

**WASHOE COUNTY
DISTRICT BOARD OF HEALTH**

Denis Humphreys, OD, Chairman
Matt Smith, Vice Chairman
George Furman, MD,
Councilman Dan Gustin
Commissioner Kitty Jung
Amy J Khan, MD, MPH
Councilwoman Julia Ratti

ANNOTATED AGENDA

Meeting of the
DISTRICT BOARD OF HEALTH
In the
**BOARD OF COUNTY
COMMISSION CHAMBERS**

1001 E. 9th Street, Reno, Nevada
Reno, Nevada

October 22, 2009

1:00 PM

NOTICE

PLEASE NOTE THE CHANGE IN THIS MONTH'S MEETING LOCATION

PURSUANT TO NRS 241.020, PLEASE BE ADVISED THAT THE AGENDA FOR THE DISTRICT BOARD OF HEALTH MEETING HAS BEEN POSTED AT THE FOLLOWING LOCATIONS: WASHOE COUNTY HEALTH DISTRICT (1001 E. 9TH ST), RENO CITY HALL (1 E. 1ST ST), SPARKS CITY HALL (431 PRATER WAY), WASHOE COUNTY ADMINISTRATION BUILDING (1001 E. 9TH ST), AND ON THE WASHOE COUNTY HEALTH DISTRICT WEBSITE @ WWW.WASHOECOUNTY.US/HEALTH. PUBLIC COMMENT IS LIMITED TO THREE (3) MINUTES PER PERSON.

The Board of Health may take action on the items denoted as "(action)".

Business Impact Statement – A Business Impact Statement is available at the District Health Department for those items denoted with a \$

- | | |
|--|--------------------|
| 1. Call to Order, Pledge of Allegiance Led by Invitation | HELD |
| 2. Roll Call | HELD |
| 3. Public Comment (3 minute time limit per person) | COMMENTS PRESENTED |
| 4. Approval/Deletions to the Agenda for the October 22, 2009 (action) | APPROVE AS AMENDED |
| 5. Approval/Additions/Deletions to the Minutes of the Meeting of September 24, 2009 (action) | APPROVED |

6. Recognitions

YEARS-OF-SERVICE
BRYAN WAGNER

7. Consent Agenda

Matters, which the District Board of Health may consider in one motion. Any item, however, may be discussed separately by Board member request. Any exceptions to the consent agenda must be stated prior to approval.

A. Air Quality Management Cases

1. Recommendation to Uphold Citations Unappealed to the Air Pollution Control Hearing Board

a. No Cases This Month

2. Recommendations of Cases Appealed to the Air Pollution Control Hearing Board

a. Sharon and Richard Hatch – Case No. 1039, NOV No. 4333 (action)

b. Willie Falcon – Case No. 1040, NOV No. 4332 (action)

UPHELD, \$5,000 FINE LEVIED
UPHELD, \$5,000 FINE LEVIED

B. Recommendation to Approve Variance Case(s) Presented to the Sewage, Wastewater & Sanitation Hearing Board

1. No Cases This Month

C. Budget Amendments / Interlocal Agreements / Authorized Position Control Numbers

1. Approval of 1) the Subgrant Amendment #2 from the Nevada Department of Health and Human Services, Health Division, in the Amount of \$2,035 in Support of the Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016, for the Period of January 1, 2009 Through December 31, 2009; 2) Approval of Amendments Totaling an Increase of \$2,035 in Revenue and Expenses to Bring the FY 10 Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program Budget, IO 10016 Into Alignment with the Subgrant (action)

APPROVED

2. Approval of Subgrant Amendment #2 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness, for the Women, Infants, Children (WIC) Clinic Program, in the Total Amount of \$2,405,387 in Support of Salaries and Benefits, Travel and Training, and Operating Expenditures for the period of October 1, 2008 Through September 30, 2010; and Approval of Amendments Totaling an Increase of \$5,195 in Both Revenue and Expenses to the Adopted FY 10 WIC Clinic Grant Program, IO 10031, to Bring the FY 10 Adopted Budget Into Alignment with the Grant (action)

APPROVED

3. Approval of Notice of Grant Award, Dated September 17, 2009, from the Department of Health and Human Services Public Health Services in the Amount of \$911,222 in Support of the Family Planning Program for the Period of July 1, 2009 Through June 29, 2010; Approval of the Amendments Totaling an Increase of \$157,144 in Both Revenue and Expenses to the Adopted FY 10 Family Planning Grant Program; and Authorizing the Creation of an On-Call Registered Nurse Intermittent Hourly Position (PC#TBD), as Evaluated by the Job Evaluation Committee (JEC); Authorizing an Increase in Part-Time Hours for Position Control Number 70002192 (.95 FTE to 1.0 FTE) for the Period Supplemental Grant Funds are Available (action)

APPROVED

- | | |
|---|---|
| <p>4. Approval of Subgrant Amendment #3 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness for the HIV Prevention Grant Program, in the Total Amount of \$607,800, for the Period of January 1, 2009 Through December 31, 2009; and Approval of Amendments Totaling an Increase of \$26,658 in Both Revenue and Expenses to the Adopted FY 10 HIV Prevention Grant Program, IO 10013, to Bring the FY10 Adopted Budget Into Alignment with the Grant; and Authorizing the Creation of an On-Call Registered Nurse Intermittent Hourly Position (PC#TBD) as Evaluated by the Job Evaluation Committee (JEC) (action)</p> | <p>APPROVED</p> |
| <p>8. Air Pollution Control Hearing Board Cases – Appealed to the District Board of Health A. No Cases This Month</p> | |
| <p>9. Regional Emergency Medical Services Authority NO REPORT THIS MONTH A. Review and Acceptance of the Operations and Financial Report for September 2009 (action) B. Update of REMSA's Community Activities Since September 2009</p> | <p>CONTINUED TO THE NOVEMBER MEETING</p> |
| <p>10. Review and Acceptance of the Monthly Public Health Fund Revenue and Expenditure for September 2009 (action)</p> | <p>ACCEPTED</p> |
| <p>11. Public Hearing – District Board of Health Regulations Governing Air Quality Management A. Presentation and Discussion of the Proposed Additions of Section 040.087 (Dry Cleaning Operations) to the Regulations B. Approval and Adoption of Additions to the Washoe County District Board of Health Regulations Governing Air Quality Management (action)</p> | <p>CONTINUED TO THE DECEMBER MEETING</p> |
| <p>12. Appointments of Mr. Michael Ford and Dr. Cathleen Fitzgerald, DEnv, PE, as the Nevada Professional Engineer Representative; and Re-Appointments of Mr. Jon Greene; Mr. Joe Serpa, as the Nevada Licensed Contractor Representative and Ms. Alysa Keller, Esquire, as the Nevada Licensed Attorney Representative to the Air Pollution Control Hearing Board for Three (3) Year Terms (action)</p> | <p>MR MICHAEL FORD – 3 YEAR TERM DR CATHLEEN FITZGERALD – 3 YEAR TERM MR JON GREENE – 3 YEAR TERM MR JOE SERPA – 3 YEAR TERM MS ALYSA KELLER – 3 YEAR TERM</p> |
| <p>13. Update - Report on Illegal Food Vendors with Possible Direction to Staff (action)</p> | <p>ACCEPTED WITH DIRECTION TO STAFF</p> |
| <p>14. Update – Waste Management Authorities, Solid Waste Management Plan and Solid Waste Management Agreements With Possible Direction to Staff (action)</p> | <p>ACCEPTED WITH DIRECTION TO STAFF</p> |
| <p>15. Strategic Planning Updates with Possible Direction to the Board A. Presentation – Strategic Priorities B. Revised Goals and Objectives C. Health District Websites D. Recycling Efforts and MRF (Materials Recycling Facility) – CONTINUED TO NOVEMBER E. Presentation by Mr. Lee Gibson, Executive Director, Regional Transportation - CONTINUED TO NOVEMBER</p> | <p>PRESENTED PRESENTED PRESENTED WITH DIRECTION TO STAFF CONTINUED CONTINUED</p> |
| <p>16. Presentation of Evaluation Forms for District Health Officer's Annual Review with Possible Direction to Staff (action)</p> | <p>PRESENTED</p> |
| <p>17. Staff Reports and Program Updates A. Director, Epidemiology and Public Health Preparedness – Communicable Disease; Public Health Preparedness (PHP) Activities B. Director, Community and Clinical Health Services – Current Use of Social Media in CCHS Programs</p> | <p>PRESENTED</p> |

C. Director, Environmental Health Services – Temporary Foods; iRefill Campaign

D. Director, Air Quality Management - Monthly Report of Air Quality: Everything Green, Monitoring/Planning Activities, Permitting Activities, Compliance/Inspection Activity, and Enforcement Activity

E. Administrative Health Services Officer – No Report This Month

F. District Health Officer – H1N1 Presentations; State and Local Health Officers Meeting; Rotary Family Flu Shot Day

18. Board Comment – Limited to Announcements or Issues for Future Agendas

COMMENTS PRESENTED

19. Adjournment (**action**)

ADJOURNED

NOTE: 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 District Health Department, 1001 East Ninth Street, Building "B", Reno, NV 89512 or by calling 328-2416.

**WASHOE COUNTY
DISTRICT BOARD OF HEALTH**

Denis Humphreys, OD, Chairman
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George Furman, MD,
Councilman Dan Gustin
Commissioner Kitty Jung
Amy J Khan, MD, MPH
Councilwoman Julia Ratti

A G E N D A

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1001 E. 9th Street, Reno, Nevada
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The Board of Health may take action on the items denoted as "(action)".

Business Impact Statement – A Business Impact Statement is available at the District Health Department for those items denoted with a \$

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|----------------|--|---------------|
| 1:00 PM | 1. Call to Order, Pledge of Allegiance Led by Invitation | Dr. Humphreys |
| | 2. Roll Call | Ms. Smith |
| | 3. Public Comment (3 minute time limit per person) | Dr. Humphreys |
| | 4. Approval/Deletions to the Agenda for the October 22, 2009 (action) | Dr. Humphreys |
| | 5. Approval/Additions/Deletions to the Minutes of the Meeting of September 24, 2009 (action) | Dr. Humphreys |

6. Recognitions Dr. Humphreys
- A. Years-of-Service
1. Gerold Dermid - CCHS – 5 Years
 2. Michelle Washington – CCHS – 5 Years
 3. Josefina “Josie” Rivera – CCHS – 10 Years
 4. Bryan Wagner – EHS - 15 Years
 5. Sally Fry-Woyciehowsky – CCHS – 20 Years
- B. School of Public Health – “Advances in Epidemiology and Control of Emerging Infectious Diseases”
1. Amber English
7. Consent Agenda Dr. Humphreys
- Matters, which the District Board of Health may consider in one motion. Any item, however, may be discussed separately by Board member request. Any exceptions to the consent agenda must be stated prior to approval.
- A. Air Quality Management Cases
1. Recommendation to Uphold Citations Unappealed to the Air Pollution Control Hearing Board Mr. Bonderson
 - a. No Cases This Month
 2. Recommendations of Cases Appealed to the Air Pollution Control Hearing Board Mr. Bonderson
 - a. Sharon and Richard Hatch – Case No. 1039, NOV No. 4333 **(action)**
 - b. Willie Falcon – Case No. 1040, NOV No. 4332 **(action)**
- B. Recommendation to Approve Variance Case(s) Presented to the Sewage, Wastewater & Sanitation Hearing Board Mr. Coulter
1. No Cases This Month
- C. Budget Amendments / Interlocal Agreements / Authorized Position Control Numbers
1. Approval of 1) the Subgrant Amendment #2 from the Nevada Department of Health and Human Services, Health Division, in the Amount of \$2,035 in Support of the Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016, for the Period of January 1, 2009 Through December 31, 2009; 2) Approval of Amendments Totaling an Increase of \$2,035 in Revenue and Expenses to Bring the FY 10 Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program Budget, IO 10016 Into Alignment with the Subgrant **(action)**
 2. Approval of Subgrant Amendment #2 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness, for the Women, Infants, Children (WIC) Clinic Program, in the Total Amount of \$2,405,387 in Support of Salaries and Benefits, Travel and Training, and Operating Expenditures for the period of October 1, 2008 Through September 30, 2010; and Approval of Amendments Totaling an Increase of \$5,195 in Both Revenue and Expenses to the Adopted FY 10 WIC Clinic Grant Program, IO 10031, to Bring the FY 10 Adopted Budget Into Alignment with the Grant **(action)**
 3. Approval of Notice of Grant Award, Dated September 17, 2009, from the Department of Health and Human Services Public Health Services in the Amount of \$911,222 in Support of the Family Planning Program for the Period of July 1, 2009 Through June 29, 2010; Approval of the Amendments Totaling an Increase of \$157,144 in Both Revenue and Expenses to the Adopted FY 10 Family Planning Grant Program; and Authorizing the Creation of an On-Call Registered Nurse Intermittent Hourly Position (PC#TBD), as Evaluated by the Job Evaluation Committee (JEC); Authorizing an Increase in Part-Time Hours for Position Control Number 70002192 (.95 FTE to 1.0 FTE) for the Period Supplemental Grant Funds are Available **(action)**

4. Approval of Subgrant Amendment #3 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness for the HIV Prevention Grant Program, in the Total Amount of \$607,800, for the Period of January 1, 2009 Through December 31, 2009; and Approval of Amendments Totaling an Increase of \$26,658 in Both Revenue and Expenses to the Adopted FY 10 HIV Prevention Grant Program, IO 10013, to Bring the FY10 Adopted Budget Into Alignment with the Grant; and Authorizing the Creation of an On-Call Registered Nurse Intermittent Hourly Position (PC#TBD) as Evaluated by the Job Evaluation Committee (JEC) **(action)**

8. Air Pollution Control Hearing Board Cases – Appealed to the District Board of Health Mr. Bonderson
 - A. No Cases This Month

9. Regional Emergency Medical Services Authority **NO REPORT THIS MONTH** Mr. Smith
 - A. Review and Acceptance of the Operations and Financial Report for September 2009 **(action)**
 - B. Update of REMSA's Community Activities Since September 2009

10. Review and Acceptance of the Monthly Public Health Fund Revenue and Expenditure for September 2009 **(action)** Ms. Coulombe

11. Public Hearing – District Board of Health Regulations Governing Air Quality Management Mr. Bonderson
 - A. Presentation and Discussion of the Proposed Additions of Section 040.087 (Dry Cleaning Operations) to the Regulations
 - B. Approval and Adoption of Additions to the Washoe County District Board of Health Regulations Governing Air Quality Management **(action)**

12. Appointments of Mr. Michael Ford and Dr. Cathleen Fitzgerald, DEnv, PE, as the Nevada Professional Engineer Representative; and Re-Appointments of Mr. Jon Greene; Mr. Joe Serpa, as the Nevada Licensed Contractor Representative and Ms. Alysa Keller, Esquire, as the Nevada Licensed Attorney Representative to the Air Pollution Control Hearing Board for Three (3) Year Terms **(action)** Mr. Bonderson

13. Update - Report on Illegal Food Vendors with Possible Direction to Staff **(action)** Mr. McNinch

14. Update – Waste Management Authorities, Solid Waste Management Plan and Solid Waste Management Agreements With Possible Direction to Staff **(action)** Ms. Rucker

15. Strategic Planning Updates with Possible Direction to the Board Dr. Anderson
 - A. Presentation – Strategic Priorities
 - B. Revised Goals and Objectives
 - C. Health District Websites Mr. Fisher
 - D. Recycling Efforts and MRF (Materials Recycling Facility) – **CONTINUED TO NOVEMBER**
 - E. Presentation by Mr. Lee Gibson, Executive Director, Regional Transportation - **CONTINUED TO NOVEMBER**

16. Presentation of Evaluation Forms for District Health Officer's Annual Review with Possible Direction to Staff **(action)** Dr. Humphreys

17. Staff Reports and Program Updates
 - A. **Director, Epidemiology and Public Health Preparedness** – Communicable Disease; Public Health Preparedness (PHP) Activities Dr. Todd
 - B. **Director, Community and Clinical Health Services** – Current Use of Social Media in CCHS Programs Ms. Hadayia
 - C. **Director, Environmental Health Services** – Temporary Foods; iRefill Campaign Mr. Sack

- | | |
|---|---------------|
| D. Director, Air Quality Management - Monthly Report of Air Quality: Everything Green, Monitoring/Planning Activities, Permitting Activities, Compliance/Inspection Activity, and Enforcement Activity | Mr. Goodrich |
| E. Administrative Health Services Officer – No Report This Month | Ms. Coulombe |
| F. District Health Officer – H1N1 Presentations; State and Local Health Officers Meeting; Rotary Family Flu Shot Day | Dr. Anderson |
| 18. Board Comment – Limited to Announcements or Issues for Future Agendas | Dr. Humphreys |
| 19. Adjournment (action) | Dr. Humphreys |

NOTE: 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 District Health Department, 1001 East Ninth Street, Building "B", Reno, NV 89512 or by calling 328-2416.

WASHOE COUNTY DISTRICT BOARD . . HEALTH
ATTENDANCE CARD
PLEASE PRINT

DATE: 10-22-09 AGENDA ITEM: 3[?]

NAME: A. Muir

ADDRESS: 6809 MARBLE Canyon ROAD, Reno

I REPRESENT: SELF

I AM IN ATTENDANCE CONCERNING: NUISANCE ORDINANCE

DO YOU WISH TO MAKE A STATEMENT: YES NO

IN FAVOR IN OPPOSITION

NOTE: GENERAL POLICIES FOR ADDRESSING THE BOARD:
1. PUBLIC COMMENT (5 MINUTE TIME LIMIT PER PERSON)

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING
 Board Room - Health Department Building
 Wells Avenue at Ninth Street

October 22, 2009

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| Approval of Subgrant Amendment #2 – Nevada Department of Health/Human Services, Health Division – Tuberculosis (TB) Centers for Disease Control & Prevention (CDC) Grant Program, IO 10016; Approval of Amendments FY 10 Tuberculosis (TB) CDC Grant Program, IO 10016 | 4 |
| Approval of Subgrant Amendment #2 – Nevada State Health Division, Bureau of Child Family and Community Wellness – Women, Infants, and Children (WIC) Clinic Program | 3 |
| Approval of Notice of Grant Award – Department of Health and Human Services Public Health Services – Family Planning Program; Approval of Amendments FY 10 Family Planning Grant Program; Creation of On-Call Registered Nurse Intermittent Hourly (PC#TBD); Authorizing Increase in Part-Time Hours PC #70002192 | 4 |
| Approval of Subgrant Amendment #3 – Nevada State Health Division, Bureau of Child, Family, and Community Wellness – HIV Prevention Grant Program; Approval of Amendments to the Adopted FY 10 HIV Prevention Grant Program, IO 10013; Authorizing the Creation of an On-Call Registered Nurse Intermittent Hourly (PC#TBD) | 4 - 5 |

WASHOE COUNTY DISTRICTBOARD OF HEALTH MEETING

October 22, 2009

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| Strategic Planning Updates | |
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| D. Recycling Efforts and MRF (Materials Recycling Facilities) CONTINUED | |
| E. Presentation – Mr. Lee Gibson, Executive Director, Regional Transportation Commission CONTINUED | |
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WASHOE COUNTY DISTRICTBOARD OF HEALTH MEETING

October 22, 2009

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WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING
October 22, 2009

PRESENT: Mr. Matt Smith, Vice Chairman; George Furman, MD; Councilman Dan Gustin; Commissioner Kitty Jung; and Councilwoman Julia Ratti (arrived at 1:20pm)

ABSENT: Denis Humphreys, OD, Chairman and Dr. Amy Khan

STAFF: Dr. Mary Anderson, District Health Officer; Eileen Coulombe, Administrative Health Services Officer; Andrew Goodrich, Air Quality Management; Andrew Goodrich, Director, Air Quality Management; Stacy Hardie, Acting Division Director, Community and Clinical Health Services; Patsy Buxton, Fiscal Compliance Officer; Lori Cooke, Fiscal Compliance Officer; Jeanne Rucker, Environmental Health Specialist Supervisor; Dave McNinch, Environmental Health Specialist Supervisor; Bryan Wagner, Senior Environmental Health Specialist; Jennifer Hadayia, Public Health Program Manager; Tracie Douglas, Public Information Officer; Bev Bayan, WIC Program Manager; Janet Smith, Recording Secretary and Mary Kandaras, Deputy District Attorney

At 1:15 pm, Vice Chairman Smith called the Washoe County District Board of Health meeting to order, followed by the Pledge of Allegiance led by Mr. Dan Gustin, member of the District Board of Health.

ROLL CALL

Roll call was taken and a quorum noted. Mrs. Janet Smith, Recording Secretary, advised that Dr. Humphreys and Dr. Khan are excused.

PUBLIC COMMENT

Mr. Alan Muir, resident of Washoe County, stated that he has been attempting, unsuccessfully, to have his home owners association to post signs requiring pet owners to "clean-up" after their animals. Mr. Muir stated that 'he is hopeful the County's new Nuisance Ordinance will help in addressing and enforcing this issue, which he considers a "major health problem."

APPROVAL/ADDITIONS – AGENDA – OCTOBER 22, 2009

Vice Chairman Smith advised that item 9. Regional Medical Services Authority (REMSA) monthly report will be continued to the Board's November meeting; that he has received a request to continue item 11. Public Hearing – District Board of Health Regulations Governing Air Quality Management to a future agenda.

**MOTION: Mr. Gustin moved, seconded by Ms. Jung, that the District Board of Health agenda for the October 22, 2009 meeting be approved as amended.
Motion carried unanimously.**

APPROVAL/ADDITIONS/CORRECTIONS – MINUTES – SEPTEMBER 24, 2009

Later in the meeting, Vice Chairman Smith called for any additions or corrections to the minutes of the District Board of Health meeting of September 24, 2009.

Mr. Gustin advised that he would be abstaining from the vote, as he was not present at last month's meeting.

**MOTION: Ms. Jung moved, seconded by Ms. Ratti, that the minutes of the September 24, 2009 District Board of Health meeting be approved as received.
Motion carried with Mr. Gustin abstaining.**

RECOGNITIONS

Vice Chairman Smith and Dr. Mary Anderson, District Health Officer, presented a Certificate of Recognition to Mr. Bryan Wagner for 15 Years-of-Service.

AIR POLLUTION CONTROL HEARING BOARD – SHARON AND RICHARD HATCH

The Board was advised that Staff and the Air Pollution Control Hearing Board recommend **denying** the following **appeal**:

Appeal of **SHARON AND RICHARD HATCH, Citation No. 4333, Case No. 1039**, issued on December 2, 2009, for having a ceiling dry-scraped of asbestos-containing acoustical materials without having had an asbestos survey performed, without obtaining the proper permits or

conducting proper work practices at 844 Ridgewood Drive, Unit 2, Sparks, Nevada. All these practices are in violation of Section 030.107 (Hazardous Air Pollutants) of the Washoe County District Board of Health Regulations Governing Air Quality Management. Staff advised that upon a review of the testimony received, the Air Pollution Control Hearing Board recommended upholding Staff's recommendation to **deny** the **appeal** of Sharon and Richard Hatch, **upholding** Citation No. 4333, Case No. 1039, and levying a fine in the amount of **\$5,000** for a **major violation**.

MOTION: Mr. Gustin moved, seconded by Ms. Jung, that the recommendation of Staff and the Air Pollution Control Hearing Board to deny the appeal of SHARON AND RICHARD HATCH, Citation No. 4333, Case No. 1039 be upheld and a fine in the amount of \$5,000 be levied for a major violation. Motion carried unanimously.

AIR POLLUTION CONTROL HEARING BOARD – WILLIE FALCON dba FALCON ON THE RESCUE - CASE NO. 1040 – NOV NO. 4332

The Board was advised that Staff and the Air Pollution Control Hearing Board recommend **denying** the following **appeal**:

Appeal of **MR. WILLIE FALCON dba FALCON ON THE RESCUE, Citation No. 4332, Case No. 1040** issued on November 25, 2008, for not being a licensed abatement contractor in the performance of dry-scraping a ceiling of asbestos-containing acoustical materials without having had an asbestos survey performed, without obtaining the proper permits or conducting proper work practices at 844 Ridgewood Drive, Unit 2, Sparks, Nevada. All these practices are in violation of Section 030.107 (Hazardous Air Pollutants) of the Washoe County District Board of Health Regulations Governing Air Quality Management. Staff advised that upon a review of the testimony received, the Air Pollution Control Hearing Board recommended upholding Staff's recommendation to **deny** the **appeal** Mr. Willie Falcon, dba Falcon on the Rescue, and **upholding** Citation No. 4332, Case No. 1040 and levying a fine in the amount of **\$5,000** for a **major violation**.

MOTION: Mr. Gustin moved, seconded by Ms. Jung, that the recommendation of Staff and the Air Pollution Control Hearing Board to deny the appeal of **MR. WILLIE FALCON, dba FALCON ON THE RESCUE, Citation No. 4332, Case No. 1040** be upheld and a fine in the amount of \$5,000 be levied for a major violation. Motion carried unanimously.

CONSENT AGENDA – BUDGET AMENDMENTS/INTERLOCAL AGREEMENTS

The Board was advised that Staff recommends **approval** of 1) **Subgrant Amendment #2** from the **Nevada Department of Health and Human Services, Health Division** in the amount of **\$2,035** in support of the **Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016**, for the period of January 1, 2009 through December 31, 2009; 2) **approval** of **amendments totaling an increase of \$2,035** in revenue and expenses to bring the **FY 10 Tuberculosis (TB) Centers for Disease Control and Prevention (CDC) Grant Program budget, IO 10016** into alignment with the Subgrant.

The Board was advised that Staff recommends **approval** of **Subgrant Amendment #2** from the **Nevada State Health Division, Bureau of Child, Family and Community Wellness**, for the **Women, Infants and Children (WIC) Clinic Program** in the **total** amount of **\$2,405,387** in support of Salaries and Benefits, Travel and Training, and Operating Expenditures for the period of October 1, 2008 through September 30, 2010; and **approval** of **amendments totaling an increase of \$5,195** in both revenue and expenses to the adopted **FY 10 WIC Clinic Grant Program, IO 10031**, to bring the **FY 10** adopted budget into alignment with the grant.

The Board was advised that Staff recommends **approval** of the **Notice of Grant Award** dated September 17, 2009, from the **Department of Health and Human Services Public Health Service** in the amount of **\$911,222** in support of the **Family Planning Program** for the period of July 1, 2009 through June 29, 2010; **approval** of the **amendments totaling an increase of \$157,144** in both revenue and expenses to the adopted **FY 10 Family Planning Grant Program**; **authorizing the creation of an on-call Registered Nurse Intermittent Hourly position (PC#TBD)** as evaluated by the Job Evaluation Committee (JEC); and **authorizing an increase in part-time hours for position control number 70002192 (.95 FTE to 1.0 FTE)** for the period supplemental grant funds are available.

The Board was advised that Staff recommends **approval** of **Subgrant Amendment #3** from the **Nevada State Health Division, Bureau of Child, Family and Community Wellness** for the **HIV Prevention Grant Program**, in the **total** amount of **\$607,800** for the period of January 1, 2009 through December 31, 2009; **approval** of **amendments totaling an increase of \$26,658** in both revenue and expenses to the adopted **FY 10 HIV Prevention Grant Program IO 10013** to bring the **FY 10** adopted budget into alignment with the grant; and **authorizing the creation of an on-call Registered Nurse Intermittent Hourly position (PC#TBD)**, as evaluated by the Job Evaluation Committee (JEC).

MOTION: Mr. Gustin moved, seconded b Ms. Jung, that the **Subgrant Amendment #2 (TB - CDC)**, with the corresponding budget amendments; the **Subgrant Amendment #2 (WIC)**, with the corresponding budget amendments; the

**Notice of Grant Award, with the corresponding budget amendments and the authorization of the creation of an on-call Registered Nurse and the increase in part-time hours for PC#70002192; and approval of Subgrant #3, with the corresponding budget amendments and the authorization of the creation of an on-call Registered Nurse Intermittent Hourly position, be approved as outlined and the Chairman authorized to execute on behalf of the Board where applicable.
Motion carried unanimously.**

REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY

The REMSA monthly Report was continued to the Board's November 19, 2009 meeting.

REVIEW – ACCEPTANCE – MONTHLY PUBLIC HEALTH FUND REVENUE & EXPENDITURE – SEPTEMBER 2009

Ms. Eileen Coulombe, Administrative Health Services Officer, advised that he Board members have been provided with a copy of the Health Fund Revenue and Expenditure Report for the month of September 2009. Ms. Coulombe reviewed the Report and advised that Staff recommends the Board accept the Report as presented.

**MOTION: Ms. Jung moved, seconded by Ms. Ratti, that the District Health Department's Revenue and Expenditure Report for September 2009 be accepted as presented.
Motion carried unanimously.**

PUBLIC HEARING – DISTRICT BOARD OF HEALTH REGULATIONS GOVERNING AIR QUALITY MANAGEMENT

Vice Chairman Smith advised that the public hearing for the proposed addition to the Washoe County District Board of Health Regulations Governing Air Quality Management will be continued.

APPOINTMENTS – RE-APPOINTMENTS – AIR POLLUTION CONTROL HEARING BOARD

Mr. Andrew Goodrich, Director, Air Quality Management, advised that Staff recommends the appointment of Mr. Michael Ford and Dr. Cathleen Fitzgerald, DEnv, PE, as the Nevada Professional Engineer representative, to the Air Pollution Control Hearing Board for a three (3) year term, serving from October 22, 2009 through October 22, 2012. Mr. Goodrich advised that further, Staff recommends the re-appointment of Mr. Jon Greene; Mr. Joe Serpa as the Nevada Licensed Contractor representative; and Ms. Alysa Keller, Esquire, as the Nevada Licensed Attorney representative to the Air Pollution Control Hearing Board for a three (3) year term, serving from October 22, 2009 through October 22, 2012.

**MOTION: Mr. Gustin moved, seconded by Ms. Ratti, that Mr. Michael Ford and Dr. Cathleen Fitzgerald, DEnv, PE be appointed and Mr. Jon Greene, Mr. Joe Serpa and Ms. Alysa Keller be re-appointed to the Air Pollution Control Hearing Board for a three (3) year term, serving from October 22, 2009 through October 22, 2012.
Motion carried unanimously.**

UPDATED REPORT – ILLEGAL FOOD VENDORS – POSSIBLE DIRECTION TO STAFF

Mr. Tony Macaluso, Senior Environmental Health Specialist, advised in June Staff reported to the Board that the Department had received approximately 187 food-related complaints since January, with twenty-six (26) of those pertaining to illegal food vendors, representing 14% of the total number of complaints received. Mr. Macaluso advised that in June there were 131 permitted mobile food units, which included 121 trucks and ten (10) mobile carts. Mr. Macaluso advised that as of October the Department has received 361 food-related complaints, with seventy-three (73) of those pertaining to illegal food vendors, representing 20% of the total number of complaints received, which is a 6% increase since June. Mr. Macaluso advised that currently there are 142 permitted mobile units, which include 132 trucks and ten (10) carts. Mr. Macaluso presented photographs of the various types of illegal food carts, advising that illegal vendors utilize an array of carts, including shopping carts, hand-made plywood carts, wagons modified to deliver or serve food, etc. Mr. Macaluso presented photographs of an illegal operation that was located last year; that the Health District was notified by the fire department as the vendors "had almost burned the house down". Mr. Macaluso advised that the photographs depict the carts in the backyard; that the 'white tented' area is where the food was being prepared; that the photograph of the inside of the tented area depicts that area the ice chests on the carts, bags of fried duros, etc.; that tires were being stored in the same area; that there was carpeting on the ground. Mr. Macaluso advised that this can be 'typical of the conditions in which the food is prepared.'" Mr. Macaluso presented a photograph of an illegal cart, which was located in the vicinity of the Health Department; that the carts will typically contain approximately 50 ears of corn in an ice chest or in a pot of steaming water; approximately 50 one gallon bags of duros; there may be an ice chest of shaved ice with

four to five (4-5) ½ gallon containers of flavorings; several pounds of cheese, fruit, mayonnaise, lemon juice, spices, etc.

Mr. Macaluso stated that in August 2009 Staff began surveillance among nine (9) elementary schools, as these are locations in which "a large number of complaints are received", as these vendors would be selling to the children after school. Mr. Macaluso stated that Staff would conduct five (5) patrols every two (2) weeks, with teams of two (2) inspectors; that the days and times of the patrols are varied to ensure the vendors would not be aware of "patrolling patterns"; that Staff conducted complaint follow-up patrols "when and where needed." Mr. Macaluso advised that the surveillance patrols resulted in the issuance of fifteen (15) Notices of Violation, with two (2) Citations being issued, one (1) of which has resulted in a conviction and the other case is pending in court. Mr. Macaluso stated that "any time it was determined the food had not been prepared in a permitted facility the food was condemned"; that it is the consensus of Staff these efforts have resulted "in a better understanding of what is occurring" and Staff has improved the collaboration with other agencies. Mr. Macaluso stated during the surveillance for illegal vendors, Staff will discuss the issues of illegal vendors with the permitted vendors, including food preparation safety and "why the Health Department is involved." Mr. Macaluso stated that these efforts have resulted in better communication with the permitted vendors, which results in more complaints, as the permitted vendors have a better understanding that Staff's efforts are to eliminate the unpermitted carts. Mr. Macaluso advised that the regulations for mobile food carts are available in English and Spanish; that the Notice of Violation summary is also available in Spanish. Mr. Macaluso stated that when Staff "stops an unpermitted cart people in the neighborhood gather around"; that Staff takes this opportunity to explain why people should not buy food from an illegal vendor, explaining that the permitted vendors have taken food safety classes and have hand washing capabilities on the carts, etc."

