numbers on Facebook. Acting Chair Ratti asked if social media was being used for emergencies. Mr. Dick stated it was.

Acting Chair Ratti stated she had been immensely pleased with the direction of the Health District since the Board had made the decision to hire Mr. Dick. She reiterated she was pleased with the progress in the eight areas suggested by the Board, as well as the list of accomplishments.

Acting Chair Ratti went on to say she was not completely comfortable with the evaluation process. She opined the Board may need more support from the Human Resources staff in terms of providing more structure such as a staff report and supporting material in advance of the meeting, rather than the process being guided entirely by the Chair. Regardless of that, she stated she was completely comfortable with the Health

Officer's performance.

Acting Chair Ratti noted the agenda item included consideration and possible approval of compensation and benefits, and stated she was unclear as to what the Board was being asked to do. Mr. Dick stated Laurie Griffey had provided Chair Jung with some information. The discussion was about compensation adjustment that was separate from a cost of living adjustment (COLA). He explained County procedure for positions that had not yet hit the top of their salary range for the position were typically provided a five percent merit increase if their review was satisfactory or better. Chair Jung had supported the increase.

Councilmember Jardon asked what the historical increases had been and Mr. Dick replied he was provided five percent at the last review. He had disclosed to Chair Jung that while that was the practice for other employees under the labor agreement, he was not part of that so it was not legally binding to the Board or to him. Councilmember Jardon asked if that would be above or including COLA. Mr. Dick stated it would be five percent above the COLA, which was three percent.

Acting Chair Ratti noted labor groups had agreements, middle management was covered by resolutions, and upper level managers are subject to Board discretion. She stated the same guidelines used for employees are typically followed in these cases. She noted a three percent COLA had been approved at the last meeting, which had been delayed due to labor negotiations, so was retroactive to July 1. Under discussion was the opportunity to separately consider a merit increase of any amount they considered appropriate, although five percent is what is done for division heads in the County.

Councilmember Jardon stated what she was struggling with, unrelated to performance, had to do with making a decision consistent with practices used to provide merits for individuals in similar positions. She indicated she was working to understand how they could justify five percent in addition to the three percent already approved.

Acting Chair Ratti noted it had always been interesting to her that they represented and often behaved as an independent district, and yet in many ways they function as a department of the County. She stated to be consistent with the County made more sense to her than to be consistent with peer bodies, and that had been their past practice.

Mr. Silverman opined the COLA and merit should be evaluated separately, but perhaps they should be considered together in terms of a reasonable increase percentage that included factors such as County consistency and available budget. He stated he did not understand all the factors well enough to be able to vote in favor or against.

Acting Chair Ratti asked Ms. Heenan if the COLA and merit increases had been factored into the budget. Ms. Heenan explained merit increases were added automatically for all employees who are not at the top of the pay scale. Dr. Hess asked if all employees had received an eight percent raise and Ms. Heenan replied that would only occur for a handful of employees, as most have been on the job long enough that they were already at the top of their pay scales.

Councilmember Jardon asked if the three percent COLA and five percent merits were paid through the depth of the recession. Ms. Heenan explained the five percent merit remained, but not only did COLA not occur, but the County decreased pay during that time. Acting Chair Ratti noted that during the Great Recession, the City of Sparks hired very few new employees, so the number of merit increases was minimal. It was noted that the employees of the different jurisdictions had made concessions.

Councilmember Jardon asked if the item could be postponed and opined she would appreciate Chair Jung's input on the discussion as she was not comfortable making a decision without a deeper level of historical information. Ms. Heenan noted it takes three to five years to get to the top of the pay scale. Although it sounds like a large sum, it is bringing the pay that an employee is receiving that is earning the experience through the years up equal to those that have been employed long enough to have already received it.

Mr. Silverman moved to table the item. Dr. Hess seconded the motion.

Acting Chair Ratti requested Mr. Silverman reconsider, as there was a difference between table and continue, which she explained. Mr. Silverman moved to continue. Acting Chair Ratti noted he would need to rescind his original motion, which Mr. Silverman did, and Dr. Hess agreed to.

Mr. Silverman moved to continue the item to the following meeting. Dr. Hess seconded the motion.

Councilmember Jardon emphasized that she did not wish for the action to reflect it had anything to do with Mr. Dick's performance. It was simply about her comfort level. Acting Chair Ratti agreed and suggested they needed a bit more time to digest all of the information, and it would be helpful if Chair Jung were present.

The motion passed six in favor and none against.

[Councilmember Jardon left the meeting at 3:29 p.m.]

14. Regional Emergency Medical Services Authority
Presented by Kevin Romero

A. Review and Acceptance of the REMSA Operations Reports for September, 2015

Mr. Romero reviewed the staff report. He noted he had met with Dr. Hess regarding his concerns about their customer service report numbers. The comment card distribution percentage had been increased from 20 to 40 in an effort to increase the input received from transported patients.