Mr. Macaluso stated that during investigations Staff has determined a number of the vendors "are loosely organized while with others there is a level of organization among some of the illegal vendors who are all working together." Mr. Macaluso stated "the word seems to get out" when Staff has located illegal food vendors as Staff will receive comments "about being out in the neighborhood." Mr. Macaluso stated that Staff has determined a number of the vendors "get the food products delivered, sometimes from permitted vendors;" that other sources are unknown; that although Staff "has a few ideas as to the source(s)" Staff has no definite evidence as to where the food is being made. Mr. Macaluso stated that, as he advised, these operations are "loosely organized; that Staff will determine how some of the "operations are being managed and then it will change." Mr. Macaluso stated that a vendor "will be caught and give Staff 'a name' and the next time the vendor is caught he gives Staff 'another name'." Mr. Macaluso stated that unfortunately "issuing a Notice of Violation and condemning the food is not always an consistent deterrent, resulting in Staff having to initiate further enforcement action (i.e., the 2 Citations that were issued.)" Mr. Macaluso stated that Staff has noted a "few of the permitted units (i.e., the ice cream

trucks) are operating beyond the permitted capacity; that these vendors will begin selling corn, duros, and other items; that a number of these have been brought into compliance with the addition of a hand sink." Mr. Macaluso advised that "communication barriers remain an issue"; that although Staff usually can find someone to interpret fewer Staff members are bilingual." Mr. Macaluso stated another communication issue Staff is encountering is "different Spanish dialects"; that Staff members, who speak Spanish have had difficulty in understanding and interpreting the various dialects. Mr. Macaluso reducing and/or eliminating the number of illegal vendors "will require a sustained effort by Staff."

In response to Ms. Ratti regarding "bringing the ice cream trucks, which are selling other products, into compliance with the addition of a hand sink", Mr. Macaluso stated that "some units can be brought into compliance with the addition of a hand sink"; that Staff would inspect the cart and the depot where the cart was stored; that it would be a determination based on the capacity of each individual unit. Mr. Macaluso stated that currently there are ice cream trucks which are permitted for selling other products (i.e., corn, fruit, etc.); however, "a permit sticker does not guarantee the vendor is operating within the scope of his/her Permit to Operate.

In response to Vice Chairman Smith regarding the estimated number of unpermitted units, Mr. Macaluso stated the number of permitted units has increased since Staff's report in June; that a portion of the increase is due to Staff locating unpermitted units and "brining those units into compliance." Mr. Macaluso stated that the more presence of Staff in the community regarding this issue, the more complaints Staff receives as "vendors begin to turn in the unpermitted vendors." Mr. Macaluso stated it is the consensus of Staff that currently "there are not too many unpermitted trucks; that the 'bigger issue' is the illegal carts and individuals selling out of the backs of their vehicles or with the ice chest on a street corner."

In response to Dr. Anderson regarding the percentages to which Mr. Macaluso referred, Mr. Macaluso advised that the "14% and 20%, to which he referred, is the percentage of 'total food-related complaints which are specific to illegal food vendors.'" Mr. Macaluso stated that from August, when Staff began the surveillance, through Monday the 19th, the total of food-related complaints, which are illegal vendor specific, is now approximately 33% of total complaints.

Dr. Anderson stated that "one-third (1/3) of all food-related complaints received are specific to illegal vendors, which is a high percentage."

Mr. Gustin thanked Staff for the update; that the Board is aware of how "hard Staff has been working on this; that "it is very important that Staff continue in these efforts." Mr. Gustin stated

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"with the ethnicity of the population involved and the language barriers, to make an impact 'greater than the small inroads being achieved', will require a more public effort to 'cut these off at the source'." Mr. Gustin stated that he would recommend a "visible" campaign by the Public Information Officers, utilizing the media to educate the public on a continuous basis. Mr. Gustin stated that he would recommend segments in which the PIOs present stories and reports of actual incidences; that it is the public "customers" who have to be educated and informed; that not all customers are of Hispanic heritage. Mr. Gustin stated that such efforts will reduce the demand and with a reduction of demand the number of illegal carts will decline; that this is partially "a cultural custom issue, as well as a financial issue." Mr. Gustin stated that to support Staff's "efforts and hard work" he would recommend a public media campaign that is "featured once every three (3) to six (6) months educating the public as to what is occurring; that the "Department's efforts are for their own health and safety and that is why they should not buy these products."

Dr. Anderson stated, in conjunction with such a campaign, would be a continuation of Staff's efforts to educate the vendors and bring the illegal vendors into compliance.

In response to Ms. Ratti regarding "permitted carts", Mr. Macaluso stated that there are approximately ten (10) permitted carts in Washoe County, with one (1) at Scheels in Sparks and the remaining located in Reno.

In response to Ms. Ratti regarding Staff "having an idea of a supplier", Mr. Macaluso advised that Staff continues to investigate all possible sources for food products to illegal vendors. In response to Ms. Ratti regarding requiring assistance from law enforcement, Mr. Macaluso stated that "when Staff has obtained enough evidence in an investigation, Staff will involve law enforcement."

Mr. Bob Sack, Director, Environmental Health Services, advised that Staff has been coordinating with law enforcement on a number of these Citations; that there were concerns regarding citing illegal immigrants; however, in conjunction with law enforcement Staff is utilizing the same procedures and is now citing those individuals. Mr. Sack advised that Staff "can now cite those illegal vendors, without having to have them arrested for failure to procedure a legal/valid US identification." Mr. Sack stated that during these investigations when a vendor is cited, Staff continues to investigate for the 'organized source'; that these are "criminal enterprises"; that as Staff and Mr. Gustin indicated, these are cultural activities, which makes it more difficult for Staff "to make inroads on enforcement." Mr. Sack stated that it is also transitory; that the home where food was being prepared and Staff notified by the fire department; that 'entire operation packed-up and left the next day and moved to a new location; that Staff is determined in its sustained efforts to locate the organized sources. Mr. Sack stated the sources "work out of homes" with one (1) source supplying multiple vendors; that these sources change locations frequently to prevent from

being caught or immediately after being caught; that "they know when Staff is conducting investigations."

Ms. Ratti questioned if a cooperative effort in reporting sightings of illegal vendors (i.e., by Parks Department employees, law and code enforcement, etc.), would be of assistance or if the District has the capacity to respond to "an increase in complaints."

In response to Ms. Ratti, Mr. Sack advised that "staffing capacity is a real issue"; that Staff is not responding to "any one complaint; that Staff is typically targeting those areas in which there are multiple complaints; that multiple complaints at one location indicates "an area that definitely has to be targeted." Mr. Sack stated that Staff could receive a complaint about an illegal vendor at a location and when Staff responds the vendor and cart are no longer at that location; that that it is not an effective method for citing illegal vendors. In response to Ms. Ratti regarding increasing the working relationship between the agencies in reporting, Mr. Sack stated that Staff has developed a good relationship with the Business Licenses and Code Enforcement Divisions among the Cities and the County; that unfortunately those agencies "have the same issues of staffing and evening hours, too."

MOTION: Mr. Gustin moved, seconded by Dr. Furman, that Staff's report on illegal food vendors be accepted as presented; that Staff continue in these efforts.

Motion carried unanimously.

UPDATE – WASTE MANAGEMENT AUTHORITIES – SOLID WASTE MANAGEMENT PLAN – SOLID WASTE MANAGEMENT AGREEMENTS – POSSIBLE DIRECTION TO STAFF

Ms. Jeanne Rucker, Environmental Health Specialist Supervisor, advised that in response to the Board's inquiry during the Strategic Planning Session, she has prepared a report specific to the current Solid Waste Management Plan and the Solid Waste Management Agreements. Ms. Rucker advised it is the recommendation of Staff that the Board direct resources, both staffing and financial, to update the Solid Waste Management Plan, as a component to the Health District's commitment to increase recycling and waste to energy opportunities in Washoe County.

Ms. Rucker reviewed the following *Nevada Revised Statutes* (NRS) and the *Nevada Administrative Code* (NAC), specific Health Districts and solid waste management districts, authority and solid waste management plans. Ms. Rucker advised that the State established a Policy to regulate the collection and disposal of solid waste as follows:

Nevada Revised Statutes (NRS) 444.440 declares it is state policy to regulate the collection and disposal of solid waste that will:

- 1) protect public health and welfare
- 2) prevent water or air pollution
- 3) prevent the spread of disease and the creation of nuisances
- 4) conserve natural resources
- 5) enhance the beauty and quality of the environment

Ms. Rucker advised that the focus for the Health District and the Board of Health is the aspects of "public health and disease transmission of that Policy." Ms. Rucker advised that the "Solid Waste Management Authority" is the District Board of Health. Ms. Rucker then reviewed the following authorities of the District Board of Health and the other pertinent statutes and codes specific to solid waste management:

NRS 444.495 defines the *Solid Waste Management Authority* as the district board of health in any area in which a health district has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 – 444.620, inclusive. The Nevada Division of Environmental Protection (NDEP) is the solid waste management authority in all other areas of the state.

NRS 444.510 requires development (by the health district) of a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste. The plan must be submitted to NDEP for approval prior to implementation. (NDEP has 90 days to review and approve.) The plan remains in effect until it is revised and the revision approved. The plan must not conflict with the statewide plan adopted by the State Environmental Commission (SEC).

NRS 444.580 gives the health district authority to adopt standards and regulations and to issue permits for solid waste disposal sites, solid waste management systems or any part thereof. The regulations must not conflict with regulations adopted by the SEC.

NRS 444.620 states that no plan for a solid waste management system applies to agricultural waste or activity. Mining operations can dump waste from their own operations on their own land.

NRS 444A.020 establishes a recycling goal of 25% of the total solid waste generated within a municipality.

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NRS 444A.030 requires NDEP to adopt a model plan for recycling, hazardous household waste and "infectious waste".

NRS 444A.040 requires that the Board of County Commissioners of counties with a population of 100,000 or more must provide a program for recycling, establish recycling centers, a program for disposal of hazardous household waste and encourage businesses to reduce waste and recycle via information provided when applying for or renewing business licenses.

444A.050 An annual report must be submitted to NDEP where the health district has adopted a program pursuant to NRS 444A.040.

Nevada Administrative Code (NAC) 444.644 states solid waste systems must be approved by the Solid Waste Management Authority (SWMA); this includes any operation for solid waste handling, processing, salvage or disposal.

Ms. Rucker stated that, as the Solid Waste Management Authority, the District Board of Health has the authority for regulations for any agency handling, processing, transporting, or disposing of solid waste.

NAC 444.658 relates to plans to manage solid waste; this requires a municipality or district board of health to develop a comprehensive solid waste management plan; each plan must be approved by NDEP prior to implementation.

NAC 444.660 The storage, collection and transportation of solid waste must generally be in accordance with pertinent regulations or ordinances set forth by the city, town or county wherein those services are performed. The provisions of NAC 444.570 - 444.7499, inclusive, do not abridge the authority of the city, town or county to establish standards that are higher than those set forth in NAC.

Ms. Rucker stated that, as with other District Board of Health Regulations, the District's regulations governing Solid Waste Management can be more stringent than the State's Regulations; however, District's Regulations cannot be less stringent.

Ms. Rucker stated that she has provided with Board with the definition of a Materials Recovery Facility (MRF); and the requirements specific to the design, operation and maintenance of a MRF.

NAC 444.7474 defines a *Materials Recovery Facility (MRF)* as a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use

as a fuel or soil amendment, or any combination of these materials. This does not include a facility that receives only recyclable materials that have been separated at the source of waste generation.

NAC 444.74743 – 444.74779, inclusive, outlines the requirements for the design, operation, maintenance, closure and financial assurance of a MRF.

NAC 444A.110 The goal of NAC 444A.110 – 444A.140, inclusive, is to adopt minimum standards which provide for the recycling of at least 25% of the total solid waste generated within a municipality.

NAC 444A.120 requires a municipality to provide a program for recycling (residential and public buildings) wherever solid waste collection services are provided.

NAC 444A.130 requires that a program for disposal of at least three (3) hazardous household products must be provided. (e.g. waste oil, motor vehicle batteries, paint, antifreeze, etc.)

Ms. Rucker stated that the current Washoe County District Board of Health Regulations Governing Solid Waste Management comply with the intent of the Statutes; however, Staff is in the process of revising these regulations to address landfills, composting facilities and materials recovery facilities.

Ms. Rucker advised that the Solid Waste Management Statutes and Solid Waste Management Plan(s) were adopted due to a nationwide effort to close and eliminate "burning dump sites", acknowledging unregulated "burning dump sites" were having a detrimental affect to the groundwater and air quality. Ms. Rucker advised that the States were then required to adopt a Solid Waste Management Plan and approve any Plans adopted within a State's jurisdiction; that this was in conjunction with the adopted of "very specific regulations for landfills."

Ms. Rucker advised that although an approved and adopted Plan would not have been required until 1993, the current Solid Waste Management Plan was adopted by the District Board of Health in 1991; that in 1996, the Plan was reviewed with revisions recommended by a third party consultant; however, the recommended revisions were never formally presented to or adopted by the District Board of Health. Ms. Rucker advised that the Board members will be provided with an electronic copy of the Solid Waste Management Plan tomorrow; that a review of the Plan will indicate "much of the information is outdated; however, the underlying premise of the Plan remains a good plan, as adopted in 1991."

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Ms. Rucker advised that Staff has been in discussions with representatives of the Nevada Department of Environmental Protection (NDEP) regarding revisions to the State of Nevada Solid Waste Management Plan. Ms. Rucker stated that it was the consensus of Staff to delay revisions to the District's Plan until such time as the State had completed the revision to the State Plan, which was completed and adopted by the State Environmental Commission (SEC) in December 2007. Ms. Rucker advised that in February 2008, Staff advised NDEP it was the intention to have the District's Solid Waste Plan updated by May 2009; however, due to staffing and fiscal constraints this project has been delayed with a proposed timeline for completion by June 2010.

Ms. Rucker advised that the Board had questions specific to *franchise agreements*; that each municipality (City of Reno, City of Sparks, Washoe County, Incline Village, Sun Valley and Gerlach), has the authority to adopt ordinance specific to garbage collection and disposal. Ms. Rucker advised that currently there are four (4) individual franchise agreements, as it was the determination of the Sun Valley General Improvement District (GID) to be included within the Washoe County franchise. Ms. Rucker advised that the regulations and ordinances for each franchise agreement is approved and adopted by the governing board or councils within each jurisdiction; that each franchise agreement is negotiated by the staff of the individual municipalities. Ms. Rucker stated that Environmental Health Services Staff have not been included in these negotiations; however, Staff presented "strong recommendations" to the Sparks City Council and City of Sparks staff during the most recent franchise agreement negotiations for that city; however, it was the determination that Staff's recommendations would "have to wait for the ten (10) years when the franchise agreement would again be re-negotiated." Ms. Rucker advised that the franchise agreements are for varying lengths of time; however, none are less than ten (10) years in duration and frequently contain provisions for automatic renewal. Ms. Rucker reiterated that Staff has not been requested to participate or been involved in any franchise agreement negotiations; that although the Board of Health has "significant authority with how solid waste is managed in Washoe County", the Board does not have authority specific to franchise agreements. Ms. Rucker advised that currently the majority of the various franchise agreements are scheduled to expire in approximately ten (10) years.

Ms. Rucker advised that, with respect to the garbage franchise agreements, the city and county ordinances "are very similar" in definition and language; that each requires a franchisee to provide a transfer station and a landfill for use by the citizens within the respective municipalities. Ms. Rucker stated that "what is unique to Washoe County is that the transfer stations, collection services and landfill are all privately owned" and are not owned by any municipality. Ms. Rucker stated that commonly the municipality would own the infrastructure for solid waste management and enter into a contractual agreement with a company to operate the solid waste management services.

Ms. Rucker summarized that the District Board of Health “has the authority and responsibility to adopt a Solid Waste Management Plan for Washoe County; that further, it has the authority to adopt regulations to achieve the direction and goals of the Plan.” Ms. Rucker advised that when the plan was adopted in 1991, a number of options (i.e., recycling, fuel derivation, etc.) were not available at that time; therefore, the Plan should be updated to allow for new and emerging technologies.

Ms. Rucker stated that there will be a fiscal impact to updating the current Solid Waste Management Plan; that the original cost \$25,000, with the majority of “work being performed by a third party.” Ms. Rucker stated that although the actual cost to update the Plan is ‘an unknown’, Staff has estimated the cost to be approximately \$15,000 to \$30,000”, as there is the basic framework through the existing Plan and the State of Nevada has completed the revisions to the State Plan. Ms. Rucker stated the goal would be to obtain input from the various stakeholders in Washoe County to ensure “the plan has meaning and value to the Department and could be utilized as a guide for the future.” Ms. Rucker stated that the Board has the authority to direct Staff to update the Solid Waste Management Plan, by June 2010, and to include options which will address the recycling rate of Washoe County and the potential of “waste to energy” considerations. Ms. Rucker stated that another option would be to direct Staff to update the Plan, within a different time frame with the inclusion of options as determined by the Board.

In response to Ms. Jung regarding the NRS established goal of achieving a 25% recycling rate, Ms. Rucker advised that “overall Washoe County has achieved a 25-27% recycling rate during the past ten (10) years.” Ms. Rucker advised that Washoe County was the first County in the State to achieve the 25% recycling rate; however, these are not the recycling rates from “curbside recycling only.” Ms. Rucker advised that Staff has “done a good job in identifying businesses, which have some type of process in place” for recycling; therefore, the District can include “those numbers when reporting to the State. Ms. Rucker stated that, while the District has “done a good job without mandates; however, the District will not increase those rates without re-establishing what those goals are and implementing mandates which will require some changes.”

Ms. Jung questioned if “domestic animal waste products”, as discussed by Mr. Muir during public comment, are included in the District’s Solid Waste Management Plan.

In response to Ms. Jung, Ms. Rucker advised that she has conferred with Mr. Muir on several occasions regarding the control of “domestic animal waste products”; that “there are proper and improper methods for disposing of solid waste.” Ms. Rucker stated that Mr. Muir has been unable to identify “who is allowing their animals to defecate on his property and not clean-up”; therefore, there isn’t anything Staff can do as the regulatory agency, Ms. Rucker advised that, as the

regulatory agency, the District does not have the authority to require home owner associations to post signs or require the placement of 'baggies' for residents to 'clean-up' on trails and in common areas. Ms. Rucker stated that Staff does respond to complaints and will "make contact with representatives of the home owners associations directing clean-up of the common areas, as the associations own the property." Ms. Rucker stated that currently enforcement authority for this is "very limited and a very gray area; that Staff has no prosecutorial authority specific to this issue."

Ms. Jung questioned if "the updating of the Solid Waste Management Plan and the increasing of recycling efforts would include some type of County sponsored composting",

In response to Ms. Jung, Ms. Rucker advised that it would definitely have to include provisions for composting facilities.

Dr. Furman stated that he has concerns regarding the proposed June 2010 timeline, as a number of issues have been discussed, including MRFs, all of which "cost significant amounts of money and impacts budgets." Dr. Furman questioned when these provisions would be incorporated into the Plan."

In response to Dr. Furman, Ms. Rucker advised that "these types of facilities" were identified in the 1991 Plan; therefore, it is not necessary for a facility to have been built to have provisions within the Solid Waste Management Plan. Ms. Rucker stated that it can be a goal of the Plan for a MRF and a municipally sponsored composting facility; that it does not obligate the District or the District Board of Health to determine how those facilities will be "paid for." Ms. Rucker stated that provisions for such facilities within the Plan indicate the solid waste management authority has identified these types of facilities as a "available options in the management of solid waste; that the local jurisdictions and other governing boards should be pursuing those options." Mr. Rucker stated that, as the solid waste management authority, the District "provides direction to other decision and policy makers."

Dr. Furman stated that he has investigated MRFs and there are cost considerations; that he would question if Staff is reviewing those issues, as "people are going to want a MRF facility."

In response to Dr. Furman, Ms. Rucker stated that Staff has not reviewed any plans for a MRF, as no requests have been formally submitted to the District for consideration. Ms. Rucker stated that the Solid Waste Management Plan is comparatively a "roadmap of what the District Board of Health envisions for Solid Waste Management." Ms. Rucker stated that Staff's responsibility is to

adopt Regulations, which are supportive of the approved Plan and to enforce those Regulations." Ms. Rucker stated that should a plan for a MRF be submitted, it would be the responsibility of Staff to review the plans to ensure compliance and then to issue a Permit to Operate to the facility; that Staff has no authority specific to the financing aspects of a MRF. Ms. Rucker stated that Staff concurs "it certainly would be affected by finances." In response to Dr. Furman regarding "there being a large number of public health implications", Ms. Rucker stated that there "are and there aren't public health implications", as currently there is a landfill within ten (10) miles of Reno/Sparks, where the vast majority of the areas waste is disposed of at a relatively "cheap price", which is one of the reasons the community "has not moved forward in incorporating other alternatives as the landfill continues to be the cheapest alternative available." Ms. Rucker stated that should the Board choose not to initiate any revisions to the Solid Waste Management Plan the community would continue to have "a cheap alternative for the disposal of solid waste and would address the public health issue." Ms. Rucker stated that no revisions to the Plan would fail to address other aspects, including "sensible use of resources with a long-term view"; that the majority of Solid Waste Management Plans are for a "five (5) year period"; that the District's Plan was adopted in 1991. Ms. Rucker stated that Staff has discussed having a Plan for a "ten (10) year period allowing for some latitude." Ms. Rucker advised "cost considerations are a factor; however, it cannot be the only factor."

Ms. Ratti commended Ms. Rucker for a comprehensive report. Ms. Ratti advised that the Cities of Sparks and Reno and Washoe County have developed an ad hoc committee to review the possibility of a "regional franchise agreement" for solid waste collection and management; that the committee has been directed to review recycling and MRF operations, as every entity has received the presentation from the for profit 433, LLC. Ms. Ratti stated that she was unaware of the District Health's adopted Solid Waste Management Plan; that the financial aspects of this are not within the purview of the Health District; however, the financial aspect of MRF operations would be within the purview of the ad hoc committee. Ms. Ratti stated that including the Health District in this process and involving the 'stakeholders' in the revision of the Plan during the next Fiscal Year, as proposed by Staff "makes sense."

Ms. Rucker stated she would request that the representatives of the Cities and the County to the ad hoc committee "insist" a representative of the Health District be included in this process; that the Health District has requested "to be involved in these meetings." Ms. Rucker stated that Staff periodically receives invitations to the meetings only when the committee members "want information to the specifics of the Regulations and how Staff is interpreting those Regulations." Ms. Rucker stated that the committee is "not taking advantage of the technical expertise or with an overall understanding of the solid waste management system;" that it is the "policy makers, who are currently discussing the potential of a regional franchise agreement, will be making the determinations regarding the financial implications." Ms. Rucker stated that the Health District needs to be involved in this process and has not been.

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Ms. Ratti stated that she will commit to 'getting Health District Staff' included in this process; that she would not foresee any objections to this request. Ms. Ratti stated "while the Health Department" is requesting participation in the ad hoc committee process, the Health District will be requesting the 'stakeholders' participate in the process of updating the Solid Waste Management.

Mr. Gustin questioned if there was a potential of 'stakeholders losing other opportunities or advantage' because of other facilities (i.e., Roseville, Pleasanton, CA), which "may cooperate with a local facility", with the revisions to the Solid Waste Management Plan not being completed before June 2010.

In response to Mr. Gustin, Ms. Rucker stated that "that would be an unknown"; that as the solid waste management regulator, private enterprise(s), which may be considering business opportunities, and will meet with Staff regarding the regulatory aspects of presenting plans for any such potential opportunities, "those businesses do not 'lay out' everything for Staff, including the financing of such an operation or timelines, etc." Ms. Rucker stated that further, because any information presented to the Health District becomes public record, these businesses are "very careful as to what information is provided to the Health District." Ms. Rucker stated that Staff will "be just as careful regarding the information presented to potential businesses to ensure the Health District is equitable and there is no perception of the District favoring one company over another."

Mr. Gustin stated Ms. Rucker is accurate in advising that currently the landfill is the least expensive option for the Reno/Sparks area; however, the 'waste to energy profit mode' and technology will "change that." Mr. Gustin stated that this "is down the road; therefore, he would recommend the Plan be flexible enough that the Plan would not be dictated by a MRF as it necessary for options towards a waste to energy model also." Mr. Gustin stated that he "understands Dr. Furman's comments regarding the financial aspects of a MRF"; that initially it would be the stakeholders that would be required to pay; however, "eventually each home owner would have to pay a fee" for such a facility. Mr. Gustin stated that he fully supports the communication between the Health District and the entities for the revision of the Solid Waste Management Plan. Mr. Gustin stated the Plan should include provisions for MRFs, with a mandatory diversion of certain municipal solid waste for processing; that the Plan should incorporate provision for these requirements/guidelines.

Ms. Rucker stated that there are "numerous opportunities" available and becoming available; that it is necessary the Plan be "flexible enough to allow for various options." Ms. Rucker advised that there is a waste to energy facility planned in Storey County, which is scheduled to "break ground" within a few months; that this "particular facility is initially is designed to manage a limited amount of Municipal Solid Waste (MSW)." Ms. Rucker advised that, as currently designed this facility will be accepting MSW from a MRF; that there are no provisions which indicate the MRF has to be

located in Washoe County or Storey County; that the MRF can be from wherever the waste to energy business can obtain product. Ms. Rucker stated "all these issues will have to be taken into consideration as the Plan is developed"; that the stakeholders will be of vital assistance in this process; that, as she stated, it will be necessary for the Plan to remain flexible; that there are certain goals for recycling, waste reduction and diversion; that these goals have to remain economical.

Ms. Rucker stated that the facility in Roseville, California, is a state of the art facility; that "the reason this facility works well is because the citizens of Roseville pay exactly the same for this facility as was being paid for waste to be disposed of at the landfill; that there wasn't a huge increase in the cost of their service." Ms. Rucker stated that it will be necessary to "educate the public that there is and always will be a cost associated with waste disposal; that Nevada is behind the curve on regulating many, many types of waste (i.e., medical and household waste)", which isn't "necessarily a good thing – it just means it is cheaper as other options have not been put in place."

Mr. Gustin stated that he concurs the public "has to be made aware there are costs associated with all of it; however, the public needs to be aware it is not an exorbitant cost."

Ms. Rucker stated that should it be determined the various options "are not cost effective"; that will be the determination; that it remains cheaper to take the materials to a landfill "that has enough space for approximately the next 100 years." In response to Mr. Gustin regarding NAC 444.7474, which defines a MRF and materials suitable for a MRF or as a fuel, Ms. Rucker advised that "almost everything can be used for one or the other; that most of the items, which could not be utilized, would have already been screened out as part of the process."

In response to Mr. Gustin regarding "a dirty MRF"; Ms. Rucker advised that a dirty MRF "is where everyone puts all solid waste refuse into one container, which is picked-up (as what occurs now), and someone else sorts the non-recyclable materials from the recyclable materials; that 100% of the population recycles, as the recyclable materials are then shipped to a MRF." In response to Mr. Gustin regarding provisions for a composting facility, Ms. Rucker stated that the Plan will contain provisions specific to composting. Ms. Rucker stated there currently is one (1) commercial composting facility in Washoe County, the RT Donovan facility in Spanish Springs (associated with the Donovan Pit); that it is "not being widely used by people outside the Spanish Springs area because of the location." Ms. Rucker stated that "this is a very nice facility and are accepting more and more materials." Ms. Rucker advised that there have been numerous discussions regarding development of composting facilities, including one (1) with the University of Nevada Reno, which

had the scientists available to implement it; however, there were objections to utilizing University property. Ms. Rucker stated that this is a viable option.

Mr. Gustin stated that should there be stakeholders, who would prefer the Solid Waste Management Plan be revised and completed prior to June 2010, perhaps those stakeholders would be interested in assisting in the process financially.

In response to Mr. Gustin, Mr. Rucker stated that Staff "is open to the timeline preferred by the Board."

Mr. Gustin stated that he is aware that implementation, after approval and adoption, will require "a couple of years"; that it should not be delayed any further. Mr. Gustin commended Ms. Rucker for her report, advising that "she gave the Board exactly what they requested at the Strategic Planning Session."

In response to Ms. Ratti regarding the entities having more stringent requirements, Ms. Rucker advised that the entities, including the District Board of Health can approve and adopt regulations, which are more stringent than State Regulations; that the regulations can never be less stringent than State Regulations.

Ms. Jung stated that, as Washoe County was the first County in the State to achieve the 25% mandated recycling rate, the County should be the first in the State to increase "the static recycling percentage via new technology and through a revised Solid Waste Management Plan."

MOTION: Ms. Jung moved, seconded by Ms. Ratti, that the report on the Solid Waste Management Plan be accepted as presented; that Staff, utilizing both staffing and financial resources, be directed to proceed with the revision of the District Solid Waste Management Plan with provisions for increasing the recycling rates in Washoe County, including composting and potential waste to energy technologies, no later than June 2010. Motion carried unanimously.

In response to Ms. Ratti regarding having to contract with a consultant, Ms. Rucker stated that currently there are "some grad students who have indicated a willingness to assist with the research that will be necessary." Ms. Rucker stated that should it be necessary to hire a consultant that would involve financial consideration.

STRATEGIC PLANNING UPDATES

Dr. Anderson advised that the Board member have been provided with the amended language of the Board's Strategic Priorities, Goals and Operational Objectives as discussed and adopted during the Strategic Planning Session as follows:

A. Presentation – Strategic Priorities

1. Monitor health status and understand health issues facing the community.
2. Protect population from health problems and health hazards.
3. Give people information they need to make healthy choices.
4. Enforce public health laws and regulations.
5. Develop our workforce.
6. Promote financial accountability and stability.

B. Revised Goals

The Health District will assist the citizens to realize the **strategic** priorities by achieving the following goals:

- ◆ Educate the community about public health and the services provided by the Health District
- ◆ Serve the public through enhanced use of technology
- ◆ Enhance the collaborations with community groups and constituents
- ◆ Recruit, retain and develop a competent public health workforce
- ◆ **Ensure fiscal sustainability and good stewardship of our resources**
- ◆ Seek funding and resource development opportunities
- ◆ Promote planning and activities to support a sustainable healthy community

Operational Objectives

1. Assuring fiscal responsibility for the Health District
2. Prioritizing programs and services such that the greatest weight is given to those that represent a core function of public health and/or an essential public health service as defined by CDC, NACCHO, ASTHO, and others, followed by those programs and services that accomplish a strategic goal established by this Board.
3. Assuring that the **performance** of all programs and/or services of the Health District are periodically evaluated **for cost effectiveness and quality outcomes**.

Dr. Anderson stated that these are for the Board's review and comments.

No comments were presented.

The Board thanked Staff for providing the revisions.

C. Health District Websites

Mr. Steve Fisher, Department Computer Applications Specialist, displayed the list of the current Health District websites, including the main site, contracted sites and the various free sites utilized by the Health District (a copy of which was placed on file for the record). Mr. Fisher reviewed the various sites for each Division, advising that some sites are grant funded; that a few of the sites have "Facebook, MySpace and/or Twitter accounts." Mr. Fisher advised that Washoe County does have a Twitter and Facebook account for disseminating press releases and announcements; that these are placed on a "Really Simple Syndication (RSS) feed, as a "read only." Mr. Fisher advised that the Health District has reserved a Twitter account "WashoeCOHealth" to ensure the name is not utilized by anyone else; however, this site is not being used at this time."

Ms. Ratti requested an electronic version of Mr. Fisher's report of the various websites.

Dr. Anderson advised that Information Technology Standards Committee (ITSC) will be meeting on November 2, 2009 to discuss issues regarding media sites.

In response to Dr. Anderson, Mr. Fisher advised that the discussion will be specific to security issues, document retention, etc.; that the Information Technology Advisory Committee (ITAC) will then discuss these issues at its December meeting.

Dr. Furman questioned the process for obtaining approval for establishing the various websites, Facebook, MySpace, and Twitter accounts; that he has concerns regarding some sites, which may not specifically be Health District sites; however, there is an association to the Health District. Dr. Furman stated that a policy as to how these sites are approved should be implemented.

In response to Dr. Furman, Ms. Coulombe advised that the Board of Health did adopt the Employee Policy Manual, which has been disseminated to Staff. Ms. Coulombe advised that the Board could refer this issue to the Marketing Committee for review and discussion of Dr. Furman's concerns with recommendations being presented to the Board.

Ms. Coulombe advised that ITAC is the governance group which presents recommendations to the Board of County Commissioners; that ITSC will be reviewing the Technology Policy in November and presenting recommendations to ITAC. Ms. Coulombe advised that, as a member of ITAC, these issues will be discussed Countywide at the December meeting; therefore, the technology aspects of any recommendations of the Marketing Committee will have to align with County Policy; however, "the content would be the determination of the Board of Health. Ms. Coulombe advised that Mrs. Smith will contact the members of the Marketing Committee to schedule a meeting; that all Committee meetings must comply with the Nevada Open Meeting Law.

PRESENTATION – EVALUATION FORMS – DISTRICT HEALTH OFFICER'S ANNUAL REVIEW
– POSSIBLE DIRECTION TO STAFF

Vice Chairman Smith advised that Mrs. Smith will be mailing the evaluation forms to the Board members for completion; that due to the early date of the Board's November meeting, Dr. Anderson's evaluation will be scheduled for the Board's December 17, 2009 meeting.

Dr. Anderson advised that forms provided to the Board members and Division Directors are those approved at the Strategic Planning Session, which is the same one used for the County Manager's evaluation. Dr. Anderson stated that with the forms she will provide the Board members and Division Directors a summary of her activities during the past year for reference. Dr. Anderson stated that, as Mr. Smith advised, Mrs. Smith will mail those forms and the summary to the Board members and distribute those to Staff.

MOTION: Ms. Ratti moved, seconded by Ms. Jung, that the evaluation forms and reference summary for Dr. Anderson's annual review be distributed as outlined.

Motion carried unanimously.

STAFF REPORTS AND PROGRAM UPDATES

A. Director – Epidemiology and Public Health Preparedness

Dr. Randall Todd, Director, Epidemiology and Public Health Preparedness, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

Dr. Anderson advised that Dr. Todd is supervising today's H1N1 community POD.

B. Director – Community and Clinical Health Services

Ms. Jennifer Hadayia, Public Health Program Manager, presented the CCHS Division Director's monthly Report, a copy of which was placed on file for the record.

Ms. Hadayia advised that she has provided Vice Chairman Smith with a 'hard copy' of the materials from the Washoe County Obesity Forum

C. Director – Environmental Health Services

Mr. Bob Sack, Director, Environmental Health Services, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

D. Director – Air Quality Management

Mr. Andrew Goodrich, Director, Air Quality Management, presented his monthly Division Director's Report, a copy of which was placed on file for the record.

E. Administrative Health Services Officer

There was no monthly Administrative Health Services Officer Report.

F. District Health Officer

Dr. Mary Anderson, District Health Officer, presented her monthly Health Officer's Report, a copy of which was placed on file for the record.

Dr. Anderson advised that at the annual Rotary Family Flu Shot POD (Points of Dispensing) event of October 17, 2009, 1,498 immunizations were administered at the Longley Lane drive-through location; and 1,440 immunizations administered at the Billinghurst Middle School walk-through location for a total of 2,938 seasonal flu immunizations being administered. Dr. Anderson stated "there may be some slight revisions to the total numbers after a review of all the data sheets."


Dr. Anderson advised that today is the first of the planned H1N1 PODs for those within the "targeted groups."

Dr. Anderson advised that the seasonal flu immunization will be provided to the Board of Health members at the November 19, 2009 meeting, as the Nurses who would provide those immunizations are providing immunizations at the H1N1 POD event.

BOARD COMMENT

There were no Board comments presented.

There being no further business to come before the Board, the meeting was adjourned at 3:00 pm.



MARY A. ANDERSON, MD, MPH, FACPM, DISTRICT HEALTH OFFICER
SECRETARY



JANET SMITH
RECORDER



WASHOE COUNTY HEALTH DISTRICT

AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

DATE: October 22, 2009

TO: District Board of Health

FROM: Andrew Goodrich, Division Director

SUBJECT: Sharon & Richard Hatch - Case No. 1039
Appealed Citation No. 4333
Agenda Item: 7.A.2.a.

Recommendation

The Air Pollution Control Hearing Board recommends that Citation No. 4333 be upheld and a fine of \$5,000 be levied against Sharon & Richard Hatch for dry scraping an acoustic ceiling without any asbestos survey, proper permits or proper work practices at 844 Ridgewood Drive, Unit 2, in Sparks, Nevada. The Citation was issued for a violation of Section 030.107 (a)(b)(c) of the District Board of Health Regulations Governing Air Quality Management. Staff concurs.

Background

On October 2, 2008, Air Quality Engineer Chris Ralph took a complaint from Ms. Caren Martin regarding the scraping of a "popcorn" ceiling at her residence located at Woodside Condos, a 180 unit condo community, approximately ten (10) months earlier. Ms. Martin was concerned that the ceiling material contained asbestos and that she and her young son had been living in this unit for over ten months. She explained that she was unaware that the ceiling may have contained asbestos and that it was dry scraped prior to her moving into the unit in January, 2009. Subsequently, Ms. Martin had been experiencing white debris throughout her condo every time the heater or air conditioner turned on, which she kept cleaning up.

On October 3, 2008, Air Quality Supervisor Noel Bonderson phoned Ms. Martin regarding her complaint. Ms. Martin told Mr. Bonderson that she personally had taken a sample of the white debris to a certified lab, which came back positive for asbestos. She also stated that Mr. Larry Snearly (Property Manager), had previously taken a sample which he claimed was negative for asbestos. Mr. Bonderson suggested she speak with the condo owner regarding her concerns and sample results, and that she hire a professional asbestos consultant to do a complete survey. Ms. Martin vacated the unit on October 5, 2008, due to her concerns about being exposed to asbestos.

On October 16, 2008, the AQMD received a copy of the asbestos report conducted by Mr. Jack Goshow (Environmental Testing & Consulting) which showed positive results for asbestos from the debris collected in her unit. Mr. Bonderson immediately called Mr. Larry Snearly and the condo owners (Sharon & Richard Hatch) about the situation and emailed them a copy of the report. As a result, Supervisor Bonderson made a site visit to Ms. Martin's condo on October 20th, and verified both the white debris throughout the unit and sample locations as collected by Mr. Goshow. Mr. Bonderson subsequently emailed Mr. & Mrs. Hatch about his findings with a request to immediately clean the unit and personal items.

DBOH AGENDA ITEM NO. 7.A.2.a.

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October 22, 2009

DBPH/Sharon & Richard Hatch/Case No. 1039

Page 2

Please refer to the "Chronology of Events" prepared by Supervisor Bonderson starting October 20, 2008, which outlines the step by step details of this case. Mr. Bonderson discovered that Mr. Willie (dba A Falcon on the Run), had been hired by Mr. & Mrs. Hatch to scrape the ceiling in November 2007. Neither Mr. Falcon nor Mr. & Mrs. Hatch had an asbestos survey conducted prior to work being performed, nor did either party obtain the necessary "asbestos acknowledgment form" signoff from the AQMD, which would have indicated that a qualified asbestos abatement contractor needed to be hired due to the positive asbestos results. As a result, Mr. Bonderson issued a Notice of Violation to both Mr. Falcon and Sharon & Richard Hatch for dry scraping the ceiling without a survey and proper permits.

As indicated in the Chronology of Events, Mr. Bonderson had extensive contact with both Mr. Chris Moore and Mr. Doug Brown (Lemons, Grundy & Eisenberg), who represented the Hatch's for the insurance portion of this case. An additional asbestos survey was conducted by Converse Consulting at the request of Mr. Moore to verify the results of Jack Goshow's survey. Due to the complexities of this case and numerous parties involved, the actual abatement of Mr. Martin's personal items in the condo, did not occur until February 6th. However, due to insistence by the AQMD that the "soft goods" could not be release after the hepa vacuuming process, only the "hard surfaced" personal items were finally returned to her on May 1, 2009.

On May 20, 2008, Supervisor Bonderson met with Mr. John Arrascada (attorney for the Hatch's for the AQMD case) to discuss the details which led up to the Notice of Violation. Mr. Arrascada requested some additional information regarding the "legal authority" of the AQMD to enforce the asbestos regulation in this case. Mr. Bonderson obtained the requested clarification from Mr. Bob Trotter (Asbestos Coordinator, US EPA) and faxed it to Mr. Arrascada for further consideration. After review of this material, Mr. Arrascada decided to appeal to the Air Pollution Control Hearing Board.

APCHB Action

On September 8, 2009, the Air Pollution Control Hearing Board met to hear this case. Testimony was given by staff, Mr. Bob Trotter (Asbestos Coordinator, US EPA), Mr. Willie Falcon, Ms. Caren Martin, Mr. John Arrascada, and Sharon and Richard Hatch. After considering all testimony, the APCHB decided to uphold NOV Citation No. 4333 with a fine of \$5,000. No appeal was received for this case to be heard by the DBOH.

Alternatives

1. The District Board of Health may determine the no violation of the Regulations has taken place and dismiss Citation No. 4333.
2. The Board may determine to uphold Citation No. 4333 but levy any fine in the range of zero to \$10,000.

In the event the Board determines to uphold the violation and increase the penalty, the matter should be continued so that Sharon and Richard Hatch may be properly noticed.



Andrew Goodrich, REM
Air Quality Management, Division Director



Washoe County Health District

CASE NO. 1039 – AS REVIEWED BEFORE THE AIR POLLUTION CONTROL HEARING BOARD

In Re: Appeal of SHARON & RICHARD)
HATCH for violation of Section 030.107)
(Hazardous Air Pollutants), Subsections)
A, B, and C of the Washoe County)
District Board of Health Regulations)
Governing Air Quality Management.)

CASE NO. 1039
SHARON & RICHARD HATCH

At a hearing of the Air Pollution Control
Hearing Board at Wells Avenue at Ninth
Street, Reno, Nevada
September 8, 2009

PRESENT: Chairman David Rinaldi
Member Joe Serpa
Member Jon Greene
Member Pat Fritchel, PE
Noel Bonderson, Air Quality Supervisor
Dennis Cerfoglio, Senior Air Quality Specialist
Mary Ames, Office Assistant II
Janet Smith, Recording Secretary
Leslie Admirand, Deputy District Attorney

ABSENT: Vice Chairman Melvin Zeldin
Member Alysia Keller, Esquire

STATEMENT OF THE FACTUAL QUESTION

**SECTION 030.105 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR
POLLUTANTS – NESHAP (as referenced in 030.107)**

SECTION 030.107 – HAZARDOUS AIR POLLUTANTS

A. Asbestos Sampling and Notification

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises. No potential asbestos-containing materials may be disturbed until such a survey is performed. The person performing the survey must possess US EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgement Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgement Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of asbestos, the permit applicant must adhere to the requirements of Section 030.105 and this Section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:

1. All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet, 260 lineal feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board of Health must be submitted with all such notifications before they can be considered valid.

B. Asbestos Control Work Practices

For the purposes of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination And Abatement

Under no condition may any person store, remove, transport or destroy any asbestos-containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos-containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air

sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owners expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of sampling as listed above, sample duration and volume, or analytical methods, such as the use of TEM or PCM depending upon the type of suspected contamination and building materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

GENERAL COMMENTS

On September 8, 2009, the Hearing Board for the referenced Regulations held a public hearing to consider all evidence and testimony concerning the **appeal** of **SHARON & RICHARD HATCH, Citation No. 4333, Case No. 1039**, for violation of Section 030.107 (Hazardous Air Pollutants) of the Washoe County District Board of Health Regulations Governing Air Quality Management.

Mr. Noel Bonderson, Air Quality Supervisor, being duly sworn, advised that Staff recommends the Board **uphold** Citation No. 4333, Case No. 1039 issued to Sharon and Richard Hatch on December 2, 2008 for having a ceiling dry-scraped of asbestos-containing acoustical materials without having had an asbestos survey performed, without obtaining the proper permits or conducting proper work practices at 844 Ridgewood Drive, Unit 2, Sparks, Nevada. Mr. Bonderson stated that Staff recommends the **appeal be denied** and a fine in the amount of **\$5,000** be levied against Sharon and Richard Hatch for a major violation.

Mr. Bonderson advised that Case No. 1039 and Case No. 1040 (Willie Falcon) are different parties of the same violation; therefore, Staff would recommend the Board review both cases concurrently. Mr. Bonderson advised that Mr. and Mrs. Hatch are the owners of the condominium and Mr. Falcon performed the dry scraping of the “popcorn” acoustical ceiling.

Mr. Bonderson advised that on October 2, 2008, Air Quality Management received a complaint from Ms. Caren Martin who was living in the condominium unit located at 844 Ridgewood Drive,

Unit 2 in Sparks, Nevada; that this unit is located within the Woodside development. Mr. Bonderson stated that the Woodside development is a 180 unit "townhouse community" – a residential community in Sparks. Mr. Bonderson stated Ms. Martin advised Mr. Ralph, Environmental Engineer, that she had learned the "popcorn" ceiling in her unit, had been scraped and "may have contained asbestos and she was concerned for her son's and her health-related issues." Mr. Bonderson stated that Ms. Martin advised she had been living in the unit for approximately ten (10) months and was not certain the unit contained asbestos. Mr. Bonderson stated that he conferred with Ms. Martin on October 3, 2008, regarding the complaint; that she advised him she had taken a sample of materials in for testing and the results had come back positive for asbestos. Mr. Bonderson stated he advised Ms. Martin that it would be necessary for a "certified asbestos professional" to obtain a sample and transport it to a certified laboratory for proper testing. Mr. Bonderson stated Ms. Martin had further advised him that Mr. Larry Snearly, the property manager had indicated to her he (Mr. Snearly) had taken a sample, which was tested and the test results were negative for asbestos-containing materials. Mr. Bonderson stated that Ms. Martin contracted with Mr. Jack Goshow, Environmental Testing & Consulting, to take samples from her unit; that test results were positive for asbestos-containing materials. Mr. Bonderson advised that the Hearing Board members have been provided with a copy of those test result in the packet within "Asbestos Sampling Results." Mr. Bonderson advised that the Hearing Board members have been provided with copies of two (2) different asbestos sampling results; that one was provided by Mr. Goshow and the other by Converse Consulting, which was a "follow-up survey done to verify the results." Mr. Bonderson advised that the results from Converse Consulting verified Mr. Goshow's results that the samples were positive for asbestos-containing materials; that the results indicated the material was positive 1-5% for Chrysotile asbestos.

Mr. Bonderson stated that when he received the asbestos results he immediately contacted Mr. and Mrs. Hatch (via email) to advise them of the test results and Staff's concerns regarding the "contamination of the unit and that Ms. Martin had been living in the unit for quite some time." Mr. Bonderson stated that Staff was advised Ms. Martin vacated the unit on October 5, 2008, immediately after contacting the Air Quality Management Division regarding the possible asbestos contamination. Mr. Bonderson stated that after being contacted by Staff Mr. and Mrs. Hatch contacted their insurance company; that the Hearing Board members have been provided with approximately nine (9) pages delineating the chronology of events regarding the investigation process of this violation, beginning October 20, 2008 through July 24, 2009.

Mr. Bonderson stated that at the beginning of the investigation, Staff was unaware of who had performed the asbestos removal; that later it was determined that Mr. Willie Falcon (dba A Falcon

on the Rescue) was hired by Mr. and Mrs. Hatch and had conducted the work. Mr. Bonderson stated that neither Mr. and Mrs. Hatch nor Mr. Falcon, on behalf of Mr. and Mrs. Hatch, obtained the required asbestos-acknowledgement form from the Air Quality Management Division. Mr. Bonderson stated neither did they have the required asbestos survey performed, which would have indicated the material was positive for asbestos. Mr. Bonderson stated that had Mr. and Mrs. Hatch or Mr. Falcon complied with these requirements Staff would have advised that the process would require a licensed asbestos-abatement contractor to perform the work and properly dispose of the materials. Mr. Bonderson stated that he was advised the "ceiling had been scraped in November 2007." Mr. Bonderson stated that he was contacted by Mr. Chris Moore and Mr. Doug Brown, of Lemons, Grundy and Eisenberg, Attorneys for Mr. and Mrs. Hatch's insurance company regarding the status of the scheduled abatement. Mr. Bonderson stated that "it took a long time to obtain the information specific to getting bids for abatement and clean-up and as to which party was going to pay for what, what would be covered, how the material would be abated, when it would be done, what items, if any, would be returned to Ms. Martin." Mr. Bonderson stated that "all of these issues were discussed with Mr. Brown and Mr. Moore for months"; that "ultimately an abatement date was planned for February 6, 2009." Mr. Bonderson advised at that time the Air Quality Management Division was notified that Advance Installations, a certified abatement contractor, would be "performing the abatement for the hard-surfaced items." Mr. Bonderson stated that there were discussions with Mr. Brown and Mr. Moore "as to which items could be returned to Ms. Martin; that typically protocol stipulates that hard-surfaced items can be wet-wiped and those materials returned." Mr. Bonderson stated that "anything identified as a soft-goods (i.e., fabric-driven which includes carpet, clothes, etc.) cannot be cleaned adequately and must be properly disposed." Mr. Bonderson stated that all of these details "took some time to work out all those details"; that Staff was not involved in any of those negotiations; that he did advise the attorneys as to which "items could not be returned as a result of the protocol for soft-goods versus hard-goods." Mr. Bonderson stated the Air Quality Management Division was specific "that only the hard-goods could be returned; that the majority of the hard-good items were returned to Ms. Martin on May 1, 2009; that some hard-surfaced items (i.e., television, toaster, small appliances) in which it is not possible to "get inside to clean adequately" cannot be returned for use. Mr. Bonderson stated that Mr. Cerfoglio, who is present, was on-site during "some of the abatement process for the unit in which Ms. Martin lived."

Mr. Bonderson stated that he then met with Mr. Falcon regarding the work performed by Mr. Falcon and Staff's concerns regarding the regulatory requirements for the work that was performed. Mr. Bonderson stated that Mr. Falcon is present, representing himself at tonight's hearing.

Mr. Bonderson stated that he then met with Mr. John Arrascada, Attorney representing Mr. and Mrs. Hatch in a pre-settlement meeting with Staff to discuss the case and why a Notice of Violation was issued to Mr. and Mrs. Hatch. Mr. Bonderson stated Mr. Arrascada requested additional information regarding the applicability of the NESHAP (National Emissions Standards for Hazardous Air Pollutants) Regulations specific to this case. Mr. Bonderson stated that Mr. Bob Trotter, representing US Environmental Protection Agency, Region IX, provided the necessary information to Staff as to the applicability of NESHAPS to the subject townhouse unit; that this information was presented to Mr. Arrascada. Mr. Bonderson advised that after reviewing the case with Mr. Arrascada the decision was made to appeal the Citation on behalf of Mr. and Mrs. Hatch. Mr. Bonderson stated that he discussed the case with Mr. Falcon and “suggested” that Mr. Falcon also appeal the Citation to allow the Hearing Board to review both Citations concurrently.

Mr. Bob Trotter, Asbestos NESHAP Coordinator and Enforcement Officer, US Environmental Protection Agency, Region IX, being duly sworn, advised that he supports Staff’s recommended “penalty action” in these cases. Mr. Trotter advised that in those instances in which EPA “over files” (when US EPA takes “its own” enforcement action) on a case; that US EPA does have the authority to initiate enforcement action in NESHAP asbestos-related cases. Mr. Trotter stated that “in cases such as these, US EPA is required to adhere to the EPA penalty policy”; that for these cases there “is a range of penalties”, which can be “as much as \$32,000 per day per violation.” Mr. Trotter advised that in regard to these cases he computed the minimum EPA penalty amount for a one (1) day violation would be \$41,317, should it be necessary to refer the case to EPA’s Regional Counsel; that testimony indicates the violation occurred for more than a day. Mr. Trotter advised that Region IX has over filed on “other condominium cases” previously, with condominiums as “small as four (4) units per building”; that “it is common for Region IX to take these types of actions.”

In response to Mr. Fritchel regarding the 40 CFR regarding the definition of facility, Mr. Trotter stated that within the definition of “facility” there are “facility components and installation; that within “installation” residential facilities will be listed; that the definition is “structure/structures.” Mr. Trotter stated that the number of the facility and the installation could be the number of multiple units in a complex; that “three (3) condominium complexes which are clustered with three (3)” EPA would identify it with the number of the residential installation, which would be nine (9) units. Mr. Trotter stated that it “would not be the number of units per building but the number of units per installation.” In response to Mr. Fritchel regarding applying this definition to other cases, Mr. Trotter advised that these definitions have been applied in all cases.

In response to Mr. Arrascada regarding whether he could question Mr. Trotter, Ms. Leslie Admirand, Deputy District Attorney, advised that the Hearing Board meetings are not incidences "in which a cross examination occurs"; however, it is at the discretion of the Hearing Board whether to allow Mr. Arrascada to question Mr. Trotter. Ms. Admirand stated that she would "caution the Hearing Board regarding not allowing a cross examination situation to occur."

In response to Mr. Arrascada regarding the condominium units being privately owned by separate individuals, Mr. Rinaldi stated that in previous cases "it did not make a difference" that each individual condominium unit was owned by separate individuals.

In response to Mr. Arrascada, Mr. Trotter advised that "no, it does not" make a difference that the condominium units are privately owned.

Mr. John Arrascada, Attorney representing Mr. and Mrs. Hatch, advised that he would request that the Hearing Board recommend dismissal of the Citation issued to Mr. and Mrs. Hatch. Mr. Arrascada advised that Mr. and Mrs. Hatch, as owners of the property, had "no actual knowledge of nor was it inferred to them that there was asbestos in this acoustical ceiling." Mr. Arrascada stated that Mr. and Mrs. Hatch did what "any good home owner would do, they hired someone who had been recommended (Mr. Willie Falcon) to do an extensive remodel on this home, replacing the countertops, the cabinetry and scraping the acoustic ceiling." Mr. Arrascada stated that Mr. Falcon will advise the Board "that in working with Mr. and Mrs. Hatch he found them to be very honorable people and that they had no knowledge there was no asbestos there; that "it is Mr. Falcon's belief that had Mr. and Mrs. Hatch had knowledge, permits would have been sought." Mr. Arrascada stated that Mr. Falcon will admit that "he did not have training in asbestos-abatement or asbestos-recognition"; that "since this occurred" Mr. Falcon has taken classes to properly be aware of asbestos-containing materials and to obtain the proper permits from the County." Mr. Arrascada stated that, "from a knowledge standpoint as to what due diligence did they take, they did everything that a reasonable, landowner/property owner would do – they hired somebody that they believed had the knowledge and expertise to handle any situation that was involved in the remodel of this condominium." Mr. Arrascada stated that "unfortunately that did not occur; however, as Mr. and Mrs. Hatch had no intent to violate the regulations and had no knowledge that they were doing it there is no affirmative act, which places them under the purview" of the Regulations. Mr. Arrascada stated that "because there was no intent they would request" the Hearing Board dismiss the Citation.

Mr. Arrascada stated that the complaint was “when the heating and air conditioning was on there was debris coming from the duct work and settling around throughout this condominium”; that Mr. Falcon will testify that “as part of this extensive remodel, when he was scraping the two (2) ceilings, the two (2) bedrooms, the hallway in the upstairs, also entailed an incredible amount of clean-up.” Mr. Arrascada stated that Mr. and Mrs. Hatch installed new carpeting in the unit; that Mr. Hatch was “involved in getting the condominium cleaned-up so that it would be presentable to be leased.” Mr. Arrascada stated “any reasonable potential tenant” viewing the unit and considering leasing it, and noting “debris matter, which were the granules from scraping it dry, and was not a measureable amount of asbestos dust or fibers in the air, on the windowsills and around in other places” would have mentioned it. Mr. Arrascada stated that Ms. Martin moved into the unit in January 2008, when the furnace was on; that “there were no issues or anything brought up” regarding “all the debris blowing all around”; therefore, “there was nothing significantly blowing out from the duct works.” Mr. Arrascada stated that in May 2008, Ms. Martin contacted Mr. and Mrs. Hatch to complain that the air conditioning, which is a forced air central unit, wasn’t working and wasn’t cooling properly; that “never once did (Ms. Martin) mention that there was debris floating around throughout the unit.” Mr. Arrascada stated that “never once” did Ms. Martin mention that “when she turned on the HVAC the heat or the air conditioning that there was a debris problem” occurring in the condominium. Mr. Arrascada presented a copy of Invoice #9827 (a copy of which was placed on file for the record), from Lincoln Heating and Air Conditioning, stating that Mr. and Mrs. Hatch contracted with this company to service the air conditioning system. Mr. Arrascada advised that he contacted “Karen, at Lincoln Heating and Air Conditioning” to review the work performed; that he questioned if the technician would have “checked the duct work to ensure that the forced air is coming out properly” and was advised that the technician would have checked that. Mr. Arrascada stated he questioned if the technician would have noticed there was debris coming out of the duct work what the standard practice would be and was advised that the company would have “alerted the customer and made note of it” had that been occurring; “that this is a standard of the industry.” Mr. Arrascada stated that, as the invoice indicates, and remarks of the work performed, as noted on the second page, there is no “indication, notation, and nothing told to Mr. and Mrs. Hatch that there is a debris problem, which requires the duct work cleaned-out.”

Mr. Arrascada stated there are several photographs in the packet of the “alleged material that was floating or being thrown around through the forced air floor ducts”; that Mr. Falcon will testify that “these particles are not going to float around – they would hit the ground quick.” Mr. Arrascada stated that the photographs depict debris in the windowsill and up above lighting; that “he doesn’t know if the debris can get there through the forced air system.” Mr. Arrascada stated that “when Lincoln serviced it in May there were no problems with it as far as the debris.”

Mr. Arrascada stated that the initial issue is the Hearing Board's authority to dismiss this Citation. Mr. Arrascada referenced the Converse Consultants' report, which is contained in the Board members' packet, advising that on page 5 "sampling results" (the paragraph above the table), the sentence beginning in line six (6) indicates: "These levels are considered acceptable for re-occupancy of a space after asbestos abatement has been conducted..."; that "these levels refers to the asbestos that was found in the house." Mr. Arrascada stated the asbestos testing was performed by Converse Consulting on October 31, 2008; that the condominium had been unoccupied at that time and had not been cleaned-up; that nothing had been done to it." Mr. Arrascada stated that the condominium "was in the same state as it was when ETC, the first testers came in." Mr. Arrascada stated according to the "air samples results is that (when no abatement had been done) that on that day, October 31st, that that building was acceptable for re-occupancy of the space after asbestos abatement has been conducted." Mr. Arrascada stated that further, it indicates "it is also suitable for a school; that after a school has been abated (and this is pre-abatement) that one could again begin conducting classes within children in the classroom in school." Mr. Arrascada stated that "the same holds true regarding the micro-vacuum samples" that were taken; that "that, which was detected is acceptable after abatement has been accomplished; that this is all pre-abatement." Mr. Arrascada stated that "they acknowledge there are health risks with asbestos, and the health risks that exist is 'non-existent' according to Converse Consultants." Mr. Arrascada stated that "test results show that it is a nominal or small amount that is there."

Mr. Arrascada stated that the issue is "what did the Hatches know and when did they know it; that they will tell the Board they had no clue; that they relied on someone else they hired, as would any reasonable home owner would do to do the proper work that needed to be done and was necessary in their condominium to upgrade it for future tenants." Mr. Arrascada stated that, without that knowledge without that intent, and after having done due diligence, which was the due diligence of your average home owner, not someone with any expertise or knowledge, this Citation should be dismissed." Mr. Arrascada stated that should the Hearing Board recommend the Citation not be dismissed, he would "suggest that a fine in this matter should be zero, because there is no intentional act here by the Hatches, no 'thumbing their noses' at the policies or the protocols, the Statutes, the laws, the rules, the Regulations we have regarding asbestos-abatement."

Mr. Arrascada questioned Mr. Richard Hatch, appellant and owner of the condominium unit.

In response to Mr. Arrascada's questioning, Mr. Richard Hatch, appellant and owner of the condominium unit, being duly sworn, advised that he resides in Benita, California; that he "spent about seven and a half (7.5) years in aviation maintenance" after serving in the Navy he worked as an aircraft mechanic." Mr. Hatch stated that when he hired Mr. Willie Falcon he was not aware of any asbestos-containing materials in the acoustical ceiling. Mr. Hatch stated that had he known he wouldn't have had the work performed; that he would have "seen about getting the permits to get it done." Mr. Hatch stated that he performed "quite a bit of the work" on the unit; that he "did an abbreviated walk-through" of the unit with Ms. Martin. Mr. Hatch stated that he assisted in the cleaning of the unit "just prior to Ms. Martin moving in; that the heat was on when Ms. Martin moved in." Mr. Hatch stated that he never observed "any debris or particles emanating from the duct work."

In response to Mr. Rinaldi regarding "why" the ceiling was scraped, Mr. Hatch stated the previous tenant had lived there had smoked resulting in the acoustical ceilings being very dirty; that "they felt it needed to be addressed."

Mr. Rinaldi stated that in owning rentals he would "paint over" the ceiling due to problems associated with 'popcorn acoustical ceiling materials; that it is a mess whether it is asbestos-laden or not."

In response to Mr. Rinaldi, Mr. Hatch stated that "that is why they went to someone; they had to do something about it as it was extremely dirty."

Mr. Rinaldi questioned if in Mr. Hatch's experience in the Navy and as an aircraft mechanic "wouldn't he be aware of asbestos and the problems with asbestos."

In response to Mr. Rinaldi, Mr. Hatch stated that "he had heard about asbestos but he spent all his time in aviation and if there was asbestos in and around the aircraft he can't testify that he was aware of it." In response to Mr. Rinaldi regarding the buildings being 36 years old, Mr. Hatch stated that "he isn't positive of the day it was built."

In response to Mr. Greene regarding "how he located Mr. Falcon to perform the work", Mr. Hatch stated that he and his wife purchased the property through a real estate agent; that "they had some a little bit of residual work on the unit prior to hiring Mr. Falcon. Mr. Hatch stated that "to be able to rent the unit at a reasonable price it would be necessary to do extensive remodeling; that they spoke to the real estate agent who referred them to another real estate agent, who did property management, who referred them to Mr. Larry Snearly, a property manager, who referred them to Mr. Willie Falcon." Mr. Hatch stated that "they were advised that Mr. Falcon had done a lot of work in the area for property managers and individuals."

In response to Mr. Serpa regarding "having a contract", Mr. Hatch advised that "they did have a contract with Mr. Falcon." In response to Mr. Serpa regarding Mr. Falcon being a licensed contractor, Mr. Hatch stated "they didn't know it at the time; however, they have since found out that he is not licensed."

In response to Mr. Fritchel regarding the contract specifying "whose responsibility it was to obtain permits", Mr. Hatch stated that "due to the nature of the work they didn't know they needed to have permits." Mr. Hatch stated that the work was primarily "clean-up, fix-up, remodeling type of work."

Mr. Greene stated that in the State of Nevada and the State of California the type of work Mr. Hatch had performed "requires a licensed contractor." In response to Mr. Greene, Mr. Hatch stated that "he did not know that."

Ms. Sharon Hatch, appellant and co-owner, being duly sworn, stated that she worked for the State of California working for the Department of CalTrans, the Department of Highway Patrol, the Department of Justice and the Attorney General's Office; that she was an assistance office manager and then an office manager. Ms. Hatch stated that she "was very much involved" in the remodeling of the unit. Ms. Hatch stated that "the primary reason decided to do such extensive remodeling was because the market was heading down they had wanted to sell the unit"; however, "they couldn't sell it for what they had in it." Ms. Hatch stated that "they had to do something the unit was a mess"; that they decided "they could get more rent if they upgraded and they would get a better renter." Ms. Hatch stated that further, "when the market turned around they would have the best unit in the complex." Ms. Hatch stated that "they did extensive remodeling but it was all interior; that they had no idea they needed a licensed contractor or permits to do interior work, as there wasn't anything done outside of the unit." Ms. Hatch stated that "they replaced the cabinets,

and the countertops in both the bathrooms and in the kitchen.” Ms. Hatch advised that the “ceiling in the living room had been damaged by prior water leakage so that had to be fixed anyway; that that was half asbestos and half not.” Ms. Hatch stated that “it was just a prudent update; that anytime you are updating property the popcorn ceiling goes; that this was the reason for doing that versus just repainting.” Ms. Hatch stated that the intent “was to give the unit the most updated look they could.” Ms. Hatch stated that the “soonest they knew about this was October 8, 2008, when they received a call from the property manager, who had just been notified by Ms. Martin of the problem; that he had not addressed this problem with them at all.” Ms. Hatch stated the property manager advised them “that he had no knowledge of this prior to her contacting him; that he told her to contact them, which she did; that they spoke to her that night.” Ms. Hatch stated that “they were flabbergasted and didn’t know what to do; that they have insurance so they advised her they would contact their insurance.”

Mr. Greene questioned what remodeling the condominium association allows the owners to have done, without first getting approval from the association.

In response to Mr. Greene, Ms. Hatch stated that she is unaware of “any regulations on that; that the office knew they were remodeling; that they had received a complaint regarding the saw horses being set-up in the front yard.” Ms. Hatch stated that the office was aware and “no one addressed they were doing anything wrong.” In response to Mr. Green regarding representation of the office staff or the condominium association, Ms. Hatch advised that no one representing the association is present.

In response to Mr. Arrascada regarding the condominium association issuing any notice of violations of the CC&Rs, Ms. Hatch advised that “the only thing that was addressed to them was that their former tenant had left a vehicle there; that they evicted them and they left everything there.” Ms. Hatch stated that “they were contacted about the car as it wasn’t currently registered.” In response to Mr. Arrascada regarding the water leak prior to the 2007 refurbishing of the condominium unit, Ms. Hatch advised that the leak occurred in 2005; that they did hire a licensed plumber to fix the leak; that some of the ceiling “had already fallen down” at that time. Ms. Hatch advised that “it was leaking behind the tile in the upstairs bedroom down through the fireplace and across the living room to the tresses.” Ms. Hatch stated the plumber did not advise them that there was asbestos in the acoustical ceiling; that the tenant at the time indicated “he had a background in that, so he did a patch.” Ms. Hatch stated “they left it that way at that time, as they knew there were problems” with the tenants “so they weren’t going to go in there at that time and try to do a

repair.” Ms. Hatch stated the licensed plumber didn’t advise them of any of these problems; that “they paid the bill and he fixed the leak.”