Dr. Novak expressed his concern that the responses were trending in a less-than-favorable direction. He suggested it may be due to the time of year or the reduced number of responses. Mr. Romero reiterated the number of requests for comments had been substantially reduced and opined that, when that was expanded, there would be a more complete picture.

Dr. Novak moved to accept the report as presented. Chief Brown seconded the motion which was approved five in favor and none against.

*B. Update of REMSA's Community Activities during September, 2015

Mr. Romero reviewed the report, noting REMSA would be sharing population health outcome data with the Board in November. He invited the members to accompany a Community Health Paramedic on a home visit to better understand the process and Omegas.

The Centers for Disease Control (CDC) had evaluated St. Mary's and REMSA on their Ebola readiness plan and provided them with great praise on the capabilities in the area.

15. Acknowledge receipt of the Health District Fund Financial Review for September Fiscal Year 2016
Staff Representative: Anna Heenan

Ms. Heenan reviewed the report, noting a revenue increase due to charges for services.

The cash balance was equivalent to one month's expenses.

Mr. Silverman moved to accept the report as presented. Dr. Hess seconded the motion which was approved five in favor and none against.

16. Discussion and potential direction to the District Health Officer to utilize two or more hours of staff time to monitor the implementation of the special event EMS mandates and report back to the Board so that the Board may receive regular updates on how the implementation is proceeding through the local jurisdictions. [Ratti]

Acting Chair Ratti noted any item requested by a Board member that required staff to work on something outside their normal tasks requires that the Board agree it was worth pursuing. She pointed out she had made the request and had since had the opportunity to obtain the information she needed and no longer felt it was necessary to proceed with the request.

No action was taken.

17. Discussion and potential Board consensus to approve casting one vote on behalf of the Board to nominate Dr. Novak for an At-Large position on the National Association of Local Boards of Health (NALBOH) Board and to cast one vote for a second At-Large position on the ballot.
Staff Representative: Kevin Dick

Dr. Hess pointed out the action was to elect, not nominate. Acting Chair Ratti acknowledged that was correct and restated the item title with that change. She explained it had been clarified that the Board as a whole was entitled to one vote, so it was necessary for them to agree to support Dr. Novak and to agree which candidate they would support for the second position on the ballot.

Chief Brown moved that the Board support Dr. Novak and Andrew Quanstrom for the two positions. Dr. Hess seconded the motion which was approved five in favor and none against.

18. Review, discussion and possible direction to staff regarding a five-year plan for recurring Board and Health District significant activities, to include Legislative policy and activities, Community Health Needs Assessment, Community Health Improvement Plan, Strategic Planning, Budgeting, and Governance Self-Assessment. [Ratti]
Staff Representative: Kevin Dick

Acting Chair Ratti explained the item had come out of the last meeting in an attempt to enter into a cycle that allows the Board to participate in its governance role but also is set up so that staff can spread the work out over a number of years.

Mr. Dick stated the development of the schedule had been a useful exercise for him. He had spoken with Chair Jung about the five-year plan and the proposal to conduct a governance assessment in 2016. He explained the National Association of County and City Health Officials (NACCHO) grant to support the strategic planning had been received, so the assessment would be conducted in Year 4, accommodating the strategic planning grant deadline.

Mr. Dick noted that both the Board and the District significant activities supporting the Board actions had been presented on the schedule.

Dr. Novak reiterated his concern with fees only being reviewed every five years. He

opined it should occur after two years because the entire District was undergoing changes to fiscal review and analysis. If it appeared to be working at that time, a five-year cycle could be considered.

Mr. Dick explained the schedule had been compiled that way so that business owners could have some certainty about costs over a period of years. He acknowledged the earlier discussion regarding fees for clinical services and suggested the proposed schedule identify that it referred to fees for EHS and AQM. He noted those fees required a much higher level of involvement with the stakeholders and the community. He opined the direction provided by the Fundamental Review was to set them correctly and then to leave them as they are for some time.

Acting Chair Ratti noted she had been advocating for stable fees for a number of years. She stated businesses set their fees based on what the market can bear, and they build their financial model based on that. Government does not have the flexibility to set fees according to market rate; it must be based on activities. Studying them too often results in swings, and the business community looks for steady fees they can rely on. She pointed out that the Board had the discretion to request review of the fees at any time within that five-year time span.

Dr. Novak opined that the last review of fees had utilized a tremendous amount of staff time and effort across all divisions, and had developed specific methodologies for the process as opposed to utilizing educated guesses. He reiterated he would like to see a review conducted in two years to be sure the approach was successful.

Acting Chair Ratti stated she had watched staff expend that much effort every year for the last five years and opined that level of effort did not make sense every year. Dr. Novak agreed. Mr. Sack stated that feedback from the community had been consistent in the request for stable fees. He noted the Board would have another opportunity to review the issue when the business impact statement for the fees was presented to them in November.

Acting Chair Ratti pointed out that if they adopted the schedule, that did not mean they did not retain the discretion to change any of it at any time. She stated she was pleased it had provided the opportunity for staff to consider the logic behind each step throughout the cyclical process.