In response to Mr. Rinaldi regarding “how she became aware there was a problem”, Ms. Caren Martin, former tenant of the subject unit, being duly sworn, stated that “over a period of time she noticed the debris since moving into the condo” unit. Ms. Martin stated that during her weekly cleanings, she would notice the “there would be a talcum powder-type residue on her wooden furniture.” Ms. Martin stated that “at first she didn’t think anything about it, as she knew they had been remodeling; that she never noticed anything “popping out” of the HVAC system, as referred, “that she would notice something; that she just noticed the debris every week.” Ms. Martin stated that she believed it was due to the remodel until a friend of hers “mentioned that it was debris from the ceiling and that that could obtain asbestos.” Ms. Martin stated that she then “brought it to the attention of Mr. Snearly, who is the property manager” for Mr. and Mrs. Hatch; that she advised him she was concerned “as it is everywhere in the house and that if it contained asbestos she is concerned her health could be at risk and her child’s.” Ms. Martin stated that Mr. Snearly advised her he would “ask the Hatches about it; that this was in early September and she didn’t hear back from him, as they were on a cruise.” Ms. Martin stated that the next time the rent was due she asked Mr. Snearly if he had spoken to Mr. and Mrs. Hatch “about it and he told her “no” it didn’t have asbestos; that he had spoken with them.” Ms. Martin stated that “something just didn’t feel right about it, so she decided to take it a step further and had the material tested herself.” In response to Mr. Fritchel regarding her possessions, Ms. Martin stated that “she just had some things returned to her on May 1st (i.e., the headboards from the beds); however, she did lose most of her possessions (i.e., clothes, bedding, mattresses, TV, appliances, etc.). Ms. Martin stated that “she had very few things returned to her.” Ms. Martin stated that when she spoke to Mr. and Mrs. Hatch about her concerns, Mrs. Hatch was angry with her”, that Ms. Hatch said to her “that they had put so much into the work into the place to make it nice for her”; however, “she did pay a healthy amount of rent for that place, and it was beautiful – the countertops turned out nicely and the everything was great.” Ms. Martin stated that she was concerned for her health and her child’s health; that “she wasn’t trying to make waves, but yet Mrs. Hatch was angry that she (Ms. Martin) was causing havoc for them.” Ms. Martin stated that she asked Mrs. Hatch “at that time if she had any knowledge that that stuff had asbestos in it and she (Mrs. Hatch), said ‘they assumed that it did’.” Ms. Martin stated that “she was on speaker phone with both Mr. and Mrs. Hatch, and those were Mrs. Hatch’s exact words “that they assumed that it did but they thought they had done a good job cleaning it up.”

Mr. Willie Falcon, owner of A Falcon on the Rescue, being duly sworn, advised that through a real estate agent Mr. Larry Snearly, property manager referred Mr. and Mrs. Hatch to him; that he and his crew “do a lot of work for realtors in town.” Mr. Falcon stated that when he began the project “the bottom ceiling, as Mrs. Hatch indicated, was already done; therefore, he targeted the second floor and the stairway up to the second floor.” Mr. Falcon stated “when he was first hired he was hired just to do part of the repairs”; however, “like any project the list grew” and he did additional remodeling work, with the exception of the countertops, which he subcontracted to Go Granite. Mr. Falcon stated that his crew “repaired the kitchen floor, repaired the pantry, the laundry area.” In response to Mr. Rinaldi regarding the repairs to the pantry, Mr. Falcon stated that a new door was purchased for the pantry; that he “adjusted the walls to be able to fit that in.” Mr. Falcon stated that “they scraped the ceiling”; that Mr. and Mrs. Hatch “used his contacts for the kitchen counters and cabinets, as they received a 10% discount.” Mr. Falcon stated that for the first week “they (Mr. and Mrs. Hatch) were there working with them in trying to get it done; however, they didn’t realize it would take that long.” Mr. Falcon stated that “they finished the first week of January 2008.” Mr. Falcon stated that the carpet was going to be removed; that “they sprayed the acoustical ceiling to ensure its moisture and then they scraped it; that they cleaned it as much as they could and then the carpet was pulled out.”

In response to Mr. Rinaldi regarding spraying the ceiling with water and laying plastic down, Mr. Falcon stated that he did lay down the plastic and used water to spray the ceiling; that “they covered the walls because the acoustic has a little bit of glue in it and will stick to the walls and stays there if it dries, so there was plastic on the walls.” Mr. Falcon stated “they thought it was going to be safe; that they had no idea of the asbestos.” Mr. Falcon stated that when he was contacted by Mr. Bonderson he immediately took action; that he asked Mr. Bonderson “what action do we need to take, how are we going to take care of this?” Mr. Falcon stated that Mr. Bonderson recommended “contacting an environmental/air quality control company that could take care of the abatement; that he immediately contracted with Mr. Tom Davis, Advance Installations.” Mr. Falcon stated that he contacted Mr. Bonderson requesting Mr. Bonderson forward the report to Advance Installations for the abatement. Mr. Falcon stated that he then took classes teaching him “exactly what asbestos is and how to recognize it; what the requirements are for handling asbestos and the hazard of asbestos materials.” In response to Mr. Rinaldi regarding Mr. Falcon’s business, Mr. Falcon advised that he “is a general handyman and does maintenance”; that “he charges up to \$1,000 per item.” In response to Mr. Rinaldi regarding the number of employees, Mr. Falcon stated that at the time of this job he had approximately eight (8) people working for him, with four (4) employees working on this project. In response to Mr. Rinaldi regarding how long Mr. Falcon “has been working like this”, Mr. Falcon stated that it has been “for thirteen years”; that he is not aware of having encountered asbestos before this work. Mr. Falcon stated that he immediately took the

asbestos-awareness training and “has learned more in the past ten (10) months than in the past twelve years.” In response to Mr. Greene regarding Mr. Falcon “having a written or verbal contract with Mr. Hatch”, Mr. Falcon advised that he prepared an initial estimate, which was revised as new jobs were requested by Mr. and Mrs. Hatch. In response to Mr. Greene regarding the estimate being separate for materials and labor, Mr. Falcon advised that he provides one (1) estimate for everything; that occasionally customers will purchase the materials and have him perform the work.

In response to Mr. Greene regarding Mr. Falcon “not obtaining a contractors license”, Mr. Falcon stated that he couldn't accomplish the goal of obtaining signatures from licensed contractors, for whom he had performed work, which is a requirement for qualifying. Mr. Falcon stated that the rates he provided, as an unlicensed contractor, were less than those charged by licensed contractors; that a “contractor has a lot of expenses due to the licensing.” In response to Mr. Greene regarding obtaining a contractors license, Mr. Falcon stated that he “now believes it is necessary to get a contractors license.” In response to Mr. Serpa regarding the final costs to Mr. and Mrs. Hatch, Mr. Falcon advised that he was paid “10,071.04, for the nineteen (19) items” on which he worked.

Mr. Serpa stated that in performing work for thirteen (13) years, Mr. Falcon “doesn't know if he came across asbestos or not” in previous jobs.

In response to Mr. Rinaldi regarding the clean-up after the scraping, Mr. Falcon stated that he and his employees cleaned-up the unit; that he then assisted Mr. and Mrs. Hatch to further clean the unit by a certain date to allow Ms. Martin to move in. In response to Mr. Rinaldi regarding the cleaning efforts, Mr. Falcon stated that after he had completed his work and clean-up, he assisted Mr. and Mrs. Hatch in removing the carpet and plastic; that they scraped the floors to the subfloor, and then they swept, vacuumed and wiped-down cabinets. In response to Mr. Rinaldi regarding the clean-up required for asbestos-abatement, Mr. Falcon stated that he is now aware that an asbestos-abatement requires extensive cleaning and a licensed asbestos-abatement contractor. In response to Mr. Rinaldi regarding “their clean-up efforts further dispersing the asbestos material”, Mr. Falcon stated that he is now aware their efforts did “spread the asbestos-containing materials even farther.”

Mr. Bonderson stated that the Hearing Board members have been provided with information in the packet specific to “a point count being performed on the debris/dust of the materials in the unit,

which was 11.5% Chrysotile”; that a “point count is more sophisticated method of obtaining a more accurate asbestos contact versus the regular methodology under polarized light.” Mr. Bonderson stated that asbestos-containing materials cannot always be immediately identified as “asbestos fibers cannot be seen, felt or touched”; therefore, any type of clean-up efforts by Mr. Falcon or Mr. and Mrs. Hatch would not get the fibers involved, unless performed by an asbestos-abatement company.” Mr. Bonderson stated that air sampling results is not an issue as the requirements of NESHAPS relies upon bulk samples and bulk sample results; that, additionally, the air samplings were not performed “under aggressive air sampling methodologies.”

In response to Mr. Fritchel regarding the chronology, which indicates Mr. and Mrs. Hatch “were aware the acoustic ceiling may contain asbestos”, Mr. Bonderson stated that this information was obtained from Ms. Martin regarding her conversations with Mr. Snearly and Mr. and Mrs. Hatch. Mr. Bonderson stated that at that time in the chronology, the sample results had been received verifying asbestos-containing materials throughout the unit. In response to Mr. Fritchel regarding “this indicating prior knowledge”, Mr. Bonderson stated “not from his perspective; that after receiving the sample results indicating asbestos, he advised Ms. Martin that “her and Mr. Snearly's sampling results were moot without a certified asbestos contractor taking the results.” Mr. Bonderson stated that both Mr. Jack Goshow and Converse Consultants verified the presence of asbestos-containing materials in the unit.

Mr. Arrascada advised that the loss of Ms. Martin's personal belongings is in negotiations between Ms. Martin's attorney and Mr. and Mrs. Hatch. Mr. Arrascada stated that after the clean-up performed by Mr. Falcon, Mr. and Mrs. Hatch painted the insides of the entire unit, which “can encapsulate and protect from asbestos debris or matter flying around or being in places it shouldn't be. Mr. Arrascada stated that the carpeting was removed, the painting done and then the new carpet was installed.” Mr. Arrascada stated that this is evidence “there was extensive clean-up and the painting would have encapsulated any debris that was in the air.” Mr. Arrascada stated that both Mr. and Mrs. Hatch testified “they had no knowledge prior to this; that this is a credibility issue for the Hearing Board.” Mr. Arrascada stated that he would recommend the Hearing Board dismiss the Citation issued to Mr. and Mrs. Hatch; that “they relied upon Mr. Falcon in the work that was done.” Mr. Arrascada stated that Mr. Falcon should be commended for his efforts to learn about asbestos and the proper methods of abatement. Mr. Arrascada stated that should the Hearing Board recommend the Citation be upheld, he would request that no fine be levied against Mr. and Mrs. Hatch.

Mr. Rinaldi stated that ignorance of the law is not an excuse; that he recently received a ticket in a school zone during a summer school session, when he hadn't realized summer school was in session; that it remained a violation. Mr. Rinaldi stated that, as the property owner, or the person performing the work, it is "their responsibility to be aware of the requirements." Mr. Rinaldi stated that, as Staff advised, "there is no way 'an incredible clean-up effort' is going to capture asbestos, as the fibers are very, very small and would pass through the common filtration in vacuum cleaners." Mr. Rinaldi stated that these are fibers "less than five (5) microns in size, which is less than one one-thousandth of an inch; that these fibers cannot be seen." Mr. Rinaldi stated that the particles, which Ms. Martin was seeing, "are quite common as particles, which can be seen, as drywall work can result in this type of dust and debris; that it is not uncommon to have to have duct work and fan blowers "pulled out and cleaned" after drywall work has been performed. Mr. Rinaldi stated that "one test coming back negative for asbestos or below the threshold of concern does not indicate hazardous asbestos-containing materials were not present." Mr. Rinaldi stated that in regard to Lincoln Heating and Air Conditioning, the invoice presented by Mr. Arrascada indicates the work performed was "checking the electrical, the filter" and did not include an inspection of the blower, the ducts, the filters or the coils to see that those were dusty and dirty."

Mr. Serpa stated that he strongly objects to people "looking to save a few dollars by hiring unlicensed contractors, as he strongly objects to unlicensed contractors." Mr. Serpa stated that "it is cheaper if one doesn't have a license; however, there is a lot of knowledge one doesn't have when there is no license." Mr. Serpa stated that, "for this reason, he doesn't have a lot of sympathy for either party in this case because of this reason." Mr. Serpa stated that "getting work done on the side results in these types of problems occurring when that is overlooked."

MOTION

Mr. Serpa moved that based upon the testimony and evidence presented, a violation of Section 030.107 (Hazardous Air Pollutants), Subsections A, B and C of the Washoe County District Board of Health Regulations Governing Air Quality Management did occur and that it be recommended to the District Board of Health that the **appeal of SHARON AND RICHARD HATCH, Case No. 1039, Notice of Violation No. 4333 be denied** and a fine in the amount of **\$5,000** for a major violation be levied.

The motion was seconded by Mr. Greene and carried for **approval** with Mr. Fritchel voting "no". Mr. Fritchel stated that he supports denying the appeal and upholding the Citation; that he would have supported a reduced fine.

AIR POLLUTION CONTROL HEARING BOARD
APPEAL – CASE NO. 1039 (SHARON & RICHARD HATCH)
September 8, 2009
Page Nineteen

Staff advised Mr. Arrascada, on behalf of Mr. and Ms. Hatch, of their right to appeal the Hearing Board's recommendation, in writing, to the District Health Officer, within five (5) days of today's hearing.



DAVID RINALDI, CHAIRMAN
AIR POLLUTION CONTROL HEARING BOARD



JANET SMITH
RECORDER



WASHOE COUNTY HEALTH DISTRICT

AIR QUALITY MANAGEMENT DIVISION

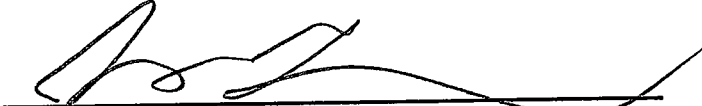


Public Health
Prevent. Promote. Protect.

The Air Pollution Control Hearing Board has been established pursuant to Section 020.025 of the Washoe County District Board of Health Regulations Governing Air Quality Management, and Section 020.0251 authorizes its jurisdiction in hearing appeals from any aggrieved person. This Board is comprised of volunteers appointed by the District Board of Health, who meet the qualifications required in Section 020.025.

Appeals heard today, Sept. 8, 2009, will be forwarded to the District Board of Health with a recommendation, as set forth in Section 020.0251 (D), and will be reviewed at their next regularly scheduled meeting, Thursday, Oct. 22, 2009, at 1:00 p.m. At the discretion of the District Board of Health, all appellants may provide further testimony regarding their case at that time. Appellants must indicate in writing, in a letter addressed to the District Health Officer, within five (5) days of today's hearing, that they wish to be heard at the District Board of Health meeting.

Sharon & Richard Hatch
Case No. 1029, NOV No. 4333


Appellant's Signature

9/8/09
Date



WASHOE COUNTY DISTRICT HEALTH DEPARTMENT
AIR QUALITY MANAGEMENT DIVISION
401 RYLAND STREET, SUITE 331 • P.O. BOX 11130 • RENO, NV 89520
(775) 784-7200



NOTICE OF VIOLATION

NOV 4333

DATE ISSUED: 12/2/08

ISSUED TO: SHARON & RICHARD HATCH PHONE #: (619) 470-3910

MAILING ADDRESS: 5202 RACINE COURT CITY/ST: BONITA, CALIF. ZIP: 91902

NAME/OPERATOR: — PHONE #: SAME

DRIVER LICENSE #/SSN —

YOU ARE HEREBY OFFICIALLY NOTIFIED THAT ON 12/2/08 (DATE) AT 1000 (TIME), YOU ARE IN VIOLATION OF THE FOLLOWING SECTION(S) OF THE WASHOE COUNTY DISTRICT BOARD OF HEALTH REGULATIONS GOVERNING AIR QUALITY MANAGEMENT:

- MINOR VIOLATION OF SECTION:
 - 040.030 DUST CONTROL
 - 040.055 ODOR/NUISANCE
 - 040.200 DIESEL IDLING
 - OTHER
- MAJOR VIOLATION OF SECTION:
 - 030.000 OPERATING W/O PERMIT
 - 030.2175 VIOLATION OF PERMIT CONDITION
 - 030.105 ASBESTOS/NESHAP
 - OTHER 030.107 (a)(b)(c)

VIOLATION DESCRIPTION: DRY SCRAPING AN ACOUSTIC CEILING WITHOUT AN ASBESTOS SURVEY, PROPER PERMITS, OR PROPER WORK PRACTICES. WORK PERFORMED BY WILLIE FALCON IN NOVEMBER, 2007.

LOCATION OF VIOLATION: 844 RIDGEWOOD DRIVE, #2, SPARKS, NV

POINT OF OBSERVATION: —

Weather: — Wind Direction From: N E S W

Emissions Observed: —
(If Visual Emissions Performed - See attached Plume Evaluation Record)

WARNING ONLY: Effective _____ a.m./p.m. _____ (date) you are hereby ordered to abate the above violation within _____ hours/days. I hereby acknowledge receipt of this warning on the date indicated.

Signature _____

CITATION: You are hereby notified that effective on 12/2/08 (date) you are in violation of the section(s) cited above. You are hereby ordered to abate the above violation within IMMEDIATELY hours/days. You are further advised that within ten days of the date of this violation you may submit a written notice of appeal to the Chairman, Hearing Board, P.O. Box 11130, Reno, Nevada 89520. Failure to submit a notice of appeal in the time specified will result in submission of this violation to the District Board of Health, together with a request that an administrative fine be levied against you. If you do not wish to file an appeal the appropriate fine may be paid at the District Health Department.

SIGNING THIS FORM IS NOT AN ADMISSION OF GUILT

Signature: (UNAVAILABLE FOR SIGNATURE) Date: 12/2/08
Issued by: Mal A. Borden Title: AQ SUPERVISOR



AIR QUALITY COMPLAINT/ACTION REQUEST

DATE: 10/02/2008 TIME: 4:00 PM TAKEN BY: CHRIS RALPH

ROUTED TO: NOEL BONDERSON

TYPE OF COMPLAINT: CITIZEN INVESTIGATOR OTHER

RENO SPARKS WASHOE COUNTY AREA 2

COMPLAINT:

POSSIBLE ASBESTOS VIOLATION: CONDO OWNER REMOVED ASBESTOS CONTAINING MATERIAL (POPCORN CEILING), POSSIBLY ILLEGALLY, SOMETIME MORE THAN 10 MONTHS AGO, BUT EXACT DATE IS UNCERTAIN.

LOCATION OF COMPLAINT: 844 RIDGEWOOD DRIVE, UNIT 2, SPARKS

RESPONSIBLE PARTY: OWNERS - SHARON & RICHARD HATCH **PHONE NUMBER:** 619-470-3910

ADDRESS: 5202 RACINE COURT, BONITA CA 91902

RESPONSIBLE PARTY: CONTRACTOR – WILLIE FALCON, dba A FALLON ON THE RUN
PHONE NUMBER: 775-691-4666

ADDRESS: 5245 CANYON RIM COURT, SPARKS NV 89436

COMPLAINANT: CAREN MARTIN **PHONE NUMBER:** 813-5567 CELL

ADDRESS: 844 RIDGEWOOD DRIVE, UNIT 2, SPARKS

SPECIAL INSTRUCTIONS:

INVESTIGATOR: NOEL BONDERSON **DATE:** 10/3/2008 **TIME:** 1:00

VIOLATION: 030.105 (a) (b) (c)

10/3 NOEL SPOKE WITH MS. MARTIN REGARDING COMPLAINT AND SUGGESTED SHE SPEAK WITH CONDO OWNER REGARDING THE SAMPLE TAKEN AND POSITIVE RESULTS. HE ALSO EXPLAINED THAT ANY ENFORCEMENT ACTION WOULD BE DIFFICULT DUE TO THE TIMEFRAME INVOLVED SINCE THE CEILING WAS SCRAPED. NOEL DID OFFER TO SPEAK WITH THE OWNER ABOUT THE SITUATION, AND A SUGGESTION WAS ALSO MADE TO HIRE A PROFESSIONAL ASBESTOS CONSULTANT.

10/8 NO FURTHER CONTACT.

10/16 NOEL RECEIVED THE ETC REPORT WITH POSITIVE RESULTS. NOEL SPOKE WITH MS. MARTIN, THE PROPERTY MANAGER AND PROPERTY OWNERS (RICHARD & SHARON HATCH) AND EMAILED THEM THE REPORT.

CASE CLOSED: 10/8/08 PENDING **TIME:** 9:00 AM **INVESTIGATOR:** NOEL BONDERSON

REVIEWED BY: NOEL BONDERSON **DATE:** **TIME:**

RECOMMENDED FINE WORKSHEET

DATE: 8-3-2009

CASE NO: 1039

COMPANY NAME: SHARON & RICHARD HATCH

CONTACT NAME: SAME AS ABOVE

VIOLATION: REMOVAL OF ACOUSTIC (POPCORN) CEILING WITHOUT AN ASBESTOS SURVEY, PROPER PERMITS, OR PROPER WORK PRACTICES.

SECTIONS: 030.107 (a)(b)(c)

TYPE OF VIOLATION: MAJOR

OCCURRENCE: 1st

RANGE OF PENALTIES (PER DAY): \$0-\$10,000

DEGREE OF VIOLATION: MAJOR - THE CEILING "DRY SCRAPE" WAS DONE PRIOR TO MS. MARTIN MOVING INTO HER UNIT WITHOUT HER KNOWLEDGE. MS. MARTIN AND HER YOUNG SON WERE EXPOSED TO ASBESTOS CONTAINING MATERIAL (ACM) FOR ABOUT 10 MONTHS.

ECONOMIC BENEFIT COMPONENT: THE ESTIMATED COST TO PROPERLY ABATE THE POCORN CEILING WAS \$6,500.

DEGREE OF COOPERATION: GOOD - ONCE THE HATCH'S AND THEIR LAWYERS WERE INFORMED OF THE VIOLATION, THEY TOOK STEPS TO SOLICIT ABATEMENT QUOTES. HOWEVER, IT WAS NOT UNTIL FEBRUARY 9, 2009, THAT ABATEMENT ACTUALLY OCCURRED WITH THE "HARD SURFACED" PERSONAL ITEMS NOT RELEASED TO MS. MARTIN UNTIL MAY 1, 2009.

ADDITIONAL COMMENTS: MR. BOB TROTTER (EPA ASBESTOS COORDINATOR) WAS CONTACTED REGARDING THIS CASE FOR AN OPINION REGARDING "NESHAP" APPLICABILITY AND THE RELEASE OF THE "SOFT GOODS" AFTER HEPA VACUUMING. IT WAS APPROXIMATELY SEVEN MONTHS AFTER MS. MARTIN VACATED HER UNIT THAT SOME OF HER PERSONAL ITEMS WERE FINALLY RETURNED.

RECOMMENDED FINE: \$5,000



INVESTIGATOR'S SIGNATURE

NOTE: "Minor Violations", per District regulations, cannot exceed \$1000 for the first and second violations. Third minor violations, plus "Major Violations" cannot exceed \$10,000 per day.

CHRONOLOGY OF EVENTS

Complaint No. C02Oct08005A – Chronology of Events

Page 1

10/20 - Site visit to Ms. Martin's condo Unit 2. I verified that pictures taken by Jack Goshow were accurate, and observed debris at same locations. Ms. Martin said that the debris continually comes out when HVAC unit is turned on. She also said that the property manager (Larry Sneerly – sp?) took a sample of said material and said he had it tested and it came back negative for asbestos.

Email sent to Mr. & Mrs. Hatch outlining my findings and requesting that the unit and personal items be cleaned by a certified abatement contractor.

10/21 – Phone call from Mr. Bobby Hager (attorney for Ms. Martin) requesting information on this complaint be faxed to him. Completed.

10/24 – Phone call to Mrs. Hatch regarding photos sent. She said they arrived. I said I was meeting Diversified at the condo at noon today to get a preliminary cost estimate. Ms. Hatch asked me to contact the insurance company attorney (Chris Moore) to coordinate any inspection and abatement activities. She acknowledged that the unit would have to be abated prior to any further occupancy.

1030 – Phone message left for Chris Moore.

1200 – Site visit with Tony Valentine of Diversified. He will produce an abatement scope of work and cost estimate.

1315 – Phone message from Chris Moore. 1320 – Message back to Mr. Moore to call me ASAP. 1415 – Phone call from Mr. Moore. He wants to hire Converse Consultants to do a verification survey, and I agreed with the condition that it be done immediately (first of next week). He also told me that Willie Falcon was the person who scraped the ceiling. I explained the seriousness of this situation and that my main concern at this time was to get Ms. Martin's personal items abated with possible enforcement action (both owner/operator) at a later date. Mr. Moore will call me on Monday morning (10/27) regarding the availability of the local Converse office to do a verification survey.

10/27 – Received a phone call from Chris Moore informing me that he had contacted John Peterson of Converse regarding the follow up asbestos survey. John is ready to go as soon as he gets approval from Mr. Moore via Mr. Bobby Hager. I phoned John to fill him in on the details of this case to date.

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10/29 – I left messages with both Chris Moore and Bobby Hager regarding status of the Converse survey. Mr. Moore phoned back and said the survey was scheduled for Friday, 10/31, at 9 AM. I phoned Caren Martin to inform her. 1345 – Received a copy of the abatement plan from Tony Valentine of Diversified.

10/30 – Received a fax from Chris Moore confirming that the Converse asbestos survey will be done on 10/31.

11/3 – 1000. Message left with Chris Moore regarding status of Converse survey done on 10/31.

11/4 - Chris called back and said the survey was done but he had not received a copy yet. Bulk samples came back positive confirming Jack Goshow's report. Air samples were taken that came back negative, but apparently were not done using "aggressive" sampling techniques.

11/5 – I requested a copy of Tony Valentine's abatement cost estimate which was faxed to me and forwarded to Chris Moore. I also phoned Caren Martin regarding the status of both the Converse survey and attempts by the AQMD to pursue immediate abatement.

11/6 – Phone call from Chris Moore regarding NRS "Chapter 40" action taken against Willie Falcon by Richard and Sharon Hatch regarding the dry scrape of the acoustic ceiling containing asbestos. Fax also received along with hard copy on 11/10.

11/7 – Phone call to Chris Moore regarding status of planned abatement.

11/12 – Letter sent to Mr. Willie Falcon requesting that he contact Air Quality ASAP regarding the work done at 844 Ridgeview, #2.

11/17 – Spoke with Bobby Hager regarding status of the Converse survey and any abatement activities. Mr. Hager faxed me a copy of an email he received from Chris Moore regarding the ambient air monitoring done in Ms. Martin's condo.

11/24 – Phone call to Chris Moore regarding status of abatement.

11/25 – Phone call from Mr. Doug Brown (Lemons, Grundy, & Eisenberg) calling on the behalf of Chris Moore regarding status of scheduled abatement. Mr. Brown said he would contact Mr. Moore to see if he has heard any further details.

1000 hours – Dennis Cerfoglio (Senior AQ Specialist) and myself met with Willie Falcon to gather information regarding the sequence of events on this case. Notice of Violation #4332 issued to Mr. Falcon for dry scraping the acoustic ceiling at 844 Ridgewood Drive in Sparks in November, 2007.

Page 3

12/2 – Phone call to Caren Martin regarding status of abatement. She has not heard any word on when it will be done. Phone call to Doug Brown and Chris Moore to see if they have any additional information regarding status.

Also issued Notice of Violation #4333 to Sharon & Richard Hatch as the property owners. Sent via certified mail.

12/5 – Faxed copy of NOV's issued to both Willie Falcon and Sharon & Richard Hatch to Doug Brown & Chris Moore. I expressed great frustration to Mr. Brown regarding lack of action on the abatement issue.

12/8 – No return phone call yet from either Chris Moore or Doug Brown. Have not yet received a copy of the Converse asbestos report from the sampling done on 10/31/08. Phone call to Caren Martin regarding status of abatement. Ms. Martin said she has heard nothing.

12/9 – Phone calls to both Bobby Hager and Doug Brown regarding status of abatement dates.

12/11 – Return phone call from Leslie Admirand (Deputy DA) regarding AQMD recommended fines that could be assessed on this case.

12/12 – Phone call from Doug Brown. He met with Willie Falcon today, and Mr. Falcon has agreed to split the abatement costs with the Hatch's. Mr. Brown will formalize this arrangement and confirm the first of next week.

12/16 – Spoke with Jack Goshow regarding the samples he took as given in the October 15, 2008 report for 844 Ridgewood, #2. Jack said any sample would be OK, except for the one that came back <1%. Left a voice message with Neil Upchurch at TEM labs to proceed with the point count analysis using any one of positive samples.

12/18 – Phone call from Willie Falcon requesting that I send Jack's report to Tom at Advance Installations. I phoned both Caren Martin and Jack Goshow, and they both said it was OK. I emailed the report to Tom Davis. No word from Doug Brown or Chris Moore regarding projected dates of any abatement. Have not yet received Converse report.

12/19 – Phone call from Doug Brown stating that Ms. Martin's security deposit is being returned. Also, Tom from Advanced did a walk through today and will produce an abatement cost estimate. Mr. Brown said he received a phone call from the Hatch's

today regarding the NOV issued, and stated that he was unaware of that NOV even though I faxed him a copy on 12/5. I explained that our regulation is an "owner/operator" rule as determined by EPA, and that I was informed that the property owners were aware that the acoustic ceiling may contain asbestos.

12/24 – Received fax from Willie Falcon with Advance Installations cost estimate for abatement. Spoke with Tom Davis who said that it was his understanding that Mr. Falcon would split the abatement costs. I told Tom that abatement could not occur until the Hatch's and their lawyer agreed to the terms and conditions, and I did not know when that decision would occur. Both Jack Goshow and Tom felt that some personal items could be salvaged using a hepa vac and "back side" testing of collected debris to make sure there was no contamination.

12/26 – Phone call to Ms. Martin who said she has heard nothing. She did receive her security deposit check, and continues to be extremely frustrated that no action has been taken after 3 months.

12/30 – Received a fax from Doug Brown giving reasons why the abatement has not yet occurred at 844 Ridgewood, Unit 2 as well as demand for the entire investigative file to date. Also received the "point count" analysis from Jack Goshow (as requested by the AQMD) that showed an asbestos content of 11.5% from the debris originally collected in Unit 2.

12/31 – Email sent to Doug Brown addressing comments made in his fax of 12/30.

1/5/09 – Copy of case file made for Doug Brown. Information was picked up at the AQMD office.

1/8 – Phone call from Bobby Hagar regarding status of the AQMD case to date. Mr. Hagar informed me that he will be leaving the area, and will assign another attorney to handle Ms. Martin's case. He also requested a copy of the "point count" results as well as the file information sent to Mr. Brown.

1/9 – Faxed point count results to Bobby Hagar.

1/15 - Spoke with Doug Brown regarding a new lawyer (John ?) representing the Hatch's regarding the AQMD NOV. Mr. Brown will continue handling the civil matter as it relates to the insurance claim. Also faxed the AQMD case file to Bobby Hagar.

1/21 – Spoke with Caren Martin who has not heard anything at all regarding abatement dates. Left a phone message with Doug Brown inquiring about abatement status, and to inform him that I have not heard from the other attorney (John Arrascada) that will handle the AQMD case.

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1/22 – Phone call from Willie Falcon inquiring about status of abatement.

1/28 – Received an email from Mr. & Mrs. Hatch regarding their intent to start abatement as soon as possible. I phoned Caren Martin to inform her, and also phoned Bobby Hagar and subsequently spoke with Paul (?) regarding this email and my surprise that the Hatch's contacted me directly. Paul said he would check with Mr. Brown's office to see if they were aware of this email and what should be done.

2/3 – I sent an email to the Hatch's regarding the status of the abatement bids and inquiring about who would represent them in the AQMD case. Response back indicating that abatement bids have been received and a decision will be made.

2/4 – The Hatch's informed me that Advance Installations is the contractor of choice.

2/5 - Spoke with Tom Davis about upcoming abatement on 2/6. Tom said it will be delayed until 2/9. They will hepa vac everything in the condo and make a determination as to what can be released to Ms. Martin. Tom also faxed me a copy of the Converse report since I never received it. I phoned Caren Martin and informed her that Advance will be doing the abatement with AQMD supervision.

2/6 – Phone call from Willie Falcon regarding the abatement scheduled for 2/9.

2/6 – I spoke with Tom Davis of Advance about the abatement strategy, and told him that Air Quality feels that all the “soft goods” must be disposed of since they cannot be adequately cleaned. Also phoned and spoke with Frank at Converse Consultants and informed him about our concerns trying to clean any soft goods, and asked him to have John Peterson call Mike Osborn first thing on Monday (2/9) regarding the sample results taken by Converse and abatement techniques. I emphasized to Frank that it is the opinion of Air Quality staff that all soft goods would have to be disposed of rather than cleaned, but we were willing to discuss any options with John. Also phoned Jack Goshaw about the situation.

2/9 – Mike Osborn went to the site to observe the abatement process. Mike reiterated that the soft goods must be disposed of properly rather than returned to the owner after hepa vacuuming. Converse personnel disagreed. (refer to Mike Osborn internal memo dated 2/9). I also left a phone message with Dale Walsh of Converse emphasizing that the soft goods must be disposed of. I also spoke with Tom Davis of Advanced on this issue.

2/10 – Left a phone message with Bob Trotter of Region IX asking for an opinion on disposal of the soft goods.

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2/11 – Email received from Bob Trotter verifying that the soft goods must be disposed of after a NESHAP violation.

2/12 – Received a copy of the asbestos awareness training certificate from Willie Falcon. Also spoke with Dale of Converse who said that all work has stopped at 844 Ridgewood with the matter of the soft goods disposal “probably ending up in court”.

2/13 – I spoke with Tom Davis of Advance regarding the abatement status. Tom said that everything had been cleaned but nothing released. No contact from Doug Brown or Converse.

2/17 – Site visit. No activity. Plastic still up on the windows with lock on the door.

2/23 – Phone call from Caren Martin informing me that the Hatch’s insurance claim was denied by State Farm. All her personal items are still in Unit 2.

2/24 – Sent email to Bob Trotter inquiring about the release of soft goods upon demand of the owner despite the recommendation by the AQMD to the contrary.

2/25 – Phone call from Ms. Martin stating that she is retaining Terry Friedman as her legal representative in this case. Email sent to the Hatch’s regarding the status of recent events, as well as requesting them to contact me immediately to set up a Hearing Board date.

2/26 – Email from John Arrascada (lawyer representing the Hatch’s) stating that he received the email sent to the Hatch’s and asking to be contacted directly on this case.

2/27 – Phone call to Mr. Arrascada who stated that he will be busy during the entire month of March and won’t be able to review the case information or set up a Hearing Board meeting until April.

3/2 – Phone call from Bob Trotter stating that the soft goods cannot be released after hepa vacuuming even if the owner demands to have the personal items returned.

3/11 – Email sent to the Hatch’s regarding the status of the insurance claim, and the request to release Ms. Martin’s non-soft goods items immediately. Email also sent to Leslie Admirand regarding current status of this case.

3/25 - Email from Bob Trotter regarding a phone call from Doug Brown and correspondence that will be sent to him about this case.

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4/1 – Phone call from Kevin (last name) regarding a request from Doug Brown to get written or verbal assurance from Bob Trotter for release of the hard surfaced items. Mr. Brown is concerned about “cross contamination” from the soft goods stored next to the hard surfaced items prior to release and potential enforcement action.

4/7 – Email to Doug Brown inquiring about status of the release of Ms. Martin’s personal items in respect to Bob Trotter’s email response on the soft goods.

4/8 – Phone call from Mr. Brown informing me that he is ready to release the personal hard surfaced items upon direction from the AQMD and Advance Installations. I said I would check with Tom Davis and get clarification regarding cleaned items and what is left to do.

4/9 – Phone call to Mr. Brown regarding “approval” of items to be released. Mr. Brown requested clarification regarding the removal of the carpet at this time. I phoned back informing him that plastic can be placed atop of the carpet in order that the cleaned items won’t be re-contaminated. Mr. Brown said he would inform his clients, and expects that Ms. Martin’s items can be released within a short time.

Phone call message to John Arrascada to phone me back regarding the Hearing Board case.

4/21 – Email to Doug Brown regarding abatement status.

4/22 – Email from Doug Brown stating a target date of May 1st for pick up of Ms. Martin’s personal items. Doug needed confirmation from Kevin Berry for this to occur.

4/22 – Email to John Arrascada regarding the scheduling of a settlement meeting or Hearing Board date to hear the Caren Martin case.

4/29 – Another email to Mr. Arrascada regarding the AQMD case. Return phone message from him this afternoon.

4/30 – Phone message back to Mr. Arrascada. Also received a phone call from Doug Brown confirming that Caren’s personal hard surfaced items would be released on May 1. I said that a staff member from AQMD would be on site to oversee the release of her items by Advance Installations. Phone call to Caren to inform her of the situation.

5/1 - Advance Installations released certain hard surfaced items to Ms. Martin under the supervision of Tom Davis and Senior Air Quality Specialist Dennis Cerfoglio. A representative from Doug Brown’s office was on site documenting the personal items released. Mr. Kevin Berry was also present.

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5/20 – Settlement meeting with John Arrascada. Mr. Arrascada requested some additional information prior to making a decision to settle this matter or go before the APCHB.

5/21 – Additional information on NESHAP applicability faxed to Mr. Arrascada.

6/3 – Phone call to Mr. Arrascada who indicated he would be appealing this case to the Hearing Board, but would not be available until after August.

7/6 – Phone call to Mr. Willie Falcon stating that this case would be heard by the Hearing Board on September 8th, and that I wanted both parties to be present and heard at this meeting. Therefore, we would not have a settlement meeting for his Notice of Violation.

7/24 - Phone call from Doug Brown requesting further clarification regarding the “soft goods” information provided by Mr. Bob Trotter.

LOCAL ASBESTOS REGULATION

CFR61.141 – SUBPART M

5. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities (63.360 - 63.367)
6. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (63.420 - 63.429)
7. Subpart T - National Emission Standards for Halogenated Solvent Cleaning (63.460 - 63.469)
8. Subpart KK - National Emission Standards for the Printing and Publishing Industry (63.820 - 63.831)

030.107

HAZARDOUS AIR POLLUTANTS (Adopted 10/24/90, Revised 5/24/95, 10/25/95)

A. Asbestos Sampling and Notification

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises.

No potential asbestos containing materials may be disturbed until such a survey is performed. The person performing the survey must possess U.S. EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgment Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgment Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of asbestos, the permit applicant must adhere to the requirements of Sections 030.105 and this section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:

1. All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet square, 260 lineal feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board Of Health must be submitted with all such notifications before they can be considered valid.

B. Asbestos Control Work Practice

For the purposes of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination And Abatement

Under no condition may any person store, remove, transport or destroy any asbestos containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owners expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of sampling as listed above, sample duration and volume, or analytical methods, such as the use of TEM or PCM depending on the type of suspected contamination and building materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

030.108

PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING (Adopted 9/27/00)

The Control Officer may require testing for the asbestos content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian,

Environmental Protection Agency

§ 61.141

(7) For each vapor incinerator, the following shall be recorded for at least 2 years:

(1) If subject to § 61.139(f)(2)(i), records of the flow indication, and of all periods when the vent stream is diverted from the vapor incinerator or has no flow rate.

(ii) If subject to § 61.139(f)(2)(ii), records of the flow indication, and of all periods when the vent stream is diverted from the vapor incinerator.

(iii) If subject to § 61.139(f)(2)(iii), records of the conditions found during each monthly inspection, and of each period when the car seal is broken, when the valve position is changed, or when maintenance on the bypass line valve is performed.

(j) The following reporting requirements are applicable to owners or operators of control devices subject to § 61.139:

(1) Compliance tests shall be reported as specified in § 61.13(f).

(2) The following information shall be reported as part of the semiannual reports required in § 61.138(f).

(i) For each carbon adsorber:

(A) The date and time of detection of each exceedance of the maximum concentration point and a brief description of the time and nature of the corrective action taken.

(B) The date of each time that the captured benzene or removed carbon was not handled as required in § 61.139(b)(1) and (2), and a brief description of the corrective action taken.

(C) The date of each determination of the maximum concentration point, as described in § 61.139(h), and a brief reason for the determination.

(ii) For each vapor incinerator, the date and duration of each exceedance of the boundary parameters recorded under § 61.139(i)(6) and a brief description of the corrective action taken.

(iii) For each vapor incinerator, the date and duration of each period specified as follows:

(A) Each period recorded under § 61.139(i)(7)(i) when the vent stream is diverted from the control device or has no flow rate;

(B) Each period recorded under § 61.139(i)(7)(ii) when the vent stream is diverted from the control device; and

(C) Each period recorded under § 61.139(i)(7)(iii) when the vent stream is diverted from the control device, when the car seal is broken, when the valve is unlocked, or when the valve position has changed.

(iv) For each vapor incinerator, the owner or operator shall specify the method of monitoring chosen under paragraph (f)(2) of this section in the first semiannual report. Any time the owner or operator changes that choice, he shall specify the change in the first semiannual report following the change.

[56 FR 47407, Sept. 19, 1991, as amended at 64 FR 7467, Feb. 12, 1999; 65 FR 62157, Oct. 17, 2000]

Subpart M—National Emission Standard for Asbestos

AUTHORITY: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

SOURCE: 49 FR 13661, Apr. 5, 1984, unless otherwise noted.

§ 61.140 Applicability.

The provisions of this subpart are applicable to those sources specified in §§ 61.142 through 61.151, 61.154, and 61.155.

[55 FR 48414, Nov. 20, 1990]

§ 61.141 Definitions.

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

Active waste disposal site means any disposal site other than an inactive site.

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Asbestos mill means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

Asbestos tailings means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

Asbestos waste from control devices means any waste material that contains asbestos and is collected by a pollution control device.

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Commercial asbestos means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling oper-

ations or the intentional burning of any facility.

Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

Fabricating means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

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

Facility component means any part of a facility including equipment.

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Fugitive source means any source of emissions not controlled by an air pollution control device.

Glove bag means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (appendix G to 29 CFR 1926.58).

Grinding means to reduce to powder or small fragments and includes mechanical chipping or drilling.

In poor condition means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

Inactive waste disposal site means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

Leak-tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

Manufacturing means the combining of commercial asbestos—or, in the case of woven friction products, the combining of textiles containing commercial asbestos—with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

Natural barrier means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

Outside air means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Particulate asbestos material means finely divided particles of asbestos or material containing asbestos.

Planned renovation operations means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on

§ 61.142

40 CFR Ch. I (7-1-08 Edition)

the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Resilient floor covering means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Roadways means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

Strip means to take off RACM from any part of a facility or facility components.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

Waste shipment record means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

Working day means Monday through Friday and includes holidays that fall

on any of the days Monday through Friday.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984, as amended by 55 FR 48414, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991; 60 FR 31920, June 19, 1995]

§ 61.142 Standard for asbestos mills.

(a) Each owner or operator of an asbestos mill shall either discharge no visible emissions to the outside air from that asbestos mill, including fugitive sources, or use the methods specified by § 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(b) Each owner or operator of an asbestos mill shall meet the following requirements:

(1) Monitor each potential source of asbestos emissions from any part of the mill facility, including air cleaning devices, process equipment, and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring shall be by visual observation of at least 15 seconds duration per source of emissions.

(2) Inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunction, including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis according to this paragraph, submit to the Administrator, and revise as necessary, a written maintenance plan to include, at a minimum, the following:

(i) Maintenance schedule.

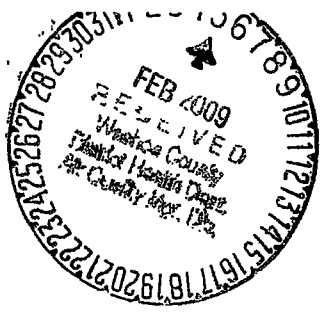
(ii) Recordkeeping plan.

(3) Maintain records of the results of visible emissions monitoring and air cleaning device inspections using a format similar to that shown in Figures 1 and 2 and include the following:

(i) Date and time of each inspection.

(ii) Presence or absence of visible emissions.

NESHAP CLEANUP NOTIFICATION



Courtesy

COPY

EPA NESHAP
Notification of DEMOLITION AND RENOVATION
 FILL IN ALL NUMBERED BLANKS
 401 Ryland Street, Suite 331 Reno, Nevada 89520

| | | | | | | |
|--|------------------------------------|---|-----------------------|---|--------|--|
| Generator Project # 6683 | Postmark | Date Received | Notification Permit # | | | |
| 1. TYPE OF NOTIFICATION (O=Original R=Revised C=Canceled) O | | | | | | |
| 2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator) | | | | | | |
| OWNER NAME: Hatch Living Trust | | | | | | |
| Address: 5202 Racine Court | | | | | | |
| City: Bonita | State: California | Zip: 91902 | | | | |
| Contact Person: Willie Falcon | Tel: 691-4666 | | | | | |
| REMOVAL CONTRACTOR: ADVANCE INSTALLATIONS | | | | | | |
| Address: P.O. Box 2163 | | | | | | |
| City: Sparks | State: Nevada | Zip: 89432-2163 | | | | |
| Contact Person: EDWARD A. DAVIS | Tel: 775/359-1468 | | | | | |
| OTHER OPERATOR/CONSULTANT: <i>TOM DAVIS</i> | | | | | | |
| Address: | | | | | | |
| City: | State: | Zip: | | | | |
| Contact Person: | Tel: | | | | | |
| 3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer.Renovation) R | | | | | | |
| ASBESTOS PRESENT (Yes/No) YES | | | | | | |
| 5. Facility Description (Include Building Name, Number, and Floor or Room Number) | | | | | | |
| Building Name: 0 | | | | | | |
| Address: 844 Ridgewood Drive | | | | | | |
| City: Sparks | State: Nevada | Zip: 89434 | | | | |
| Site Location: throughout | | | | | | |
| Building Size: 1,276 | # of Floors: Two | Age in Years: 36 | | | | |
| Present Use: commercial | Prior Use: commercial | | | | | |
| 6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: | | | | | | |
| BULK SAMPLE ANALYZED BY PLM | | | | | | |
| 7. APPROXIMATE AMOUNT OF ASBETOS, INCLUDING: 1. Regulated ACM to be removed. 2. Category I ACM Not Removed. 3. Category II ACM Not Removed. Pipes (Linear Ft.) Surface Area (Square Ft.) None - clean up debris only Vol RACM off facility Component (Cubic Ft.) | Amount RACM To Be Removed | Amount Nonfriable ACM Not To Be Removed | | Amount Nonfriable ACM To Be Removed | | |
| | | Cat I | Cat II | Cat I | Cat II | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 8. SCHEDULED DATES ASBETOS REMOVAL (MM/DD/YY) Start: 2/6/2009 Completed: 2/6/2009 | | | | | | |
| 9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: UNKNOWN Completed: UNKNOWN | | | | | | |

HOE COUNTY DOES NOT DISCRIMINATE IN THE ACTIVITIES AND/OR SERVICES WHICH IT PROVIDES. IF YOU HAVE ANY QUESTIONS, PLEASE CALL WASHOE COUNTY HUMAN RESOURCES - 328-2080

✓

10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:
ASBESTOS CONTAINING MATERIALS REMOVED BEFORE RENOVATION

11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS
AT THE DEMOLITION AND RENOVATION SITE: FULL CONTAINMENT, NEG. AIR, WET METHOD

12. WASTE TRANSPORTER #1

Name: ADVANCE INSTALLATIONS, INC. EPA HAULER ID# NVD 98089

Address: P.O. BOX 2163

City: SPARKS State: NV Zip: 89432-2163

Contact Person: EDWARD A. DAVIS Tel: (775) 359-1468

WASTE TRANSPORTER #2

Name: CASTAWAY TRASH HAULING, INC.

Address: P.O. BOX 51930

City: SPARKS State: NV Zip: 89435

Contact Person: JAY GARDNER Tel: (775) 342-2444

13. WASTE DISPOSAL SITE

Name: LOCKWOOD LANDFILL/REFUSE INC.

Location: 2407 CANYON ROAD STOREY COUNTY EXIT 22 OFF INTERSTATE 80

City: SPARKS State: NV Zip: 89434

Telephone: (775) 342-0401

14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:

Name: Title:

Authority:

Date of order (MM/DD/YY - HH:MM): Date ordered to begin (MM/DD/YY):

15. FOR EMERGENCY RENOVATIONS:

Date and hour of emergency (MM/DD/YY - HH:MM):

Description of Sudden, Unexpected Event:

Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:

16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLLED, PULVERIZED, OR REDUCED TO POWDER:
PROJECT SHUT DOWN, CONSULTANT CALLED, AIR MISTED WITH ENCAPULANT

17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

(Print Name: Owner/Operator) _____ (Title) Karen Powers (Signature of Owner/Operator) 2-5-09 (Date)

18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.

(Print Name: Owner/Operator) _____ (Affiliation) _____ (AHERA Certificate Number) _____ (Expiration Date)

19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.

(Print Name: Owner/Operator) _____ (Title) Karen Powers (Signature of Owner/Operator) 2-5-09 (Date)



Courtesy

EPA NESHAP
Notification of DEMOLITION AND RENOVATION
FILL IN ALL NUMBERED BLANKS
401 Ryland Street, Suite 331 Reno, Nevada 89620

Generator Project # 6683, Postmark, Date Received, Notification Permit #, 1. TYPE OF NOTIFICATION (O=Original R=Revised C=Canceled) OR, 2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator), OWNER NAME: Hatch Living Trust, Address: 5202 Racine Court, City: Bonita, State: California, Zip: 91902, Contact Person: Willie Falcon, Tel: 691-4666, REMOVAL CONTRACTOR: ADVANCE INSTALLATIONS, Address: P.O. Box 2163, City: Sparks, State: Nevada, Zip: 89432-2163, Contact Person: EDWARD A. DAVIS, Tel: 775/359-1468, OTHER OPERATOR/CONSULTANT: Address: City: State: Zip: Contact Person: Tel: YPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer.Renovation) R, IS ASBESTOS PRESENT (Yes/No) YES, 5. Facility Description (Include Building Name, Number, and Floor or Room Number), Building Name: 0, Address: 844 Ridgewood Drive, City: Sparks, State: Nevada, Zip: 89434, Site Location: throughout, Building Size: 1,276 # of Floors: Two Age in Years: 36, Present Use: commercial Prior Use: commercial, 6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: BULK SAMPLE ANALYZED BY PLM, 7. APPROXIMATE AMOUNT OF ASBETOS, INCLUDING: 1. Regulated ACM to be removed. 2. Category I ACM Not Removed. 3. Category II ACM Not Removed, Pipes (Linear Ft.) Surface Area (Square Ft.) None - clean up debris only. Vol RACM off facility Component (Cubic Ft.) 8. SCHEDULED DATES ASBETOS REMOVAL (MM/DD/YY) Start: 2/6/2009 Completed: 2/6/2009 TBA, 9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: UNKNOWN Completed: UNKNOWN

COPY

10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:
ASBESTOS CONTAINING MATERIALS REMOVED BEFORE RENOVATION

11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE: FULL CONTAINMENT, NEG. AIR, WET METHOD

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Name: Title:

Authority:

Date of order (MM/DD/YY - HH:MM): Date ordered to begin (MM/DD/YY):

15. FOR EMERGENCY RENOVATIONS:

Date and hour of emergency (MM/DD/YY - HH:MM):

Description of Sudden, Unexpected Event:

Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:

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PROJECT SHUT DOWN, CONSULTANT CALLED, AIR MISTED WITH ENCAPULANT

17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

(Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

(Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

(Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

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(Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

(Print Name: Owner/Operator) (Title) (Signature of Owner/Operator) (Date)

ASBESTOS SAMPLING RESULTS

ENVIRONMENTAL TESTING & CONSULTING INC
21480 Delta Drive • Reno, Nevada 89521-7411

October 15, 2008
ETC Project No. 10-08-637

Caren Martin
844 Ridgewood Dr #2
Sparks, NV 98431

Re: ASBESTOS SURVEY
844 Ridgewood Dr #2, Sparks, NV

Ladies and Gentlemen:

On Monday October 13, 2008 a representative from Environmental Testing & Consulting (ETC) collected bulk material samples of white debris on surfaces throughout unit #2 located at 844 Ridgewood Dr, Sparks, NV. The requested scope of work involved performing a detailed visual inspection of the residence and testing potential asbestos sources using industry standard collection and analytical procedures.

SUMMARY

Based on our visual inspection and sampling results, ETC identified asbestos containing debris throughout the residence.

METHODS

1) Data Gathering/Visual Inspection

Background information is obtained by interviewing the relevant person (occupant, tenant, homeowner, building manager, maintenance personnel, contractor, insurance agent, realtor, etc.), to determine the history of the issue of concern. A comprehensive visual examination is then performed in the targeted areas. The investigator gathers observational information and then environmental data.

2) Bulk Sampling

Bulk material sampling can be used to confirm if Asbestos Containing Material (ACM) exists in the substance in question. Samples are collected from the suspect materials sealed, labeled and submitted to an asbestos laboratory for identification. The samples are analyzed for asbestos content by EPA Method 600/R-93/116.

The investigation and sampling was conducted by Mr. Jack Goshow on Monday October 13, 2008. The sample results are attached to this report.

OBSERVATIONS, RESULTS AND DISCUSSION

Inspection Observations

On the day of our investigation, the following conditions were observed or information recorded:

General

- The current tenant indicated the following:
 - The tenant occupied the unit in January 2008.
 - The tenant noticed debris on surfaces throughout the residence.
 - Upon discussing the issue with the homeowner the tenant discovered that the acoustical ceiling had been removed in November 2007.
 - The owner reported knowing that the acoustical ceiling contained asbestos.

Occupied Space

- Asbestos containing material (ACM) was observed on surfaces (i.e. window sill, window tracks, shelves, light fixtures, sliding door tracks, etc.) and in the HVAC ducts. Please see lab results below.

Bulk Material Sample Results

The following homogenous materials were determined to be ACM because the analytical results indicate they contain greater than 1% asbestos:

| ACM Summary Data | | | |
|--|--------------------------------------|---|--------------------|
| Material Description | Material Location | Sample Number & Asbestos Content | *Friability |
| White Debris | Stairwell Light Fixture | 1 1-5% Chrysotile | F |
| White Debris | Rear Bedroom Window Sill | 2 1-5% Chrysotile | F |
| White Debris | Master Bedroom Closet Shelf | 3 1-5% Chrysotile | F |
| Gray Lint/Dust | 2 nd Floor Hall HVAC Duct | 4 <1% Chrysotile | F |
| White Debris | 2 nd Floor Hall HVAC Duct | 4 1-5% Chrysotile | F |
| <p>*Note: F = Friable NF = Non- Friable PF = Potentially Friable, because it will become friable under standard renovation or demolition procedures.</p> | | | |

CONCLUSIONS AND RECOMMENDATIONS

Based upon our site inspection observations and information gathered, we have established the following:

- **There is asbestos containing debris on surfaces and in the HVAC ducts throughout the residence.**
- **Considering the evident conditions (ACM debris throughout, reported history, etc.) currently existing, it appears that abatement of the acoustical ceiling had occurred some time in the past and the debris and dust created during the bulk material removal had not been completely or thoroughly cleaned from the surfaces throughout the residence.**

Therefore, we recommend that all surfaces and contents throughout the residence be completely and thoroughly cleaned of any and all ACM debris prior to re-occupancy and/or moving of contents to another location. Additionally, we also recommend a qualified & licensed asbestos abatement contractor perform the work and that all work comply with all federal, state and local regulations.

For projects in Washoe County, we recommend this report be submitted to the Washoe County District Health Department (WCDHD), Air Quality Management Division, 401 Ryland Street, Suite 331, Reno, Nevada, 89502-1643, to receive an Acknowledgment of Asbestos Assessment. By doing this, you have verifiable documentation that this survey was performed and may receive directions from WCDHD on how to comply with local and Federal EPA regulations. Note that OSHA and state regulations may also apply to this project under separate jurisdiction.

CLOSURE

Our services and this report have been performed using a degree of skill and care ordinarily exercised under similar circumstances by industrial hygienists practicing on similar projects, in a similar time frame, and in this or similar localities. The inspection and testing described in this report relate specifically to the circumstances present at the locations sampled on the date and time the sampling was conducted. The conclusions are strictly professional opinion and expressly do not constitute a certification, warranty or guarantee of any type.

We appreciate the opportunity to assist with this project. Please contact us if you have any questions regarding this report.

Caren Martin
Asbestos Survey
844 Ridgewood Dr #2, Sparks, NV

ETC Project No. 10-08-637
October 15, 2008
Page 4 of 4

Submitted by:

**Jack Goshaw, Senior Industrial Hygienist, CMC™
Council Certified Microbial Consultant™
Board-awarded by the American Indoor Air Quality Council™
NV Asbestos Consultant # IM 0865**

**Enc. Polarized Light Microscopy Analytical Report No. 110881 of 10-15-08
Chain-of-Custody Report of 10-13-08 for Sample Nos. 1 through 4
Photos and Photo Log**



ASBESTOS TEM LABORATORIES, INC.

**EPA Method 600/R-93/116
Polarized Light Microscopy
Analytical Report**

Report No. 110881

1350 Freeport Blvd., Unit 104
Sparks, NV 89431
(775) 359-3377
FAX (775) 359-2798

With Main Office Located At:
630 Bancroft Way, Berkeley, CA 94710
Ph. (510) 704-8930 Fax (510) 704-8929



ASBESTOS TEM LABORATORIES, INC

Accredited by
U.S. Dept. of Commerce
NVLAP
NVLAP Lab Code 200104-0

Oct-15-08

Mr. Jack Goshow
Environmental Testing & Consulting
21480 Delta Drive
Reno, NV 89521

RE: LABORATORY JOB # 881-748
Polarized light microscopy analytical results for 4 bulk sample(s) with 1 sample split(s)
Job Site: 844 Ridge Wood #2
Job No.:
Report No.: 110881

Enclosed please find the bulk material analytical results for one or more samples submitted for asbestos analysis. The analyses were performed in accordance with EPA Method 600/R-93/116 or 600/M4-82-020 for the determination of asbestos in bulk building materials by polarized light microscopy (PLM). Please note that while PLM analysis is commonly performed on non-friable and fine grained materials such as floor tiles and dust, the EPA method recognizes that PLM is subject to limitations. In these situations, accurate results may only be obtainable through the use of more sophisticated and accurate techniques such as transmission electron microscopy (TEM) or X-ray diffraction (XRD).

Prior to analysis, samples are logged-in and all data pertinent to the sample recorded. The samples are checked for damage or disruption of any chain-of-custody seals. A unique laboratory ID number is assigned to each sample. A hard copy log-in sheet containing all pertinent information concerning the sample is generated. This and all other relevant paper work are kept with the sample throughout the analytical procedures to assure proper analysis.

Each sample is opened in a class 100 HEPA negative air hood. A representative sampling of the material is selected and placed onto a glass microscope slide containing a drop of refractive index oil. The glass slide is placed under a polarizing light microscope where standard mineralogical techniques are used to analyze and quantify the various materials present, including asbestos. The data is then compiled into standard report format and subjected to a thorough quality assurance check before the information is released to the client.

For possible future reference, samples are normally kept on file for one year.

Sincerely Yours,

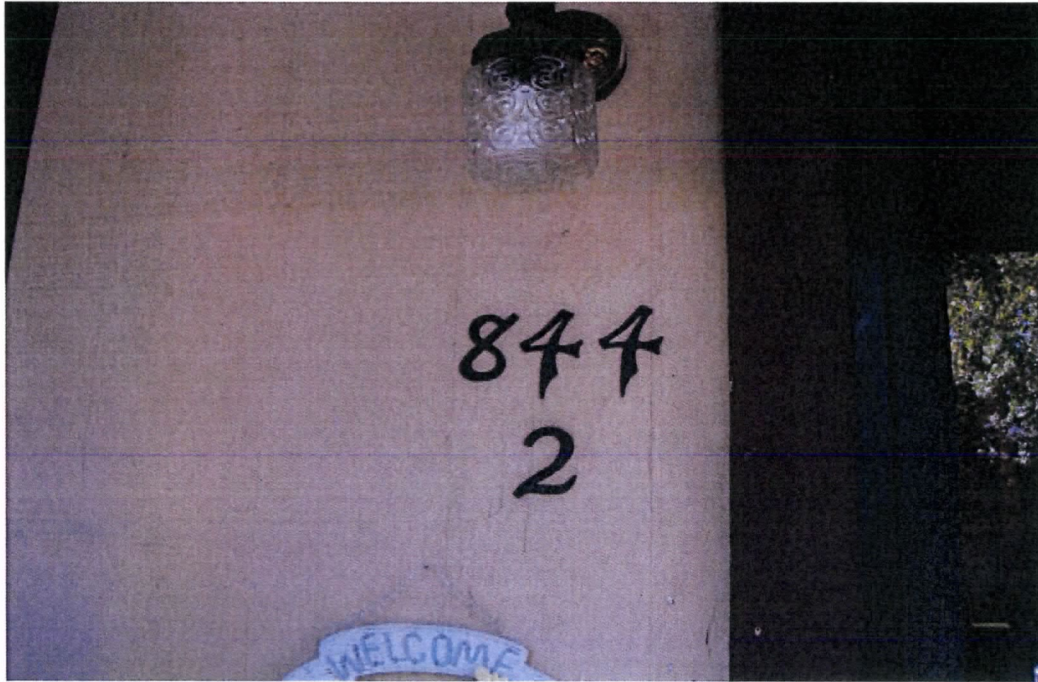
Lab Manager
ASBESTOS TEM LABORATORIES, INC.

--- These results relate only to the samples tested and must not be reproduced, except in full, with the approval of the laboratory. This report must not be used to claim product endorsement by NVLAP or any other agency of the U.S. Government. ---

Photo Log

| Photo ID – 844 Ridgewood Dr#2, Sparks, NV | | | Inspection 10-13-08 |
|--|-----------|------------------------------------|---|
| Date | No | Location | Notes |
| 10-13-08 | 101 | Exterior Residence | 844 Ridgewood Dr #2, Sparks, NV |
| 10-13-08 | 102 | Stairwell Light Fixture | Note white debris (Sample# 1) |
| 10-13-08 | 103 | Rear Bedroom | Note white debris in window track (Sample# 2) |
| 10-13-08 | 104 | Rear Bedroom | Note white debris on sill |
| 10-13-08 | 105 | Master Bedroom Closet | Note white debris (Sample# 3) |
| 10-13-08 | 106 | Master Bedroom Closet | Note white debris (Sample# 3) |
| 10-13-08 | 107 | 2 nd Floor Hall/Landing | HVAC Grill |
| 10-13-08 | 108 | 2 nd Floor Hall/Landing | Note white debris in duct (Sample# 4) |
| 10-13-08 | 109 | 2 nd Floor Hall/Landing | Note white debris in duct (Sample# 4) |

844 Ridgewood Dr #2
Sparks, Nevada



Picture No. 101.

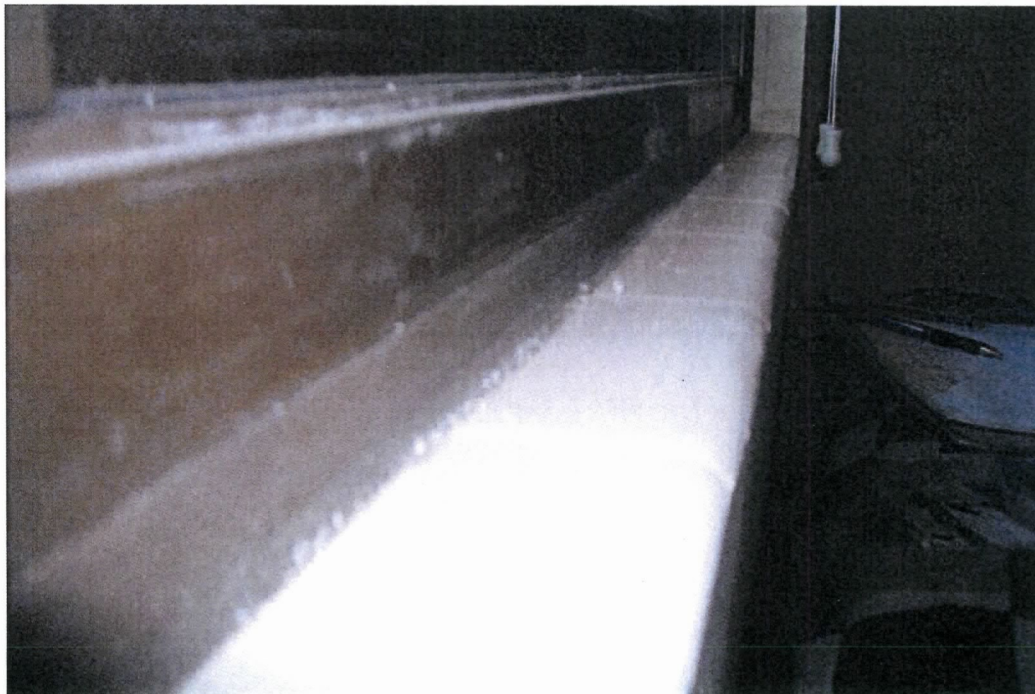


Picture No. 102.