Mr. Dick noted that, based on the constraints of the NACCHO funding, the strategic plan retreat would presumably be held in the spring. He opined it should be scheduled for a full day, with the opportunity of reduction. Acting Chair Ratti stated she would not be able to attend the proposed day in March, but felt it was acceptable for the event to proceed without her presence if that date worked for the others. Dr. Hess opined her experience was too valuable for her not to be there. Mr. Dick agreed. The members agreed to schedule the retreat for April 14.

No action was taken.

At 3:55 p.m., Acting Chair Ratti stated it would be necessary for her to leave the meeting. Chief Brown offered to take over as Acting Chair.

20. *Staff Reports and Program Updates

A. Air Quality Management, Charlene Albee, Director
Program Update, Divisional Update, Program Reports

Ms. Albee stated she had nothing to add to the report but was available to answer questions.

B. Community and Clinical Health Services, Steve Kutz, Director
Chronic Disease Prevention Program (CDPP), Divisional Update, Program Reports

Mr. Kutz presented a video regarding smoke-free housing properties and explained the program had resulted in over 1,000 individuals who were positively impacted. He noted that as of August 1, UNR was officially a smoke-free campus.

Mr. Silverman asked if the properties referenced in the video were smoke-free within the facility or on the grounds. Ms. Gabor stated she did not have an absolute answer, but opined that the properties provided different options. She noted concerns about shared space and distance, as smoke can enter a living space through unsealed openings in walls and floors.

Mr. Kutz noted Washoe County two-year-olds had an immunization rate of 77 percent in 2014 and explained the methodology for the compilation of the data.

Mr. Kutz thanked the Board for approving the Patagonia contract and the termination of Netsmart.

C. Environmental Health Services, Bob Sack, Director
EHS Division Update, Program Updates - Food, IBD, Land Development, Vector-Borne Disease and EHS Inspections / Permits / Plan Review

Mr. Sack stated he had nothing to add to the report but was available to answer questions.

D. Epidemiology and Public Health Preparedness, Dr. Randall Todd, Director
Program Updates for Communicable Disease, Public Health Preparedness, and Emergency Medical Services

Dr. Todd stated the Norovirus outbreak had grown to 19 schools, one private school and some daycare centers, bringing the total facility count to 23. Currently there were 1,567 cases. He stated the number is not expected to increase substantially as the surveillance approach will be slightly altered while still managing the outbreak.

Dr. Todd explained an outbreak within a facility was typically brought under control within a week and a half to two weeks. Some of the schools had experienced ongoing activity for more than a month, but they are larger schools so measures are more difficult to implement.

Ms. Gabor stated she had received an answer to Mr. Silverman's question, and most of the facilities allowed smoking outdoors or in designated areas.

E. Office of the District Health Officer, Kevin Dick, District Health Officer
Community Health Improvement Plan, Truckee Meadows Healthy Communities (TMHC), Quality Improvement, Fees, Other Events and Activities and Health District Media Contacts

Mr. Dick noted the TMHC Family Health Festival had been held on October 21 and he had been informed that it was very successful. They were planned to be held quarterly in different locations.

Mr. Dick stated a TMHC breakfast forum would be held November 4, to provide an update on activities and to hear from a speaker from Oakland who would be discussing the similar activities being conducted there.

21. *Board Comment

Mr. Dick proposed an item that, for future NALBOH elections, the Board considers designating the Chair to make the decision and cast the vote.

22. Emergency Items

None.

23. *Public Comment

Mr. Kutz reminded the Board that flu shots were available to any interested members.

Ms. Spinola noted the November and December meetings would be held on the third Thursdays rather than the fourth.

24. Adjournment

At 4:09 p.m., Dr. Novak moved to adjourn. Dr. Hess seconded the motion which was approved six in favor and none against.

Respectfully submitted,

Kevin Dick, District Health Officer
Secretary to the District Board of Health

Dawn Spinola, Administrative Secretary
Recording Secretary

Approved by Board in session on November 19, 2015.

WASHOE COUNTY
HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

WASHOE COUNTY DISTRICT BOARD OF HEALTH

CERTIFICATE OF ADOPTION

WHEREAS, a need has arisen to prepare "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)";

WHEREAS, this matter has been duly noticed and heard in conformance with applicable administrative procedure requirements;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby adopts "The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)".

"The Washoe County Portion of the Nevada State Implementation Plan to Meet the $PM_{2.5}$ Infrastructure SIP Requirements of Clean Air Act Section 110(a)(2)" was duly and regularly introduced, passed, and adopted at a regular meeting of the Washoe County District Board of Health, on the motion of Novak, seconded by Hess, on the 22nd day of October, 2015, by the following vote of the Board:

AYES: Brown, Hess, Jardon, Novak, Ratti, Silverman

NAYS: None

ABSENT: Jung

Kevin Dick
District Health Officer

Kitty Jung
Chair