844 Ridgewood Dr #2
Sparks, Nevada

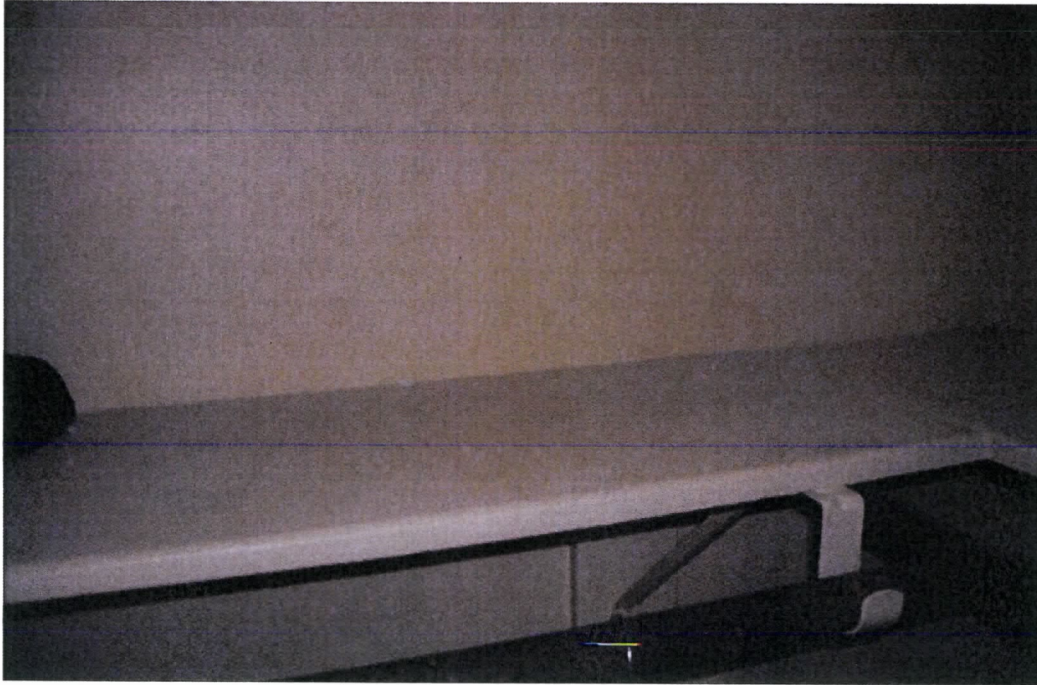


Picture No. 103.

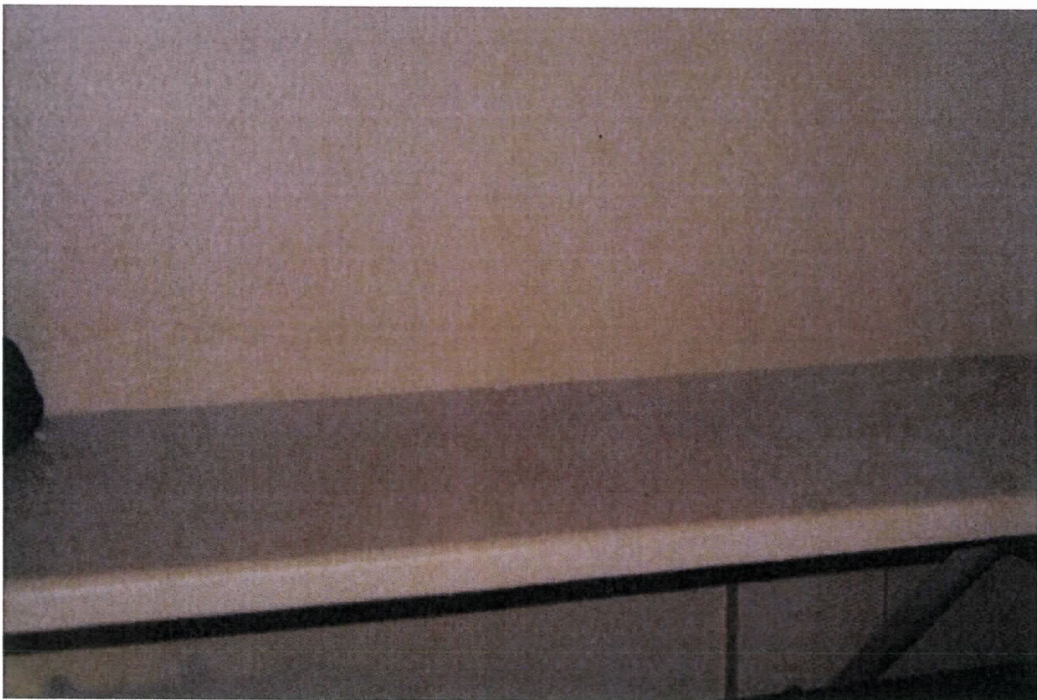


Picture No. 104.

844 Ridgewood Dr #2
Sparks, Nevada



Picture No. 105.



Picture No. 106.

844 Ridgewood Dr #2
Sparks, Nevada

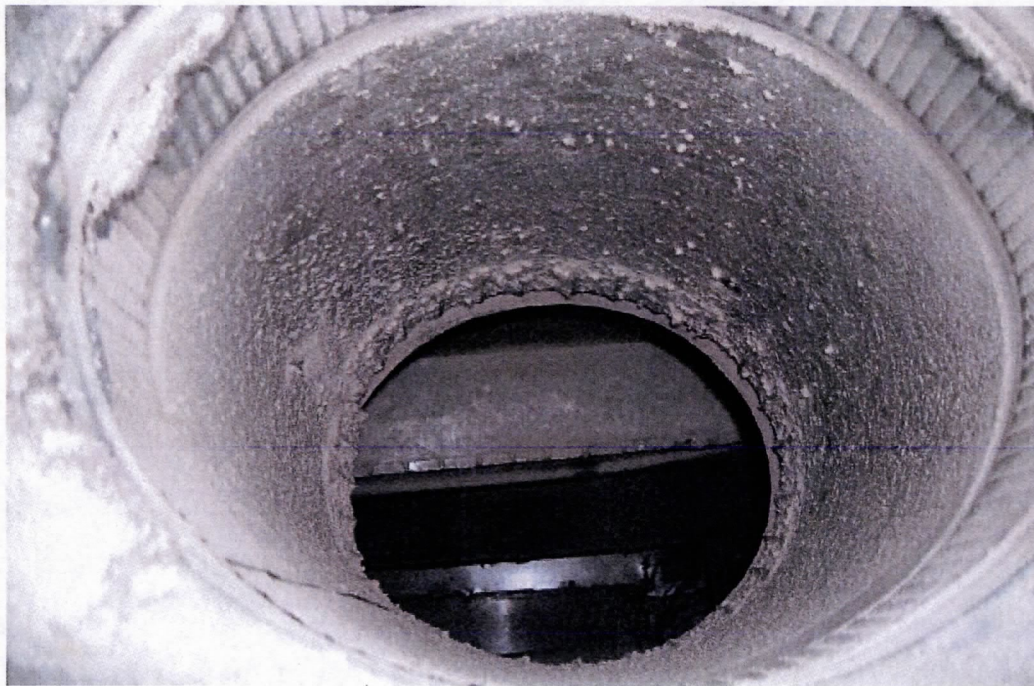


Picture No. 107.



Picture No. 108.

844 Ridgewood Dr #2
Sparks, Nevada



Picture No. 109.

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LEMONS GRUNDY & EISENBERG

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**Converse Consultants**

Over 50 Years of Dedication in Geotechnical Engineering and Environmental Sciences

January 14, 2009

08-23760-01

Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
6005 Plumas Street
Reno, NV 89519

Subject: Airborne and Surface Asbestos Evaluation
Apartment
844 Ridgewood Drive, Unit #2
Sparks, NV 89431

Dear Mr. Hatch:

On October 31, 2008, Converse Consultants (Converse) conducted the subject services at 844 Ridgewood Drive, Unit #2 in Sparks, Nevada. The evaluation was conducted to assess whether elevated airborne and/or surface asbestos levels were present within the residential unit which were in excess of common background levels. The evaluation was requested due to possible residual asbestos contamination reportedly caused by the removal and/or disturbance of asbestos-containing acoustical ceiling material in November 2007. The removal was conducted in a manner that may have left residual asbestos materials in the unit. This evaluation was performed in general accordance with the verbal authorization of Mr. Christian L. Moore (Lemons, Grundy & Eisenberg) to proceed on October 29, 2008.

Scope of Work

The subject evaluation was conducted by Mr. John Petersen, a Converse Project Manager, under the supervision of Mr. Dale Walsh, a Converse employed Certified Industrial Hygienist (CIH), Certified Safety Professional (CSP) and Nevada Certified Environmental Manager (CEM). Upon arrival at the site Converse conducted air sampling in five areas (the center of the kitchen, the living room, the second floor landing, the master bedroom and the southwest bedroom).

Following the setup of the air samplers Converse collected micro-vacuum samples of the settled dust observed to be present throughout the unit. A total of eight samples were collected consisting of settled dust from porous items (e.g., furniture and carpet) and non-porous items (e.g., hard surfaces). The samples collected were chosen mainly

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due to visible settled dust concentrations and were collected from the following locations:

- The carpet located in the center of the living room.
- The living room sofa located at the east window.
- The carpet at the heating vent located on the second floor hall landing.
- The chair located in the walk-in closet of the master bedroom.
- The top of the television located in the master bedroom.
- The wall shelf located on the south wall in the southwest bedroom.
- The top of the television located in the living room.
- The top of the refrigerator located in the kitchen.

Following the collection of micro-vacuum samples Converse collected three bulk samples of suspect residual asbestos-containing material which may have been associated with the original acoustic ceiling and/or residue still remaining from its removal in November of 2007. The samples collected consisted of remnant acoustic material identified in the northwest corner of the of the ceiling at second floor stairwell landing; the northwest corner of the of the ceiling in the master bedroom at the entry; and lint material identified in the Heating, Ventilation and Air Conditioning (HVAC) duct on the second floor landing. Other areas where residue was identified, but no samples were collected, consisted of window sills, window tracks, light fixtures, and the HVAC supply and return vents.

Sampling Methodology

Air Samples

Air sampling was conducted in accordance with the AHERA (schools rule) Transmission Electron Microscopy (TEM) Method described in 40 CFR Part 763. This method utilizes an open-faced 25 millimeter (mm) filter and holder fitted with a 50 millimeter (mm) static conductive extension cowl. This configuration is known as a sampling cassette, known as a . The pore size of the filter was 0.45 micrometers. The calibration device utilized consisted of a Bios International Defender 510-H, serial # 113314. Laboratory analysis consisted of Transmission Electron Microscopy (TEM) and was conducted by McCall and Spero Environmental, Inc. (McCall and Spero) located in Louisville, Kentucky to which the samples were shipped using chain-of-custody methods. McCall and Spero is accredited for TEM analysis under the National Voluntary Laboratory Accreditation Program (NVLAP) as required by Nevada OSHA regulations. TEM analysis was the method utilized because it identifies asbestos using elemental analysis as well as

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Identifying crystal structure which is the most definitive analytical technique for asbestos currently available. The sampling consisted of five locations and two lot blanks. The flow rates were between 9 and 10 liters per minute (LPM) and ran for a period of 150 minutes each. The volumes collected were between 1,400 and 1,500 liters.

Micro-Vacuum Samples

The micro-vacuum method was used to assess for asbestos in the settled dust and provide asbestos structures per unit area of sampled surface. This surface sampling was conducted in accordance with American Society for Testing and Materials (ASTM) method number D5755-03. The sampling materials utilized consisted of the same sampling cassette as used in the air sampling attached with one inch plastic nozzle tubes cut at a 45 degree angle. The cassettes were then connected by flexible tubing to a high volume air pump which supplies a smooth flow rate, set by the use of a primary calibration device. The calibration device utilized in regards to this project consisted of a Bios International Defender 510-H, serial # 113314. The cassettes were calibrated to an average flow rate of 2 LPM. A sampling template of 100 square centimeters (approximately 4 inches by 4 inches) was used to delineate the surface sampling size. The areas were vacuumed for an average of two minutes per location by moving the cassette in diagonal passes until no visible dust or particulate remained. Care was taken to allow a vacuum break at the nozzle to avoid pushing the dust around rather than allowing it to enter the cassette. Following the two minute time period the cassette was held nozzle up, the pump turned off, the nozzle removed and placed in a sealable plastic bag. The plugs were placed back into the cassette, the cassette was wet wiped and also placed in a bag. The two bags (one for the cassette and one for the tube) were then placed together in one sealable plastic bag and labeled for identification purposes and transported to the laboratory for analysis using chain-of-custody methods. One blank cassette with a nozzle was also submitted for a field blank. The calibration device utilized consisted of a Bios International Defender 510-H, serial # 113314. Laboratory analysis was also by TEM and conducted by McCall and Spero.

Bulk Samples

Bulk samples of debris visually similar to acoustical ceiling material were collected. The samples were collected by wetting the collection area and scraping material into sealable plastic collection bags with a label identifying the location and sample identification number. Samples were collected from the ceiling in the northwest corner

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at the second floor landing and from ceiling in the northwest corner of the master bedroom at the entry. A third bulk sample was collected from inside the HVAC duct located on the second floor landing and was collected utilizing a pair of needle nosed pliers and then placed into a labeled collection bag. Laboratory analysis was also by TEM and conducted by McCall and Spero.

Sampling Results

Air Samples

The results of the analysis for the air sampling are enclosed and are titled "Summary of AHERA TEM Results - Table 1 - Inside Samples". Of the five samples collected, one was found to contain two asbestos fibers while the others had no detectable asbestos fibers. The two fibers detected in the sample from the center of the master bedroom represent an asbestos structure concentration of 0.0085 structures per cubic centimeter (s/cc) or 30.4 structures per square millimeter of filter area (s/mm²). These levels are considered acceptable for re-occupancy of a space after asbestos abatement has been conducted per Nevada OSHA regulations in NAC 618 (e.g., ≤ 0.01 s/cc). They are also considered acceptable for re-occupancy in a school after asbestos abatement (e.g., ≤ 70 s/mm²). The following table summarizes the sample locations and results for cross reference with the analytical report.

TABLE 1 - "SUMMARY OF AHERA TEM RESULTS -- INSIDE SAMPLES"

| Sample # | Location | # of Asbestos Structures | Asbestos Type |
|----------|--------------------------------------|--------------------------|---------------|
| BH376355 | The Center of the Kitchen | None Detected | — |
| BH376337 | The Center of the Living Room | None Detected | — |
| BH376385 | The Landing at the Top of the Stairs | None Detected | — |
| BH374574 | The Center of the Master Bedroom | 2 | Chrysotile |
| BH376344 | The Center of the Southwest Bedroom | None Detected | — |

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Micro-Vacuum Samples

The results of the surface micro vacuum sampling are enclosed and titled "Summary of TEM Results - Table 1 - Dust Sample Analysis". Of the eight samples collected, two were found to contain asbestos fibers (one with 1 fiber and one with 3 fibers) while the others had no detectable asbestos fibers. The laboratory detection limit for the method used was 4 fibers. Therefore, both the 1 fiber and 3 fiber results were below the level of detection which calculates to 3,721 asbestos structures per square centimeter (s/cm²). In a paper titled "EPA World Trade Center Expert Technical Review Panel - On The Issue Of Microvac Sampling - Comments of - David M. Newman" dated May 3, 2004 the author indicated that levels of asbestos in settled dust as determined by the microvac technique are considered low if less than 1,000 s/cm². He also stated that levels above 10,000 s/cm² are generally above background and levels above 100,000 s/cm² are considered high and in the range of a significant accidental release from an abatement site. The following table summarizes the sample locations and results for cross reference with the analytical report.

TABLE 2 - "SUMMARY OF TEM RESULTS - DUST SAMPLE ANALYSIS"

| Sample # | Location | # of Asbestos Structures | Asbestos Type |
|----------|--|--------------------------|---------------|
| BH375052 | Carpet - The Center of the Living Room | None Detected | --- |
| BH376339 | Sofa - The East Wall Area of the Living Room | None Detected | --- |
| BH376328 | Carpet - The Second Floor Landing at the HVAC Vent | 1 | Chrysotile |
| BH376250 | Chair - The Master Bedroom in the Walk-in Closet | None Detected | --- |
| BH376419 | The Top of the Television in the Master Bedroom | None Detected | --- |
| BH376331 | The South Wall Shelf in the Southwest Bedroom | None Detected | --- |
| BH374888 | The Top of the Television in the Living Room | None Detected | --- |
| BH373182 | The Top of the Refrigerator in the Kitchen | 3 | Chrysotile |

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Bulk Samples

As indicated in the following table the debris samples contained 2 to 3% asbestos by weight. The EPA and OSHA definition of an asbestos containing material (ACM) is one that contains >1%.

TABLE 3 - "SUMMARY OF TEM RESULTS - BULK SAMPLES"

| Sample # | Location | % of Asbestos | Asbestos Type |
|-------------------|---|---------------|---------------|
| SA-01-844-2-10-31 | The Northwest Corner of the Ceiling - 2 nd Floor Landing | 2.28% | Chrysotile |
| SA-02-844-2-10-31 | The Northwest Corner of the Ceiling in the Master Bedroom | 2.05% | Chrysotile |
| VL-03-844-2-10-31 | The 2 nd Floor Landing Inside the HVAC Duct | 2.46% | Chrysotile |

Conclusions and Recommendations

The results indicate that the reported past disturbance of acoustical ceiling material has not resulted in elevated surface or airborne asbestos fiber concentrations as measured on October 31, 2008 utilizing industry standard methods and comparing results to industry regulations, standards and guidelines. The results for the eight micro-vacuum samples indicated no detectable fiber concentrations in six samples and concentrations below the detection limit of 3,721 s/cm² for the other two samples. Studies and the literature indicate that background surface levels of asbestos fiber concentrations are typically below 10,000 s/cm². The results of the five air samples collected were either below the method detection limit or were below the acceptable filter background level of 70 s/mm². These levels would be acceptable for post abatement in a school or any other building in the U.S. under current EPA and Nevada OSHA regulations. Both the surface and air sampling results indicate normal or no detectable levels of asbestos fibers/structures in the subject residence.

Although the results do not indicate a release of airborne asbestos or elevated asbestos in settled dust, there does remain visible debris in the residence which appears to be representative of asbestos-containing acoustical ceiling material. This material was identified as ACM through TEM analysis. This material could release asbestos

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fibers/structures if it were pulverized in a dry condition by the action of common cleaning equipment such as a bag filtered vacuum cleaner. Therefore, it is recommended that the residence, including the ventilation system surfaces, and all affected contents be thoroughly cleaned to remove all visible acoustic ceiling debris using wet methods and High Efficiency Particulate Arrestor (HEPA) filtered vacuums. This work should be conducted by a certified Nevada licensed abatement contractor. Following the cleaning process a third party asbestos abatement consultant should conduct a visual clearance assessment followed by an aggressive air clearance per Nevada OSHA requirements. If the residence passes the visual and air sampling clearance criteria set by Nevada OSHA and other applicable industry standards (e.g., ASTM visual assessment for asbestos), then the residence may be re-occupied.

Closure

It must be understood that this evaluation represents the conditions present at the time of the sampling on October 31, 2008 and cannot be interpreted as being representative to periods of time prior to and/or predict future conditions. It must be noted that only surface and airborne levels in specific areas, at a specific time are being represented and that future activities could impact both type of concentrations under different circumstances.

Converse is not responsible for any claims or damages associated with the interpretation of available information. This assessment pertains to the conditions as they were on the day of our evaluation.

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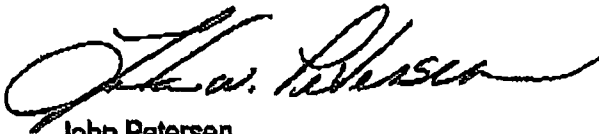
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Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
Project No.: 08-23760-01
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Thank you for the opportunity to be of service. Should you have any questions or comments regarding this report, or if you require further assistance, please do not hesitate to call.

Respectfully submitted,

CONVERSE CONSULTANTS



John Petersen
Nevada Licensed Asbestos Abatement Consultant No.: IJPM-0575

Reviewed and Approved by:



Dale Walsh, CIH, CSP, CEM
Nevada License Asbestos Abatement Consultant No.: IJPM-0402

Enclosures: Chain of Custody Sheets
Laboratory Reports
Photographs

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AIR SAMPLES

Air Sample Log .

Chain of Custody Forms

Laboratory Results

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**McCall and Spero
Environmental, Inc.**

Specialists in Microanalysis

1531 Williamson Court - Suite 100 - Louisville, KY 40223
Phone (502) 244-7135 • (800) 841-0180 • FAX (502) 244-7136

E-mail: customerservice@mseelabs.com • Website: www.mseelabs.com

Date: November 4, 2008

Attention: John Petersen
Converse Consultants

Subject: Analysis of air samples for asbestos mineral fibers by
Transmission Electron Microscopy (TEM)

RE: MSE-N38CCA
844 Ridgewood Drive Unit #2 Project
CC#08-23760-01-01

Dear Mr. Petersen:

McCall and Spero Environmental, Inc. has completed the analyses of the air samples we received from your office on November 3, 2008. These samples represent the final clearance TEM samples for the 844 Ridgewood Drive Unit #2 Project - CC#08-23760-01-01.

The TEM counting procedures described for the asbestos-containing materials in schools under the Asbestos Hazard Emergency Response Act (AHERA) were used during the analyses. Specifically, structures were counted in two categories: 0.5 to 5.0 micrometers in length and greater than 5 micrometers in length, which were added together for a total asbestos structure count.

The results for the five (5) samples taken inside the work area are summarized in Table I. TEM sample analysis printouts are also attached. Please note that the average number of asbestos structures per square millimeter (s/mm^2) is $18.2 s/mm^2$, which is below the specified clearance level of $70 s/mm^2$ (40CFR Part 763).

Thank you for consulting McCall and Spero Environmental, Inc. Should you have any questions concerning these results, please contact our office.

Sincerely,

S. Dewayne Lear, B.S.
TEM Laboratory Director

JAN. 28. 2009 9:03AM

LEMONS GRUNDY & EISENBERG

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SUMMARY OF AHERA TEM RESULTS

TABLE I

Inside Samples

Project Name: 844 Ridgewood Drive Unit #2 Project - CC#08-23760-01-01

McCall and Spero Project No: MSE-N38CCA

| MSE Lab ID | Client ID | # of Asb. Struc. | Asb. Type | Sample Vol. (l) | Calculated Analytical Sensitivity (s/cc) | Conc. (s/cc) | Conc. (s/mm ²) |
|------------|-----------|------------------|-----------|-----------------|--|-----------------|----------------------------|
| I55 | BH376355 | NSD | NA | 1459 | 0.0040 | BDL (0.0040)* | BDL (15.2)* |
| I37 | BH376637 | NSD | NA | 1422 | 0.0041 | BDL (0.0041)* | BDL (15.2)* |
| I89 | BH376389 | NSD | NA | 1435 | 0.0041 | BDL (0.0041)* | BDL (15.2)* |
| I74 | BH374874 | 2 | CH | 1374 | 0.0043 | 0.0085 | 30.4 |
| I44 | BH376344 | NSD | NA | 1490 | 0.0039 | BDL (0.0039)* | BDL (15.2)* |
| Average | | | | | | 0.0049 | 18.2 |

Filter Type: MCE
 Filter diameter: 25mm
 Effective filter Area: 385mm²
 Pore Size: 0.45um

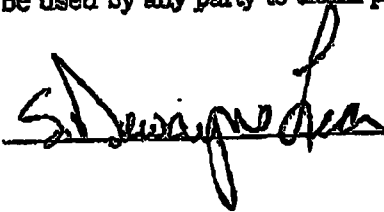
Mean Grid Square Area: 0.00940mm²
 Grid Openings Analyzed Per Sample: 7
 Area Analyzed Per Sample: 0.0658mm²
 Non-Asbestos Debris: Non-Fibrous Debris

Notes:

CH = Chrysotile A = Amosite BDL = Below Detectable Limit
 F = Fiber B = Bundle C = Cluster M = Matrix NSD = No Structures Detected
 SAED = Selected Area Electron Diffraction EDS = Energy Dispersive Spectrometry
 s/mm² = asbestos structures per square millimeter
 s/cc = asbestos structures per cubic centimeter
 * Single fiber detection limits are used when no structures are detected.
 Results apply only to the items listed.

The analysis was performed according to the TEM Method (40CFR part 763).
 This laboratory is in compliance with the specified method.
 Analytical results may not be used by any party to claim product endorsement by NVLAP or any agency of the U.S. Government.

TEM Laboratory Director: _____



Date: _____

1/4/08

JAN. 28. 2009 9:03AM

LEMONS GRUNDY & EISENBERG

NO. 9308 P. 13

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
Client I.D. Number: BH376355
Location: Center Kitchen

MSE Lab I.D : 155
Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
Filter Type: MCE
Filter Diameter: 25mm
Grid Openings Analyzed: 7
Grids Analyzed: 2
Analyst: SDL

Volume (liters) : 1459
Effective Filter Area: 385mm²
Magnification: 18,000
Mean Grid Square Area: 9400um²
Instrument Serial No: D1002
Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ^s | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | NSD | 0 | 0 | 0 | 0 | — | — |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | NSD | 0 | 0 | 0 | 0 | — | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | NSD | 0 | 0 | 0 | 0 | — | — |

Notes:
F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

1.0. Number of Asbestos Structures: No Structures Detected

1.1. Chrysotile: No Structures Detected

1.2. Amphibole: No Structures Detected Type: Not Applicable

2.0. Area of Filter Analyzed: 0.06580mm²

3.0. Analytical Sensitivity (s/cc): 0.0040

4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0040)

5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM

LEMONS GRUNDY & EISENBERG

NO. 9308 P. 14

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376637
 Location: Center Living Room

MSE Lab I.D : I37
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1422
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ^a | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | NSD | 0 | 0 | 0 | 0 | — | — |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | NSD | 0 | 0 | 0 | 0 | — | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | NSD | 0 | 0 | 0 | 0 | — | — |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

1.0. Number of Asbestos Structures: No Structures Detected

1.1. Chrysotile: No Structures Detected

1.2. Amphibole: No Structures Detected Type: Not Applicable

2.0. Area of Filter Analyzed: 0.06580mm²

3.0. Analytical Sensitivity (s/cc): 0.0041

4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)

5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 15

AMERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376389
 Location: Landing Top of Stairs

MSE Lab I.D : I89
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1435
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:
 F=Fiber E=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

1.0. Number of Asbestos Structures: No Structures Detected

1.1. Chrysotile: No Structures Detected

1.2. Amphibole: No Structures Detected Type: Not Applicable

2.0. Area of Filter Analyzed: 0.06580mm²

3.0. Analytical Sensitivity (s/cc): 0.0041

4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)

5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 16

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH374874
 Location: Master Bedroom Center

MSE Lab ID : 174
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1374
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ^a | | Structure Size | | SAED Pattern | EDS Spectra |
|---------------|----------------|-----------------------------|-----------|----------------|----------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | 1 | 1M | 0 | 1 | 0 | 1 | (Neg#250) |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | 1 | 1M | 0 | 1 | 0 | 1 | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | 2 | 2M | 0 | 2 | 0 | 2 | — |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: 2
 - 1.1. Chrysotile: 2
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0043
- 4.0. Total Asbestos Structures (s/cc): 0.0085
- 5.0. Total Asbestos Structures (s/mm²): 30.4

JAN. 28. 2009 9:04AM

LEMONS GRUNDY & EISENBERG

NO. 9308 P. 17

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376344
 Location: Center Southwest Room

MSE Lab ID : 144
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1490
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0039
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0039)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

ABERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376637
 Location: Center Living Room

MSE Lab ID : I37
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1422
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0041
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 15

AFERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376389
 Location: Landing Top of Stairs

MSE Lab I.D : I89
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1435
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:
 F=Fiber E=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 1.1. Chrysotile: No Structures Detected
 1.2. Amphibole: No Structures Detected Type: Not Applicable
 2.0. Area of Filter Analyzed: 0.06580mm²
 3.0. Analytical Sensitivity (s/cc): 0.0041
 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)
 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 16

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38COA
 Client I.D. Number: BH374874
 Location: Master Bedroom Center

MSE Lab ID : 174
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1374
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ¹ | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-9.0um | >9.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | 1 | 1M | 0 | 1 | 0 | 1 | (Neg#250) |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | 1 | 1M | 0 | 1 | 0 | 1 | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | 2 | 2M | 0 | 2 | 0 | 2 | — |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: 2
 - 1.1. Chrysotile: 2
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0043
- 4.0. Total Asbestos Structures (s/cc): 0.0085
- 5.0. Total Asbestos Structures (s/mm²): 30.4

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N380CA
Client I.D. Number: BH376344
Location: Center Southwest Room

MSE Lab ID : 144
Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
Filter Type: MCE
Filter Diameter: 25mm
Grid Openings Analyzed: 7
Grids Analyzed: 2
Analyst: SDL

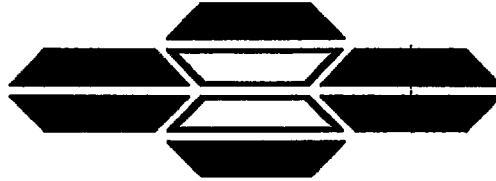
Volume (liters) : 1490
Effective Filter Area: 385mm²
Magnification: 18,000
Mean Grid Square Area: 9400um²
Instrument Serial No: D1002
Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type [#] | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | NSD | 0 | 0 | 0 | 0 | — | — |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | NSD | 0 | 0 | 0 | 0 | — | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | NSD | 0 | 0 | 0 | 0 | — | — |

Notes:
F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0039
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0039)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)



ASBESTOS TEM LABORATORIES, INC.

**Polarized Light Microscopy
Analytical Report
(EPA Point Count Protocol)**

Laboratory Job # 1139-00014

630 Bancroft Way
Berkeley, CA 94710
(510) 704-8930
FAX (510) 704-8429



ASBESTOS TEM LABORATORIES, INC

Accredited by
U.S. Dept. of Commerce



NVLAP LAB CODE 1018S1-0

CA DOHS ELAP

Dec/24/2008

Mr. Jack Goshow
Environmental Testing & Consulting
21480 Delta Drive
Reno, NV 89521

RE: LABORATORY JOB # 1139-00014
Polarized light microscopy analytical results for 1 bulk sample(s).
Job Site: 844 Ridgewood #2
Job No.: N/A

Enclosed please find the bulk material analytical results for one or more samples submitted for asbestos analysis. The analyses were performed in accordance with EPA Method 600/R-93/116 or 600/M4-82-020 for the determination of asbestos in bulk building materials by polarized light microscopy (PLM) using the point counting technique to determine asbestos concentration. Please note that while PLM analysis is commonly performed on non-friable and fine grained materials such as floor tiles and dust, the EPA method recognizes that PLM is subject to limitations. In these situations, accurate results may only be obtainable through the use of more sophisticated and accurate techniques such as transmission electron microscopy (TEM) or X-ray diffraction (XRD).

Prior to analysis, samples are logged-in and all data pertinent to the sample recorded. The samples are checked for damage or disruption of any chain-of-custody seals. A unique laboratory ID number is assigned to each sample. A hard copy log-in sheet containing all pertinent information concerning the sample is generated. This and all other relevant paper work are kept with the sample throughout the analytical procedures to assure proper analysis.

Each sample is opened in a class 100 HEPA negative air hood. A representative sampling of the material is selected and placed onto a glass microscope slide containing a drop of refractive index oil. The glass slide is placed under a polarizing light microscope where standard mineralogical techniques are used to analyze the various materials present, including asbestos. Quantitation of asbestos is made via counting of a minimum of 400 semi-random particles using a Chalkey reticle. The data is then compiled into standard report format and subjected to a thorough quality assurance check before the information is released to the client.

Sincerely Yours,

Lab Manager
ASBESTOS TEM LABORATORIES, INC.

--- These results relate only to the samples tested and must not be reproduced, except in full, without the approval of the laboratory. This report must not be used to claim product endorsement by NVLAP or any other agency of the U.S. Government. ---

POLARIZED LIGHT MICROSCOPY POINT COUNT ANALYTICAL REPORT

| | | |
|--|--|---------------------------|
| Contact: Mr. Jack Goshow | Samples Submitted: 1 | Report No. 074263 |
| Address: Environmental Testing & Consulting 21480 Delta Drive Reno, NV 89521 | Samples Analyzed: 0 | Date Submitted: Dec-22-08 |
| | Job Site / No. 844 Ridgewood #2 N/A | Date Reported: Dec-23-08 |

| SAMPLE ID | POINTS COUNTED | ASBESTOS % | TYPE | LOCATION / DESCRIPTION |
|-------------------------|--------------------|------------|------------|----------------------------|
| 3 | 46 | 11.50% | Chrysotile | MBD Closet Shelve - Debris |
| Lab ID # 1139-00014-001 | 400 - Total Points | | | Very little material |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |

QC Reviewer *R. Mc Rains* Analyst *Melissa Crozman*



WASHOE COUNTY HEALTH DISTRICT

AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

DATE: October 22, 2009

TO: District Board of Health

FROM: Andrew Goodrich, Division Director

SUBJECT: Willie Falcon – Case No. 1040
Appealed Citation No. 4332
Agenda Item: 7.A.2.b.

Recommendation

The Air Pollution Control Hearing Board recommends that Citation No. 4332 upheld and a fine of \$5,000 be levied against Mr. Willie Falcon (dba A Falcon on the Run) for dry scraping an acoustic ceiling without any asbestos survey, proper permits or proper work practices at 844 Ridgewood Drive #2, in Sparks, Nevada. The Citation was issued for a violation of Section 030.107 (a)(b)(c) of the District Board of Health Regulations Governing Air Quality Management. Staff Concurs.

Background

On October 2, 2008, Air Quality Engineer Chris Ralph took a complaint from Ms. Caren Martin regarding the scraping of a "popcorn" ceiling at her residence located at Woodside Condos, a 180 unit condo community, approximately ten (10) months earlier. Ms. Martin was concerned that the ceiling material contained asbestos since she and her young son had been living in this unit for over ten months. She explained that she was unaware that the ceiling may have contained asbestos and that it was dry scraped prior to her moving into the unit in January, 2009. Subsequently, Ms. Martin had been experiencing white debris throughout her condo every time the heater or air conditioner turned on which she kept cleaning up.

On October 3, 2008, Air Quality Supervisor Noel Bonderson phoned Ms. Martin regarding her complaint. Ms. Martin told Mr. Bonderson that she personally had taken a sample of the white debris to a certified lab which came back positive for asbestos. She also stated that Mr. Larry Snearly (Property Manager) had previously taken a sample which he claimed was negative for asbestos. Mr. Bonderson suggested she speak with the condo owner regarding her concerns and sample results, and that she hire a professional asbestos consultant to do a complete survey. Ms. Martin vacated the unit on October 5, 2008, due her concerns about being exposed to asbestos.

On October 16, 2008, the AQMD received a copy of the asbestos report conducted by Mr. Jack Goshow (Environmental Testing & Consulting) which showed positive results for asbestos from the debris collected in her unit. Mr. Bonderson immediately called the Mr. Larry Snearly and condo owners (Sharon & Richard Hatch) about the situation and emailed them a copy of the report. As a result, Supervisor Bonderson made a site visit to Ms. Martin's condo on October 20th, and verified both the white debris throughout the unit and sample locations as collected by Mr. Goshow. Mr. Bonderson subsequently emailed Mr. & Mrs. Hatch about his findings with a request to immediately clean the unit and Ms. Martin's personal items.

October 22, 2009

DBOH/Willie Falcon/Case No. 1040

Page 2

Please refer to the "Chronology of Events" prepared by Supervisor Bonderson starting October 20th which outlines the step by step details of this case. Mr. Bonderson discovered that Mr. Willie Falcon (dba A Falcon on the Run) had been hired by Mr. & Mrs. Hatch to scrape the ceiling in November 2007. Neither Mr. Falcon nor Mr. & Mrs. Hatch had an asbestos survey conducted prior to this work being performed, nor did either party obtain the necessary "asbestos acknowledgment form" signoff from the AQMD which would have indicated that a qualified asbestos abatement contractor needed to be hired due to the positive asbestos results. As a result, Mr. Bonderson issued a Notice of Violation to both Mr. Falcon and Sharon & Richard Hatch for dry scraping the ceiling without a survey and proper permits. Supervisor Bonderson met with Mr. Falcon on November 25, 2008 to discuss the events that led up to the dry scrape of the ceiling, and Mr. Falcon stated that he was not familiar with the asbestos requirements even though he had been working in the local area for many years. Mr. Falcon subsequently completed the asbestos awareness training class in February, 2009.

As indicated in the Chronology, Mr. Bonderson had extensive contact with both Mr. Chris Moore and Mr. Doug Brown (Lemons, Grundy & Eisenberg) who represented the Hatch's for the insurance portion of this case. An additional asbestos survey was conducted by Converse Consulting at the request of Mr. Moore to verify the results of Jack Goshow's survey. Due to the complexities of this case and numerous parties involved, the actual abatement of Ms. Martin's personal items in the condo did not occur until February 6th. However, due to insistence by the AQMD that the "soft goods" could not be released after the hepa vacuuming process, only the "hard surfaced" personal items were finally returned to her on May 1, 2009.

On July 6th, Supervisor Bonderson phoned Mr. Willie Falcon informing him that his case would be heard by the Hearing Board on September 8, 2009. Mr. Bonderson explained that he wanted both Mr. Falcon's Notice of Violation Citation and the one issued to the Hatch's to be heard by the Board at the same time. Mr. Falcon agreed.

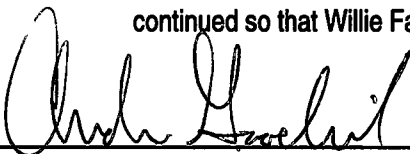
APCHB Action

On September 8, 2009, the Air Pollution Control Hearing Board met to hear this case. Testimony was given by staff, Mr. Bob Trotter (Asbestos Coordinator, US EPA), Mr. Willie Falcon, Ms. Caren Martin, Mr. John Arrascada, and Richard and Sharon Hatch. After considering all testimony, the APCHB decided to uphold NOV Citation No. 4332 with a fine of \$5,000. No appeal was received for this case to be heard by the DBOH.

Alternatives

1. The District Board of Health may determine that no violation of the regulations has taken place and dismiss Citation No. 4332.
2. The Board may determine to uphold the Citation No. 4332 but levy any fine in the range of zero to 10,000.

In the event the Board determines to uphold the violation and increase the penalty, the matter should be continued so that Willie Falcon may be properly noticed.



Andrew Goodrich, REM

Air Quality Management, Division Director



Washoe County Health District

CASE NO. 1040 – AS REVIEWED BEFORE THE AIR POLLUTION CONTROL HEARING BOARD

In Re: Appeal of WILLIE FALCON dba A)
Falcon on the Rescue, for violation of)
Section 030.107 (Hazardous Air Pollutants))
Subsections A, B, and C of the Washoe County)
District Board of Health Regulations)
Governing Air Quality Management.)

CASE NO. 1040
WILLIE FALCON dba A FALCON ON
THE RESCUE

At a hearing of the Air Pollution Control
Hearing Board at Wells Avenue at Ninth
Street, Reno, Nevada
September 8, 2009

PRESENT: Chairman David Rinaldi
Member Joe Serpa
Member Jon Greene
Member Pat Fritchel, PE
Noel Bonderson, Air Quality Supervisor
Dennis Cerfoglio, Senior Air Quality Specialist
Mary Ames, Office Assistant II
Janet Smith, Recording Secretary
Leslie Admirand, Deputy District Attorney

ABSENT: Vice Chairman Melvin Zeldin
Member Alysia Keller, Esquire

STATEMENT OF THE FACTUAL QUESTION

**SECTION 030.105 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR
POLLUTANTS – NESHAP (as referenced in 030.107)**

SECTION 030.107 – HAZARDOUS AIR POLLUTANTS

A. Asbestos Sampling and Notification

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises. No potential asbestos-containing materials may be disturbed until such a survey is performed. The person performing the survey must possess US EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgement Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgement Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of asbestos, the permit applicant must adhere to the requirements of Section 030.105 and this Section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:

1. All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet, 260 lineal feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board of Health must be submitted with all such notifications before they can be considered valid.

B. Asbestos Control Work Practices

For the purposes of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination And Abatement

Under no condition may any person store, remove, transport or destroy any asbestos-containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos-containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air

sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owners expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of sampling as listed above, sample duration and volume, or analytical methods, such as the use of TEM or PCM depending upon the type of suspected contamination and building materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

GENERAL COMMENTS

On September 8, 2009, the Hearing Board for the referenced Regulations held a public hearing to consider all evidence and testimony concerning the **appeal** of **WILLIE FALCON dba A FALCON ON THE RESCUE, Citation No. 4332, Case No. 1040**, for violation of Section 030.107 (Hazardous Air Pollutants) of the Washoe County District Board of Health Regulations Governing Air Quality Management.

Mr. Noel Bonderson, Air Quality Supervisor, being duly sworn, advised that Staff recommends the Board **uphold** Citation No. 4332, Case No. 1040 issued to Mr. Willie Falcon dba A Falcon on the Rescue, on November 25, 2008, for not being a licensed abatement contractor in the dry-scraping a ceiling of asbestos-containing acoustical materials without having had an asbestos survey performed, without obtaining the proper permits or conducting proper work practices at 844 Ridgewood Drive, Unit 2, Sparks, Nevada. Mr. Bonderson stated that Staff recommends the **appeal be denied** and a fine in the amount of **\$5,000** be levied against Sharon and Richard Hatch for a major violation.

Mr. Bonderson advised that Case No. 1039 and Case No. 1040 (Willie Falcon) are different parties of the same violation; therefore, Staff would recommend the Board review both cases concurrently. Mr. Bonderson advised that Mr. and Mrs. Hatch are the owners of the condominium and Mr. Falcon performed the dry scraping of the "popcorn" acoustical ceiling.

Mr. Bonderson advised that on October 2, 2008, Air Quality Management received a complaint from Ms. Caren Martin who was living in the condominium unit located at 844 Ridgewood Drive, Unit 2 in Sparks, Nevada; that this unit is located within the Woodside development. Mr. Bonderson stated that the Woodside development is a 180 unit "townhouse community" – a residential community in Sparks. Mr. Bonderson stated Ms. Martin advised Mr. Ralph, Environmental Engineer, that she had learned the "popcorn" ceiling in her unit, had been scraped and "may have contained asbestos and she was concerned for her son's and her health-related issues." Mr. Bonderson stated that Ms. Martin advised she had been living in the unit for approximately ten (10) months and was not certain the unit contained asbestos. Mr. Bonderson stated that he conferred with Ms. Martin on October 3, 2008, regarding the complaint; that she advised him she had taken a sample of materials in for testing and the results had come back positive for asbestos. Mr. Bonderson stated he advised Ms. Martin that it would be necessary for a "certified asbestos professional" to obtain a sample and transport it to a certified laboratory for proper testing. Mr. Bonderson stated Ms. Martin had further advised him that Mr. Larry Snearly, the property manager had indicated to her he (Mr. Snearly) had taken a sample, which was tested and the test results were negative for asbestos-containing materials. Mr. Bonderson stated that Ms. Martin contracted with Mr. Jack Goshow, Environmental Testing & Consulting, to take samples from her unit; that test results were positive for asbestos-containing materials. Mr. Bonderson advised that the Hearing Board members have been provided with a copy of those test result in the packet within "Asbestos Sampling Results." Mr. Bonderson advised that the Hearing Board members have been provided with copies of two (2) different asbestos sampling results; that one was provided by Mr. Goshow and the other by Converse Consulting, which was a "follow-up survey done to verify the results." Mr. Bonderson advised that the results from Converse Consulting verified Mr. Goshow's results that the samples were positive for asbestos-containing materials; that the results indicated the material was positive 1-5% for Chrysotile asbestos.

Mr. Bonderson stated that when he received the asbestos results he immediately contacted Mr. and Mrs. Hatch (via email) to advise them of the test results and Staff's concerns regarding the "contamination of the unit and that Ms. Martin had been living in the unit for quite some time." Mr. Bonderson stated that Staff was advised Ms. Martin vacated the unit on October 5, 2008, immediately after contacting the Air Quality Management Division regarding the possible asbestos contamination. Mr. Bonderson stated that after being contacted by Staff Mr. and Mrs. Hatch contacted their insurance company; that the Hearing Board members have been provided with approximately nine (9) pages delineating the chronology of events regarding the investigation process of this violation, beginning October 20, 2008 through July 24, 2009.

Mr. Bonderson stated that at the beginning of the investigation, Staff was unaware of who had performed the asbestos removal; that later it was determined that Mr. Willie Falcon (dba A Falcon on the Rescue) was hired by Mr. and Mrs. Hatch and had conducted the work. Mr. Bonderson stated that neither Mr. and Mrs. Hatch nor Mr. Falcon; on behalf of Mr. and Mrs. Hatch, obtained the required asbestos-acknowledgement form from the Air Quality Management Division. Mr. Bonderson stated neither did they have the required asbestos survey performed, which would have indicated the material was positive for asbestos. Mr. Bonderson stated that had Mr. and Mrs. Hatch or Mr. Falcon complied with these requirements Staff would have advised that the process would require a licensed asbestos-abatement contractor to perform the work and properly dispose of the materials. Mr. Bonderson stated that he was advised the "ceiling had been scraped in November 2007." Mr. Bonderson stated that he was contacted by Mr. Chris Moore and Mr. Doug Brown, of Lemons, Grundy and Eisenberg, Attorneys for Mr. and Mrs. Hatch's insurance company regarding the status of the scheduled abatement. Mr. Bonderson stated that "it took a long time to obtain the information specific to getting bids for abatement and clean-up and as to which party was going to pay for what, what would be covered, how the material would be abated, when it would be done, what items, if any, would be returned to Ms. Martin." Mr. Bonderson stated that "all of these issues were discussed with Mr. Brown and Mr. Moore for months"; that "ultimately an abatement date was planned for February 6, 2009." Mr. Bonderson advised at that time the Air Quality Management Division was notified that Advance Installations, a certified abatement contractor, would be "performing the abatement for the hard-surfaced items." Mr. Bonderson stated that there were discussions with Mr. Brown and Mr. Moore "as to which items could be returned to Ms. Martin; that typically protocol stipulates that hard-surfaced items can be wet-wiped and those materials returned." Mr. Bonderson stated that "anything identified as a soft-goods (i.e., fabric-driven which includes carpet, clothes, etc.) cannot be cleaned adequately and must be properly disposed." Mr. Bonderson stated that all of these details "took some time to work out all those details"; that Staff was not involved in any of those negotiations; that he did advise the attorneys as to which "items could not be returned as a result of the protocol for soft-goods versus hard-goods." Mr. Bonderson stated the Air Quality Management Division was specific "that only the hard-goods could be returned; that the majority of the hard-good items were returned to Ms. Martin on May 1, 2009; that some hard-surfaced items (i.e., television, toaster, small appliances) in which it is not possible to "get inside to clean adequately" cannot be returned for use. Mr. Bonderson stated that Mr. Cerfoglio, who is present, was on-site during "some of the abatement process for the unit in which Ms. Martin lived."

Mr. Bonderson stated that he then met with Mr. Falcon regarding the work performed by Mr. Falcon and Staff's concerns regarding the regulatory requirements for the work that was performed. Mr. Bonderson stated that Mr. Falcon is present, representing himself at tonight's hearing.

Mr. Bonderson stated that he then met with Mr. John Arrascada, Attorney representing Mr. and Mrs. Hatch in a pre-settlement meeting with Staff to discuss the case and why a Notice of Violation was issued to Mr. and Mrs. Hatch. Mr. Bonderson stated Mr. Arrascada requested additional information regarding the applicability of the NESHAP (National Emissions Standards for Hazardous Air Pollutants) Regulations specific to this case. Mr. Bonderson stated that Mr. Bob Trotter, representing US Environmental Protection Agency, Region IX, provided the necessary information to Staff as to the applicability of NESHAPS to the subject townhouse unit; that this information was presented to Mr. Arrascada. Mr. Bonderson advised that after reviewing the case with Mr. Arrascada the decision was made to appeal the Citation on behalf of Mr. and Mrs. Hatch. Mr. Bonderson stated that he discussed the case with Mr. Falcon and “suggested” that Mr. Falcon also appeal the Citation to allow the Hearing Board to review both Citations concurrently.

Mr. Bob Trotter, Asbestos NESHAP Coordinator and Enforcement Officer, US Environmental Protection Agency, Region IX, being duly sworn, advised that he supports Staff’s recommended “penalty action” in these cases. Mr. Trotter advised that in those instances in which EPA “over files” (when US EPA takes “its own” enforcement action) on a case; that US EPA does have the authority to initiate enforcement action in NESHAP asbestos-related cases. Mr. Trotter stated that “in cases such as these, US EPA is required to adhere to the EPA penalty policy”; that for these cases there “is a range of penalties”, which can be “as much as \$32,000 per day per violation.” Mr. Trotter advised that in regard to these cases he computed the minimum EPA penalty amount for a one (1) day violation would be \$41,317, should it be necessary to refer the case to EPA’s Regional Counsel; that testimony indicates the violation occurred for more than a day. Mr. Trotter advised that Region IX has over filed on “other condominium cases” previously, with condominiums as “small as four (4) units per building”; that “it is common for Region IX to take these types of actions.”

In response to Mr. Fritchel regarding the 40 CFR regarding the definition of facility, Mr. Trotter stated that within the definition of “facility” there are “facility components and installation; that within “installation” residential facilities will be listed; that the definition is “structure/structures.” Mr. Trotter stated that the number of the facility and the installation could be the number of multiple units in a complex; that “three (3) condominium complexes which are clustered with three (3)” EPA would identify it with the number of the residential installation, which would be nine (9) units. Mr. Trotter stated that it “would not be the number of units per building but the number of units per installation.” In response to Mr. Fritchel regarding applying this definition to other cases, Mr. Trotter advised that these definitions have been applied in all cases.

In response to Mr. Arrascada regarding whether he could question Mr. Trotter, Ms. Leslie Admirand, Deputy District Attorney, advised that the Hearing Board meetings are not incidences “in which a cross examination occurs”; however, it is at the discretion of the Hearing Board whether to allow Mr. Arrascada to question Mr. Trotter. Ms. Admirand stated that she would “caution the Hearing Board regarding not allowing a cross examination situation to occur.”

In response to Mr. Arrascada regarding the condominium units being privately owned by separate individuals, Mr. Rinaldi stated that in previous cases “it did not make a difference” that each individual condominium unit was owned by separate individuals.

In response to Mr. Arrascada, Mr. Trotter advised that “no, it does not” make a difference that the condominium units are privately owned.

Mr. John Arrascada, Attorney representing Mr. and Mrs. Hatch, advised that he would request that the Hearing Board recommend dismissal of the Citation issued to Mr. and Mrs. Hatch. Mr. Arrascada advised that Mr. and Mrs. Hatch, as owners of the property, had “no actual knowledge of nor was it inferred to them that there was asbestos in this acoustical ceiling.” Mr. Arrascada stated that Mr. and Mrs. Hatch did what “any good home owner would do, they hired someone who had been recommended (Mr. Willie Falcon) to do an extensive remodel on this home, replacing the countertops, the cabinetry and scraping the acoustic ceiling.” Mr. Arrascada stated that Mr. Falcon will advise the Board “that in working with Mr. and Mrs. Hatch he found them to be very honorable people and that they had no knowledge there was no asbestos there; that “it is Mr. Falcon’s belief that had Mr. and Mrs. Hatch had knowledge, permits would have been sought.” Mr. Arrascada stated that Mr. Falcon will admit that “he did not have training in asbestos-abatement or asbestos-recognition”; that “since this occurred” Mr. Falcon has taken classes to properly be aware of asbestos-containing materials and to obtain the proper permits from the County.” Mr. Arrascada stated that, “from a knowledge standpoint as to what due diligence did they take, they did everything that a reasonable, landowner/property owner would do – they hired somebody that they believed had the knowledge and expertise to handle any situation that was involved in the remodel of this condominium.” Mr. Arrascada stated that “unfortunately that did not occur; however, as Mr. and Mrs. Hatch had no intent to violate the regulations and had no knowledge that they were doing it there is no affirmative act, which places them under the purview” of the Regulations. Mr. Arrascada stated that “because there was no intent they would request” the Hearing Board dismiss the Citation.

Mr. Arrascada stated that the complaint was “when the heating and air conditioning was on there was debris coming from the duct work and settling around throughout this condominium”; that Mr. Falcon will testify that “as part of this extensive remodel, when he was scraping the two (2) ceilings, the two (2) bedrooms, the hallway in the upstairs, also entailed an incredible amount of clean-up.” Mr. Arrascada stated that Mr. and Mrs. Hatch installed new carpeting in the unit; that Mr. Hatch was “involved in getting the condominium cleaned-up so that it would be presentable to be leased.” Mr. Arrascada stated “any reasonable potential tenant” viewing the unit and considering leasing it, and noting “debris matter, which were the granules from scraping it dry, and was not a measureable amount of asbestos dust or fibers in the air, on the windowsills and around in other places” would have mentioned it. Mr. Arrascada stated that Ms. Martin moved into the unit in January 2008, when the furnace was on; that “there were no issues or anything brought up” regarding “all the debris blowing all around”; therefore, “there was nothing significantly blowing out from the duct works.” Mr. Arrascada stated that in May 2008, Ms. Martin contacted Mr. and Mrs. Hatch to complain that the air conditioning, which is a forced air central unit, wasn’t working and wasn’t cooling properly; that “never once did (Ms. Martin) mention that there was debris floating around throughout the unit.” Mr. Arrascada stated that “never once” did Ms. Martin mention that “when she turned on the HVAC the heat or the air conditioning that there was a debris problem” occurring in the condominium. Mr. Arrascada presented a copy of Invoice #9827 (a copy of which was placed on file for the record), from Lincoln Heating and Air Conditioning, stating that Mr. and Mrs. Hatch contracted with this company to service the air conditioning system. Mr. Arrascada advised that he contacted “Karen, at Lincoln Heating and Air Conditioning” to review the work performed; that he questioned if the technician would have “checked the duct work to ensure that the forced air is coming out properly” and was advised that the technician would have checked that. Mr. Arrascada stated he questioned if the technician would have noticed there was debris coming out of the duct work what the standard practice would be and was advised that the company would have “alerted the customer and made note of it” had that been occurring; “that this is a standard of the industry.” Mr. Arrascada stated that, as the invoice indicates, and remarks of the work performed, as noted on the second page, there is no “indication, notation, and nothing told to Mr. and Mrs. Hatch that there is a debris problem, which requires the duct work cleaned-out.”

Mr. Arrascada stated there are several photographs in the packet of the “alleged material that was floating or being thrown around through the forced air floor ducts”; that Mr. Falcon will testify that “these particles are not going to float around – they would hit the ground quick.” Mr. Arrascada stated that the photographs depict debris in the windowsill and up above lighting; that “he doesn’t know if the debris can get there through the forced air system.” Mr. Arrascada stated that “when Lincoln serviced it in May there were no problems with it as far as the debris.”

Mr. Arrascada stated that the initial issue is the Hearing Board's authority to dismiss this Citation. Mr. Arrascada referenced the Converse Consultants' report, which is contained in the Board members' packet, advising that on page 5 "sampling results" (the paragraph above the table), the sentence beginning in line six (6) indicates: "These levels are considered acceptable for re-occupancy of a space after asbestos abatement has been conducted..."; that "these levels refers to the asbestos that was found in the house." Mr. Arrascada stated the asbestos testing was performed by Converse Consulting on October 31, 2008; that the condominium had been unoccupied at that time and had not been cleaned-up; that nothing had been done to it." Mr. Arrascada stated that the condominium "was in the same state as it was when ETC, the first testers came in." Mr. Arrascada stated according to the "air samples results is that (when no abatement had been done) that on that day, October 31st, that that building was acceptable for re-occupancy of the space after asbestos abatement has been conducted." Mr. Arrascada stated that further, it indicates "it is also suitable for a school; that after a school has been abated (and this is pre-abatement) that one could again begin conducting classes within children in the classroom in school." Mr. Arrascada stated that "the same holds true regarding the micro-vacuum samples" that were taken; that "that, which was detected is acceptable after abatement has been accomplished; that this is all pre-abatement." Mr. Arrascada stated that "they acknowledge there are health risks with asbestos, and the health risks that exist is 'non-existent' according to Converse Consultants." Mr. Arrascada stated that "test results show that it is a nominal or small amount that is there."

Mr. Arrascada stated that the issue is "what did the Hatches know and when did they know it; that they will tell the Board they had no clue; that they relied on someone else they hired, as would any reasonable home owner would do to do the proper work that needed to be done and was necessary in their condominium to upgrade it for future tenants." Mr. Arrascada stated that, without that knowledge without that intent, and after having done due diligence, which was the due diligence of your average home owner, not someone with any expertise or knowledge, this Citation should be dismissed." Mr. Arrascada stated that should the Hearing Board recommend the Citation not be dismissed, he would "suggest that a fine in this matter should be zero, because there is no intentional act here by the Hatches, no 'thumbing their noses' at the policies or the protocols, the Statutes, the laws, the rules, the Regulations we have regarding asbestos-abatement."

Mr. Arrascada questioned Mr. Richard Hatch, appellant and owner of the condominium unit.

In response to Mr. Arrascada's questioning, Mr. Richard Hatch, appellant and owner of the condominium unit, being duly sworn, advised that he resides in Benita, California; that he "spent about seven and a half (7.5) years in aviation maintenance" after serving in the Navy he worked as an aircraft mechanic." Mr. Hatch stated that when he hired Mr. Willie Falcon he was not aware of any asbestos-containing materials in the acoustical ceiling. Mr. Hatch stated that had he known he wouldn't have had the work performed; that he would have "seen about getting the permits to get it done." Mr. Hatch stated that he performed "quite a bit of the work" on the unit; that he "did an abbreviated walk-through" of the unit with Ms. Martin. Mr. Hatch stated that he assisted in the cleaning of the unit "just prior to Ms. Martin moving in; that the heat was on when Ms. Martin moved in." Mr. Hatch stated that he never observed "any debris or particles emanating from the duct work."

In response to Mr. Rinaldi regarding "why" the ceiling was scraped, Mr. Hatch stated the previous tenant had lived there had smoked resulting in the acoustical ceilings being very dirty; that "they felt it needed to be addressed."

Mr. Rinaldi stated that in owning rentals he would "paint over" the ceiling due to problems associated with 'popcorn acoustical ceiling materials; that it is a mess whether it is asbestos-laden or not."

In response to Mr. Rinaldi, Mr. Hatch stated that "that is why they went to someone; they had to do something about it as it was extremely dirty."

Mr. Rinaldi questioned if in Mr. Hatch's experience in the Navy and as an aircraft mechanic "wouldn't he be aware of asbestos and the problems with asbestos."

In response to Mr. Rinaldi, Mr. Hatch stated that "he had heard about asbestos but he spent all his time in aviation and if there was asbestos in and around the aircraft he can't testify that he was aware of it." In response to Mr. Rinaldi regarding the buildings being 36 years old, Mr. Hatch stated that "he isn't positive of the day it was built."

In response to Mr. Greene regarding "how he located Mr. Falcon to perform the work", Mr. Hatch stated that he and his wife purchased the property through a real estate agent; that "they had some a little bit of residual work on the unit prior to hiring Mr. Falcon. Mr. Hatch stated that "to be able to rent the unit at a reasonable price it would be necessary to do extensive remodeling; that they spoke to the real estate agent who referred them to another real estate agent, who did property management, who referred them to Mr. Larry Snearly, a property manager, who referred them to Mr. Willie Falcon." Mr. Hatch stated that "they were advised that Mr. Falcon had done a lot of work in the area for property managers and individuals."

In response to Mr. Serpa regarding "having a contract", Mr. Hatch advised that "they did have a contract with Mr. Falcon." In response to Mr. Serpa regarding Mr. Falcon being a licensed contractor, Mr. Hatch stated "they didn't know it at the time; however, they have since found out that he is not licensed."

In response to Mr. Fritchel regarding the contract specifying "whose responsibility it was to obtain permits", Mr. Hatch stated that "due to the nature of the work they didn't know they needed to have permits." Mr. Hatch stated that the work was primarily "clean-up, fix-up, remodeling type of work."

Mr. Greene stated that in the State of Nevada and the State of California the type of work Mr. Hatch had performed "requires a licensed contractor." In response to Mr. Greene, Mr. Hatch stated that "he did not know that."

Ms. Sharon Hatch, appellant and co-owner, being duly sworn, stated that she worked for the State of California working for the Department of CalTrans, the Department of Highway Patrol, the Department of Justice and the Attorney General's Office; that she was an assistance office manager and then an office manager. Ms. Hatch stated that she "was very much involved" in the remodeling of the unit. Ms. Hatch stated that "the primary reason decided to do such extensive remodeling was because the market was heading down they had wanted to sell the unit"; however, "they couldn't sell it for what they had in it." Ms. Hatch stated that "they had to do something the unit was a mess"; that they decided "they could get more rent if they upgraded and they would get a better renter." Ms. Hatch stated that further, "when the market turned around they would have the best unit in the complex." Ms. Hatch stated that "they did extensive remodeling but it was all interior; that they had no idea they needed a licensed contractor or permits to do interior work, as there wasn't anything done outside of the unit." Ms. Hatch stated that "they replaced the cabinets,

and the countertops in both the bathrooms and in the kitchen.” Ms. Hatch advised that the “ceiling in the living room had been damaged by prior water leakage so that had to be fixed anyway; that that was half asbestos and half not.” Ms. Hatch stated that “it was just a prudent update; that anytime you are updating property the popcorn ceiling goes; that this was the reason for doing that versus just repainting.” Ms. Hatch stated that the intent “was to give the unit the most updated look they could.” Ms. Hatch stated that the “soonest they knew about this was October 8, 2008, when they received a call from the property manager, who had just been notified by Ms. Martin of the problem; that he had not addressed this problem with them at all.” Ms. Hatch stated the property manager advised them “that he had no knowledge of this prior to her contacting him; that he told her to contact them, which she did; that they spoke to her that night.” Ms. Hatch stated that “they were flabbergasted and didn’t know what to do; that they have insurance so they advised her they would contact their insurance.”

Mr. Greene questioned what remodeling the condominium association allows the owners to have done, without first getting approval from the association.

In response to Mr. Greene, Ms. Hatch stated that she is unaware of “any regulations on that; that the office knew they were remodeling; that they had received a complaint regarding the saw horses being set-up in the front yard.” Ms. Hatch stated that the office was aware and “no one addressed they were doing anything wrong.” In response to Mr. Green regarding representation of the office staff or the condominium association, Ms. Hatch advised that no one representing the association is present.

In response to Mr. Arrascada regarding the condominium association issuing any notice of violations of the CC&Rs, Ms. Hatch advised that “the only thing that was addressed to them was that their former tenant had left a vehicle there; that they evicted them and they left everything there.” Ms. Hatch stated that “they were contacted about the car as it wasn’t currently registered.” In response to Mr. Arrascada regarding the water leak prior to the 2007 refurbishing of the condominium unit, Ms. Hatch advised that the leak occurred in 2005; that they did hire a licensed plumber to fix the leak; that some of the ceiling “had already fallen down” at that time. Ms. Hatch advised that “it was leaking behind the tile in the upstairs bedroom down through the fireplace and across the living room to the tresses.” Ms. Hatch stated the plumber did not advise them that there was asbestos in the acoustical ceiling; that the tenant at the time indicated “he had a background in that, so he did a patch.” Ms. Hatch stated “they left it that way at that time, as they knew there were problems” with the tenants “so they weren’t going to go in there at that time and try to do a

repair.” Ms. Hatch stated the licensed plumber didn’t advise them of any of these problems; that “they paid the bill and he fixed the leak.”

In response to Mr. Rinaldi regarding “how she became aware there was a problem”, Ms. Caren Martin, former tenant of the subject unit, being duly sworn, stated that “over a period of time she noticed the debris since moving into the condo” unit. Ms. Martin stated that during her weekly cleanings, she would notice the “there would be a talcum powder-type residue on her wooden furniture.” Ms. Martin stated that “at first she didn’t think anything about it, as she knew they had been remodeling; that she never noticed anything “popping out” of the HVAC system, as referred, “that she would notice something; that she just noticed the debris every week.” Ms. Martin stated that she believed it was due to the remodel until a friend of hers “mentioned that it was debris from the ceiling and that that could obtain asbestos.” Ms. Martin stated that she then “brought it to the attention of Mr. Snearly, who is the property manager” for Mr. and Mrs. Hatch; that she advised him she was concerned “as it is everywhere in the house and that if it contained asbestos she is concerned her health could be at risk and her child’s.” Ms. Martin stated that Mr. Snearly advised her he would “ask the Hatches about it; that this was in early September and she didn’t hear back from him, as they were on a cruise.” Ms. Martin stated that the next time the rent was due she asked Mr. Snearly if he had spoken to Mr. and Mrs. Hatch “about it and he told her “no” it didn’t have asbestos; that he had spoken with them.” Ms. Martin stated that “something just didn’t feel right about it, so she decided to take it a step further and had the material tested herself.” In response to Mr. Fritchel regarding her possessions, Ms. Martin stated that “she just had some things returned to her on May 1st (i.e., the headboards from the beds); however, she did lose most of her possessions (i.e., clothes, bedding, mattresses, TV, appliances, etc.). Ms. Martin stated that “she had very few things returned to her.” Ms. Martin stated that when she spoke to Mr. and Mrs. Hatch about her concerns, Mrs. Hatch was angry with her”, that Ms. Hatch said to her “that they had put so much into the work into the place to make it nice for her”; however, “she did pay a healthy amount of rent for that place, and it was beautiful – the countertops turned out nicely and the everything was great.” Ms. Martin stated that she was concerned for her health and her child’s health; that “she wasn’t trying to make waves, but yet Mrs. Hatch was angry that she (Ms. Martin) was causing havoc for them.” Ms. Martin stated that she asked Mrs. Hatch “at that time if she had any knowledge that that stuff had asbestos in it and she (Mrs. Hatch), said ‘they assumed that it did’.” Ms. Martin stated that “she was on speaker phone with both Mr. and Mrs. Hatch, and those were Mrs. Hatch’s exact words “that they assumed that it did but they thought they had done a good job cleaning it up.”

Mr. Willie Falcon, owner of A Falcon on the Rescue, being duly sworn, advised that through a real estate agent Mr. Larry Snearly, property manager referred Mr. and Mrs. Hatch to him; that he and his crew “do a lot of work for realtors in town.” Mr. Falcon stated that when he began the project “the bottom ceiling, as Mrs. Hatch indicated, was already done; therefore, he targeted the second floor and the stairway up to the second floor.” Mr. Falcon stated “when he was first hired he was hired just to do part of the repairs”; however, “like any project the list grew” and he did additional remodeling work, with the exception of the countertops, which he subcontracted to Go Granite. Mr. Falcon stated that his crew “repaired the kitchen floor, repaired the pantry, the laundry area.” In response to Mr. Rinaldi regarding the repairs to the pantry, Mr. Falcon stated that a new door was purchased for the pantry; that he “adjusted the walls to be able to fit that in.” Mr. Falcon stated that “they scraped the ceiling”; that Mr. and Mrs. Hatch “used his contacts for the kitchen counters and cabinets, as they received a 10% discount.” Mr. Falcon stated that for the first week “they (Mr. and Mrs. Hatch) were there working with them in trying to get it done; however, they didn’t realize it would take that long.” Mr. Falcon stated that “they finished the first week of January 2008.” Mr. Falcon stated that the carpet was going to be removed; that “they sprayed the acoustical ceiling to ensure its moisture and then they scraped it; that they cleaned it as much as they could and then the carpet was pulled out.”

In response to Mr. Rinaldi regarding spraying the ceiling with water and laying plastic down, Mr. Falcon stated that he did lay down the plastic and used water to spray the ceiling; that “they covered the walls because the acoustic has a little bit of glue in it and will stick to the walls and stays there if it dries, so there was plastic on the walls.” Mr. Falcon stated “they thought it was going to be safe; that they had no idea of the asbestos.” Mr. Falcon stated that when he was contacted by Mr. Bonderson he immediately took action; that he asked Mr. Bonderson “what action do we need to take, how are we going to take care of this?” Mr. Falcon stated that Mr. Bonderson recommended “contacting an environmental/air quality control company that could take care of the abatement; that he immediately contracted with Mr. Tom Davis, Advance Installations.” Mr. Falcon stated that he contacted Mr. Bonderson requesting Mr. Bonderson forward the report to Advance Installations for the abatement. Mr. Falcon stated that he then took classes teaching him “exactly what asbestos is and how to recognize it; what the requirements are for handling asbestos and the hazard of asbestos materials.” In response to Mr. Rinaldi regarding Mr. Falcon’s business, Mr. Falcon advised that he “is a general handyman and does maintenance”; that “he charges of up to \$1,000 per item.” In response to Mr. Rinaldi regarding the number of employees, Mr. Falcon stated that at the time of this job he had approximately eight (8) people working for him, with four (4) employees working on this project. In response to Mr. Rinaldi regarding how long Mr. Falcon “has been working like this”, Mr. Falcon stated that it has been “for thirteen years”; that he is not aware of having encountered asbestos before this work. Mr. Falcon stated that he immediately took the

asbestos-awareness training and “has learned more in the past ten (10) months than in the past twelve years.” In response to Mr. Greene regarding Mr. Falcon “having a written or verbal contract with Mr. Hatch”, Mr. Falcon advised that he prepared an initial estimate, which was revised as new jobs were requested by Mr. and Mrs. Hatch. In response to Mr. Greene regarding the estimate being separate for materials and labor, Mr. Falcon advised that he provides one (1) estimate for everything; that occasionally customers will purchase the materials and have him perform the work.

In response to Mr. Greene regarding Mr. Falcon “not obtaining a contractors license”, Mr. Falcon stated that he couldn't accomplish the goal of obtaining signatures from licensed contractors, for whom he had performed work, which is a requirement for qualifying. Mr. Falcon stated that the rates he provided, as an unlicensed contractor, were less than those charged by licensed contractors; that a “contractor has a lot of expenses due to the licensing.” In response to Mr. Greene regarding obtaining a contractors license, Mr. Falcon stated that he “now believes it is necessary to get a contractors license.” In response to Mr. Serpa regarding the final costs to Mr. and Mrs. Hatch, Mr. Falcon advised that he was paid “10,071.04, for the nineteen (19) items” on which he worked.

Mr. Serpa stated that in performing work for thirteen (13) years, Mr. Falcon “doesn't know if he came across asbestos or not” in previous jobs.

In response to Mr. Rinaldi regarding the clean-up after the scraping, Mr. Falcon stated that he and his employees cleaned-up the unit; that he then assisted Mr. and Mrs. Hatch to further clean the unit by a certain date to allow Ms. Martin to move in. In response to Mr. Rinaldi regarding the cleaning efforts, Mr. Falcon stated that after he had completed his work and clean-up, he assisted Mr. and Mrs. Hatch in removing the carpet and plastic; that they scraped the floors to the subfloor, and then they swept, vacuumed and wiped-down cabinets. In response to Mr. Rinaldi regarding the clean-up required for asbestos-abatement, Mr. Falcon stated that he is now aware that an asbestos-abatement requires extensive cleaning and a licensed asbestos-abatement contractor. In response to Mr. Rinaldi regarding “their clean-up efforts further dispersing the asbestos material”, Mr. Falcon stated that he is now aware their efforts did “spread the asbestos-containing materials even farther.”

Mr. Bonderson stated that the Hearing Board members have been provided with information in the packet specific to “a point count being performed on the debris/dust of the materials in the unit,

which was 11.5% Chrysotile"; that a "point count is more sophisticated method of obtaining a more accurate asbestos contact versus the regular methodology under polarized light." Mr. Bonderson stated that asbestos-containing materials cannot always "be seen, feel or touch asbestos fibers; therefore, any type of clean-up efforts by Mr. Falcon or Mr. and Mrs. Hatch would not get the fibers involved, unless performed by an asbestos-abatement company." Mr. Bonderson stated that air sampling results is not an issue as the requirements of NESHAPS relies upon bulk samples and bulk sample results; that, additionally, the air samplings were not performed "under aggressive air sampling methodologies."

In response to Mr. Fritchel regarding the chronology, which indicates Mr. and Mrs. Hatch "were aware the acoustic ceiling may contain asbestos", Mr. Bonderson stated that this information was obtained from Ms. Martin regarding her conversations with Mr. Snearly and Mr. and Mrs. Hatch. Mr. Bonderson stated that at that time in the chronology, the sample results had been received verifying asbestos-containing materials throughout the unit. In response to Mr. Fritchel regarding "this indicating prior knowledge", Mr. Bonderson stated "not from his perspective; that after receiving the sample results indicating asbestos, he advised Ms. Martin that "her and Mr. Snearly's sampling results were mute without a certified asbestos contractor taking the results." Mr. Bonderson stated that both Mr. Jack Goshow and Converse Consultants verified the presence of asbestos-containing materials in the unit.

Mr. Arrascada advised that the loss of Ms. Martin's personal belongings is in negotiations between Ms. Martin's attorney and Mr. and Mrs. Hatch. Mr. Arrascada stated that after the clean-up performed by Mr. Falcon, Mr. and Mrs. Hatch painted the insides of the entire unit, which "can encapsulate and protect from asbestos debris or matter flying around or being in places it shouldn't be. Mr. Arrascada stated that the carpeting was removed, the painting done and then the new carpet was installed." Mr. Arrascada stated that this is evidence "there was extensive clean-up and the painting would have encapsulated any debris that was in the air." Mr. Arrascada stated that both Mr. and Mrs. Hatch testified "they had no knowledge prior to this; that this is a credibility issue for the Hearing Board." Mr. Arrascada stated that he would recommend the Hearing Board dismiss the Citation issued to Mr. and Mrs. Hatch; that "they relied upon Mr. Falcon in the work that was done." Mr. Arrascada stated that Mr. Falcon should be commended for his efforts to learn about asbestos and the proper methods of abatement. Mr. Arrascada stated that should the Hearing Board recommend the Citation be upheld, he would request that no fine be levied against Mr. and Mrs. Hatch.

Mr. Rinaldi stated that ignorance of the law is not an excuse; that he recently received a ticket in a school zone during a summer school session, when he hadn't realized summer school was in session; that it remained a violation. Mr. Rinaldi stated that, as the property owner, or the person performing the work, it is "their responsibility to be aware of the requirements." Mr. Rinaldi stated that, as Staff advised, "there is no way 'an incredible clean-up effort' is going to capture asbestos, as the fibers are very, very small and would pass through the common filtration in vacuum cleaners." Mr. Rinaldi stated that these are fibers "less than five (5) microns in size, which is less than one one-thousandth of an inch; that these fibers cannot be seen." Mr. Rinaldi stated that the particles, which Ms. Martin was seeing, "are quite common as particles, which can be seen, as drywall work can result in this type of dust and debris; that it is not uncommon to have to have duct work and fan blowers "pulled out and cleaned" after drywall work has been performed. Mr. Rinaldi stated that "one test coming back negative for asbestos or below the threshold of concern does not indicate hazardous asbestos-containing materials were not present." Mr. Rinaldi stated that in regard to Lincoln Heating and Air Conditioning, the invoice presented by Mr. Arrascada indicates the work performed was "checking the electrical, the filter" and did not include an inspection of the blower, the ducts, the filters or the coils to see that those were dusty and dirty."

Mr. Serpa stated that he strongly objects to people "looking to save a few dollars by hiring unlicensed contractors, as he strongly objects to unlicensed contractors." Mr. Serpa stated that "it is cheaper if one doesn't have a license; however, there is a lot of knowledge one doesn't have when there is no license." Mr. Serpa stated that, "for this reason, he doesn't have a lot of sympathy for either party in this case because of this reason." Mr. Serpa stated that "getting work done on the side results in these types of problems occurring when that is overlooked."

MOTION

Mr. Serpa moved that based upon the testimony and evidence presented, a violation of Section 030.107 (Hazardous Air Pollutants), Subsections A, B and C of the Washoe County District Board of Health Regulations Governing Air Quality Management did occur and that it be recommended to the District Board of Health that the **appeal** of WILLIE FALCON, dba A FALCON ON THE RESCUE, **Case No. 1040, Notice of Violation No. 4332** be **denied** and a fine in the amount of **\$5,000** for a major violation be levied.

The motion was seconded by Mr. Greene and carried **unanimously** for **approval**.

AIR POLLUTION CONTROL HEARING BOARD
APPEAL – CASE NO. 1040 (WILLIE FALCON dba A FALCON ON THE RESCUE)
September 8, 2009
Page Nineteen

Staff advised Mr. Falcon of his right to appeal the Hearing Board's recommendation, in writing, to the District Health Officer, within five (5) days of today's hearing.



DAVID RINALDI, CHAIRMAN
AIR POLLUTION CONTROL HEARING BOARD



JANET SMITH
RECORDER



WASHOE COUNTY HEALTH DISTRICT AIR QUALITY MANAGEMENT DIVISION

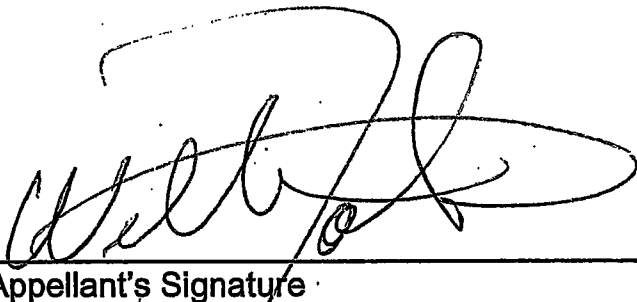


Public Health
Prevent. Promote. Protect.

The Air Pollution Control Hearing Board has been established pursuant to Section 020.025 of the Washoe County District Board of Health Regulations Governing Air Quality Management, and Section 020.0251 authorizes its jurisdiction in hearing appeals from any aggrieved person. This Board is comprised of volunteers appointed by the District Board of Health, who meet the qualifications required in Section 020.025.

Appeals heard today, Sept 8, 2009, will be forwarded to the District Board of Health with a recommendation, as set forth in Section 020.0251 (D), and will be reviewed at their next regularly scheduled meeting, Thursday, Oct 22, 2009, at 1:00 p.m. At the discretion of the District Board of Health, all appellants may provide further testimony regarding their case at that time. Appellants must indicate in writing, in a letter addressed to the District Health Officer, within five (5) days of today's hearing, that they wish to be heard at the District Board of Health meeting.

Willie Falcon dba
Falcon on the Rescue
Case No. 1040, Citation
No. 4332



Appellant's Signature

9/8/09

Date



WASHOE COUNTY DISTRICT HEALTH DEPARTMENT
AIR QUALITY MANAGEMENT DIVISION
401 RYLAND STREET, SUITE 331 • P.O. BOX 11130 • RENO, NV 89520
(775) 784-7200



NOTICE OF VIOLATION

NOV 4332

DATE ISSUED: 11/25/08

ISSUED TO: WILLIE FALCON PHONE #: 691-4666
DBA: A FALCON ON THE RESCUE

MAILING ADDRESS: 5245 CANYON RUN CT, CITY/ST: SPARKS, NV ZIP: 89436

NAME/OPERATOR: SAME PHONE #: _____

DRIVER LICENSE #/SSN _____

YOU ARE HEREBY OFFICIALLY NOTIFIED THAT ON 11/25/08 (DATE) AT 1025 (TIME), YOU ARE IN VIOLATION OF THE FOLLOWING SECTION(S) OF THE WASHOE COUNTY DISTRICT BOARD OF HEALTH REGULATIONS GOVERNING AIR QUALITY MANAGEMENT:

- MINOR VIOLATION OF SECTION:
 - 040.030 DUST CONTROL
 - 040.055 ODOR/NUISANCE
 - 040.200 DIESEL IDLING
 - OTHER _____
- MAJOR VIOLATION OF SECTION:
 - 030.000 OPERATING W/O PERMIT
 - 030.2175 VIOLATION OF PERMIT CONDITION
 - 030.105 ASBESTOS/NESHAP
 - OTHER 030.107 (a)(b)(c)

VIOLATION DESCRIPTION: DRY SCRAPING AN ACOUSTIC CEILING WITHOUT AN ASBESTOS SURVEY, PROPER PERMITS, OR PROPER WORK PRACTICES, WORK PERFORMED IN NOVEMBER 2007,

LOCATION OF VIOLATION: 844 RIDGEWOOD DRIVE, #2, SPARKS, NV

POINT OF OBSERVATION: _____

Weather: _____ Wind Direction From: N E S W

Emissions Observed: _____
(If Visual Emissions Performed - See attached Plume Evaluation Record)

WARNING ONLY: Effective _____ a.m./p.m. _____ (date) you are hereby ordered to abate the above violation within _____ hours/days. I hereby acknowledge receipt of this warning on the date indicated.

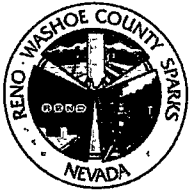
Signature _____

CITATION: You are hereby notified that effective on 11/25/08 (date) you are in violation of the section(s) cited above. You are hereby ordered to abate the above violation within (CNA) hours/days. You are further advised that within ten days of the date of this violation you may submit a written notice of appeal to the Chairman, Hearing Board, P.O. Box 11130, Reno, Nevada 89520. Failure to submit a notice of appeal in the time specified will result in submission of this violation to the District Board of Health, together with a request that an administrative fine be levied against you. If you do not wish to file an appeal the appropriate fine may be paid at the District Health Department.

SIGNING THIS FORM IS NOT AN ADMISSION OF GUILT

Signature: * [Signature] Date: 11/25/08

Issued by: Neil A. Berulson Title: AQ SUPERVISOR



AIR QUALITY COMPLAINT/ACTION REQUEST

DATE: 10/02/2008 TIME: 4:00 PM TAKEN BY: CHRIS RALPH

ROUTED TO: NOEL BONDERSON

TYPE OF COMPLAINT: CITIZEN INVESTIGATOR OTHER

RENO SPARKS WASHOE COUNTY AREA 2

COMPLAINT:

POSSIBLE ASBESTOS VIOLATION: CONDO OWNER REMOVED ASBESTOS CONTAINING MATERAIL (POPCORN CEILING), POSSIBLY ILLEGALLY, SOMETIME MORE THAN 10 MONTHS AGO, BUT EXACT DATE IS UNCERTAIN.

LOCATION OF COMPLAINT: 844 RIDGEWOOD DRIVE, UNIT 2, SPARKS

RESPONSIBLE PARTY: OWNERS - SHARON & RICHARD HATCH **PHONE NUMBER:** 619-470-3910

ADDRESS: 5202 RACINE COURT, BONITA CA 91902

RESPONSIBLE PARTY: CONTRACTOR – WILLIE FALCON, dba A FALLON ON THE RUN
PHONE NUMBER: 775-691-4666

ADDRESS: 5245 CANYON RIM COURT, SPARKS NV 89436

COMPLAINANT: CAREN MARTIN **PHONE NUMBER:** 813-5567 CELL

ADDRESS: 844 RIDGEWOOD DRIVE, UNIT 2, SPARKS

SPECIAL INSTRUCTIONS:

INVESTIGATOR: NOEL BONDERSON **DATE:** 10/3/2008 **TIME:** 1:00

VIOLATION: 030.105 (a) (b) (c)

10/3 NOEL SPOKE WITH MS. MARTIN REGARDING COMPLAINT AND SUGGESTED SHE SPEAK WITH CONDO OWNER REGARDING THE SAMPLE TAKEN AND POSITIVE RESULTS. HE ALSO EXPLAINED THAT ANY ENFORCEMENT ACTION WOULD BE DIFFICULT DUE TO THE TIMEFRAME INVOLVED SINCE THE CEILING WAS SCRAPED. NOEL DID OFFER TO SPEAK WITH THE OWNER ABOUT THE SITUATION, AND A SUGGESTION WAS ALSO MADE TO HIRE A PROFESSIONAL ASBESTOS CONSULTANT.

10/8 NO FURTHER CONTACT.

10/16 NOEL RECEIVED THE ETC REPORT WITH POSITIVE RESULTS. NOEL SPOKE WITH MS. MARTIN, THE PROPERTY MANAGER AND PROPERTY OWNERS (RICHARD & SHARON HATCH) AND EMAILED THEM THE REPORT.

CASE CLOSED: 10/8/08 PENDING **TIME:** 9:00 AM **INVESTIGATOR:** NOEL BONDERSON

REVIEWED BY: NOEL BONDERSON **DATE:** **TIME:**

RECOMMENDED FINE WORKSHEET

DATE: 8-3-2009

CASE NO: 1040

COMPANY NAME: A FALCON ON THE RUN

CONTACT NAME: WILLIE FALCON

VIOLATION: REMOVAL OF ACOUSTIC (POPCORN) CEILING WITHOUT AN ASBESTOS SURVEY, PROPER PERMITS, OR PROPER WORK PRACTICES.

SECTIONS: 030.107 (a)(b)(c)

TYPE OF VIOLATION: MAJOR

OCCURRENCE: 1st

RANGE OF PENALTIES (PER DAY): \$0-\$10,000

DEGREE OF VIOLATION: MAJOR - THE CEILING "DRY SCRAPE" WAS DONE PRIOR TO MS. MARTIN MOVING INTO HER UNIT WITHOUT HER KNOWLEDGE. MS. MARTIN AND HER YOUNG SON WERE EXPOSED TO ASBESTOS CONTAINING MATERIAL (ACM) FOR ABOUT 10 MONTHS.

ECONOMIC BENEFIT COMPONENT: THE ESTIMATED COST TO PROPERLY ABATE THE POCORN CEILING WAS \$6,500.

DEGREE OF COOPERATION: GOOD - AFTER MR. FALCON WAS NOTIFIED OF THE VIOLATION, HE MET WITH AIR QUALITY STAFF AND AGREED TO ATTEND AN ASBESTOS AWARENESS CLASS. MR. FALCON ALSO OFFERED TO SPLIT THE ABATEMENT COST WITH THE CONDO OWNERS, SHARON AND RICHARD HATCH.

ADDITIONAL COMMENTS: MR. FALCON TOLD AQMD SUPERVISOR, NOEL BONDERSON, THAT IN NOVEMBER OF 2007 THAT THE BOTTOM FLOOR OF THE CONDO UNIT WAS ALREADY SCRAPED WHEN HE WAS HIRED. NO RECORD OF A NOTIFICATION WAS FILED WITH THE AQMD FOR THIS WORK BY ANY PERSON.

RECOMMENDED FINE: \$5,000



INVESTIGATOR'S SIGNATURE

NOTE: "Minor Violations", per District regulations, cannot exceed \$1000 for the first and second violations. Third minor violations, plus "Major Violations" cannot exceed \$10,000 per day.

CHRONOLOGY OF EVENTS

CHRONOLOGY OF EVENTS

Complaint No. C02Oct08005A – Chronology of Events

Page 1

10/20 - Site visit to Ms. Martin's condo Unit 2. I verified that pictures taken by Jack Goshow were accurate, and observed debris at same locations. Ms. Martin said that the debris continually comes out when HVAC unit is turned on. She also said that the property manager (Larry Sneerly – sp?) took a sample of said material and said he had it tested and it came back negative for asbestos.

Email sent to Mr. & Mrs. Hatch outlining my findings and requesting that the unit and personal items be cleaned by a certified abatement contractor.

10/21 – Phone call from Mr. Bobby Hager (attorney for Ms. Martin) requesting information on this complaint be faxed to him. Completed.

10/24 – Phone call to Mrs. Hatch regarding photos sent. She said they arrived. I said I was meeting Diversified at the condo at noon today to get a preliminary cost estimate. Ms. Hatch asked me to contact the insurance company attorney (Chris Moore) to coordinate any inspection and abatement activities. She acknowledged that the unit would have to be abated prior to any further occupancy.

1030 – Phone message left for Chris Moore.

1200 – Site visit with Tony Valentine of Diversified. He will produce an abatement scope of work and cost estimate.

1315 – Phone message from Chris Moore. 1320 – Message back to Mr. Moore to call me ASAP. 1415 – Phone call from Mr. Moore. He wants to hire Converse Consultants to do a verification survey, and I agreed with the condition that it be done immediately (first of next week). He also told me that Willie Falcon was the person who scraped the ceiling. I explained the seriousness of this situation and that my main concern at this time was to get Ms. Martin's personal items abated with possible enforcement action (both owner/operator) at a later date. Mr. Moore will call me on Monday morning (10/27) regarding the availability of the local Converse office to do a verification survey.

10/27 – Received a phone call from Chris Moore informing me that he had contacted John Peterson of Converse regarding the follow up asbestos survey. John is ready to go as soon as he gets approval from Mr. Moore via Mr. Bobby Hager. I phoned John to fill him in on the details of this case to date.

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10/29 – I left messages with both Chris Moore and Bobby Hager regarding status of the Converse survey. Mr. Moore phoned back and said the survey was scheduled for Friday, 10/31, at 9 AM. I phoned Caren Martin to inform her. 1345 – Received a copy of the abatement plan from Tony Valentine of Diversified.

10/30 – Received a fax from Chris Moore confirming that the Converse asbestos survey will be done on 10/31.

11/3 – 1000. Message left with Chris Moore regarding status of Converse survey done on 10/31.

11/4 - Chris called back and said the survey was done but he had not received a copy yet. Bulk samples came back positive confirming Jack Goshow's report. Air samples were taken that came back negative, but apparently were not done using "aggressive" sampling techniques.

11/5 – I requested a copy of Tony Valentine's abatement cost estimate which was faxed to me and forwarded to Chris Moore. I also phoned Caren Martin regarding the status of both the Converse survey and attempts by the AQMD to pursue immediate abatement.

11/6 – Phone call from Chris Moore regarding NRS "Chapter 40" action taken against Willie Falcon by Richard and Sharon Hatch regarding the dry scrape of the acoustic ceiling containing asbestos. Fax also received along with hard copy on 11/10.

11/7 – Phone call to Chris Moore regarding status of planned abatement.

11/12 – Letter sent to Mr. Willie Falcon requesting that he contact Air Quality ASAP regarding the work done at 844 Ridgeview, #2.

11/17 – Spoke with Bobby Hager regarding status of the Converse survey and any abatement activities. Mr. Hager faxed me a copy of an email he received from Chris Moore regarding the ambient air monitoring done in Ms. Martin's condo.

11/24 – Phone call to Chris Moore regarding status of abatement.

11/25 – Phone call from Mr. Doug Brown (Lemons, Grundy, & Eisenberg) calling on the behalf of Chris Moore regarding status of scheduled abatement. Mr. Brown said he would contact Mr. Moore to see if he has heard any further details.

1000 hours – Dennis Cerfoglio (Senior AQ Specialist) and myself met with Willie Falcon to gather information regarding the sequence of events on this case. Notice of Violation #4332 issued to Mr. Falcon for dry scraping the acoustic ceiling at 844 Ridgewood Drive in Sparks in November, 2007.

Page 3

12/2 – Phone call to Caren Martin regarding status of abatement. She has not heard any word on when it will be done. Phone call to Doug Brown and Chris Moore to see if they have any additional information regarding status.

Also issued Notice of Violation #4333 to Sharon & Richard Hatch as the property owners. Sent via certified mail.

12/5 – Faxed copy of NOV's issued to both Willie Falcon and Sharon & Richard Hatch to Doug Brown & Chris Moore. I expressed great frustration to Mr. Brown regarding lack of action on the abatement issue.

12/8 – No return phone call yet from either Chris Moore or Doug Brown. Have not yet received a copy of the Converse asbestos report from the sampling done on 10/31/08. Phone call to Caren Martin regarding status of abatement. Ms. Martin said she has heard nothing.

12/9 – Phone calls to both Bobby Hager and Doug Brown regarding status of abatement dates.

12/11 – Return phone call from Leslie Admirand (Deputy DA) regarding AQMD recommended fines that could be assessed on this case.

12/12 – Phone call from Doug Brown. He met with Willie Falcon today, and Mr. Falcon has agreed to split the abatement costs with the Hatch's. Mr. Brown will formalize this arrangement and confirm the first of next week.

12/16 – Spoke with Jack Goshow regarding the samples he took as given in the October 15, 2008 report for 844 Ridgewood, #2. Jack said any sample would be OK, except for the one that came back <1%. Left a voice message with Neil Upchurch at TEM labs to proceed with the point count analysis using any one of positive samples.

12/18 – Phone call from Willie Falcon requesting that I send Jack's report to Tom at Advance Installations. I phoned both Caren Martin and Jack Goshow, and they both said it was OK. I emailed the report to Tom Davis. No word from Doug Brown or Chris Moore regarding projected dates of any abatement. Have not yet received Converse report.

12/19 – Phone call from Doug Brown stating that Ms. Martin's security deposit is being returned. Also, Tom from Advanced did a walk through today and will produce an abatement cost estimate. Mr. Brown said he received a phone call from the Hatch's

today regarding the NOV issued, and stated that he was unaware of that NOV even though I faxed him a copy on 12/5. I explained that our regulation is an "owner/operator" rule as determined by EPA, and that I was informed that the property owners were aware that the acoustic ceiling may contain asbestos.

12/24 – Received fax from Willie Falcon with Advance Installations cost estimate for abatement. Spoke with Tom Davis who said that it was his understanding that Mr. Falcon would split the abatement costs. I told Tom that abatement could not occur until the Hatch's and their lawyer agreed to the terms and conditions, and I did not know when that decision would occur. Both Jack Goshow and Tom felt that some personal items could be salvaged using a hepa vac and "back side" testing of collected debris to make sure there was no contamination.

12/26 – Phone call to Ms. Martin who said she has heard nothing. She did receive her security deposit check, and continues to be extremely frustrated that no action has been taken after 3 months.

12/30 – Received a fax from Doug Brown giving reasons why the abatement has not yet occurred at 844 Ridgewood, Unit 2 as well as demand for the entire investigative file to date. Also received the "point count" analysis from Jack Goshow (as requested by the AQMD) that showed an asbestos content of 11.5% from the debris originally collected in Unit 2.

12/31 – Email sent to Doug Brown addressing comments made in his fax of 12/30.

1/5/09 – Copy of case file made for Doug Brown. Information was picked up at the AQMD office.

1/8 – Phone call from Bobby Hagar regarding status of the AQMD case to date. Mr. Hagar informed me that he will be leaving the area, and will assign another attorney to handle Ms. Martin's case. He also requested a copy of the "point count" results as well as the file information sent to Mr. Brown.

1/9 – Faxed point count results to Bobby Hagar.

1/15 - Spoke with Doug Brown regarding a new lawyer (John ?) representing the Hatch's regarding the AQMD NOV. Mr. Brown will continue handling the civil matter as it relates to the insurance claim. Also faxed the AQMD case file to Bobby Hagar.

1/21 – Spoke with Caren Martin who has not heard anything at all regarding abatement dates. Left a phone message with Doug Brown inquiring about abatement status, and to inform him that I have not heard from the other attorney (John Arrascada) that will handle the AQMD case.

1/22 – Phone call from Willie Falcon inquiring about status of abatement.

1/28 – Received an email from Mr. & Mrs. Hatch regarding their intent to start abatement as soon as possible. I phoned Caren Martin to inform her, and also phoned Bobby Hagar and subsequently spoke with Paul (?) regarding this email and my surprise that the Hatch's contacted me directly. Paul said he would check with Mr. Brown's office to see if they were aware of this email and what should be done.

2/3 – I sent an email to the Hatch's regarding the status of the abatement bids and inquiring about who would represent them in the AQMD case. Response back indicating that abatement bids have been received and a decision will be made.

2/4 – The Hatch's informed me that Advance Installations is the contractor of choice.

2/5 - Spoke with Tom Davis about upcoming abatement on 2/6. Tom said it will be delayed until 2/9. They will hepa vac everything in the condo and make a determination as to what can be released to Ms. Martin. Tom also faxed me a copy of the Converse report since I never received it. I phoned Caren Martin and informed her that Advance will be doing the abatement with AQMD supervision.

2/6 – Phone call from Willie Falcon regarding the abatement scheduled for 2/9.

2/6 – I spoke with Tom Davis of Advance about the abatement strategy, and told him that Air Quality feels that all the "soft goods" must be disposed of since they cannot be adequately cleaned. Also phoned and spoke with Frank at Converse Consultants and informed him about our concerns trying to clean any soft goods, and asked him to have John Peterson call Mike Osborn first thing on Monday (2/9) regarding the sample results taken by Converse and abatement techniques. I emphasized to Frank that it is the opinion of Air Quality staff that all soft goods would have to be disposed of rather than cleaned, but we were willing to discuss any options with John. Also phoned Jack Goshow about the situation.

2/9 – Mike Osborn went to the site to observe the abatement process. Mike reiterated that the soft goods must be disposed of properly rather than returned to the owner after hepa vacuuming. Converse personnel disagreed. (refer to Mike Osborn internal memo dated 2/9). I also left a phone message with Dale Walsh of Converse emphasizing that the soft goods must be disposed of. I also spoke with Tom Davis of Advanced on this issue.

2/10 – Left a phone message with Bob Trotter of Region IX asking for an opinion on disposal of the soft goods.

Page 6

2/11 – Email received from Bob Trotter verifying that the soft goods must be disposed of after a NESHAP violation.

2/12 – Received a copy of the asbestos awareness training certificate from Willie Falcon. Also spoke with Dale of Converse who said that all work has stopped at 844 Ridgewood with the matter of the soft goods disposal “probably ending up in court”.

2/13 – I spoke with Tom Davis of Advance regarding the abatement status. Tom said that everything had been cleaned but nothing released. No contact from Doug Brown or Converse.

2/17 – Site visit. No activity. Plastic still up on the windows with lock on the door.

2/23 – Phone call from Caren Martin informing me that the Hatch’s insurance claim was denied by State Farm. All her personal items are still in Unit 2.

2/24 – Sent email to Bob Trotter inquiring about the release of soft goods upon demand of the owner despite the recommendation by the AQMD to the contrary.

2/25 – Phone call from Ms. Martin stating that she is retaining Terry Friedman as her legal representative in this case. Email sent to the Hatch’s regarding the status of recent events, as well as requesting them to contact me immediately to set up a Hearing Board date.

2/26 – Email from John Arrascada (lawyer representing the Hatch’s) stating that he received the email sent to the Hatch’s and asking to be contacted directly on this case.

2/27 – Phone call to Mr. Arrascada who stated that he will be busy during the entire month of March and won’t be able to review the case information or set up a Hearing Board meeting until April.

3/2 – Phone call from Bob Trotter stating that the soft goods cannot be released after hepa vacuuming even if the owner demands to have the personal items returned.

3/11 – Email send to the Hatch’s regarding the status of the insurance claim, and the request to release Ms. Martin’s non-soft goods items immediately. Email also sent to Leslie Admirand regarding current status of this case.

3/25 - Email from Bob Trotter regarding a phone call from Doug Brown and correspondence that will be sent to him about this case.

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4/1 – Phone call from Kevin (last name) regarding a request from Doug Brown to get written or verbal assurance from Bob Trotter for release of the hard surfaced items. Mr. Brown is concerned about “cross contamination” from the soft goods stored next to the hard surfaced items prior to release and potential enforcement action.

4/7 – Email to Doug Brown inquiring about status of the release of Ms. Martin’s personal items in respect to Bob Trotter’s email response on the soft goods.

4/8 – Phone call from Mr. Brown informing me that he is ready to release the personal hard surfaced items upon direction from the AQMD and Advance Installations. I said I would check with Tom Davis and get clarification regarding cleaned items and what is left to do.

4/9 – Phone call to Mr. Brown regarding “approval” of items to be released. Mr. Brown requested clarification regarding the removal of the carpet at this time. I phoned back informing him that plastic can be placed atop of the carpet in order that the cleaned items won’t be re-contaminated. Mr. Brown said he would inform his clients, and expects that Ms. Martin’s items can be released within a short time.

Phone call message to John Arrascada to phone me back regarding the Hearing Board case.

4/21 – Email to Doug Brown regarding abatement status.

4/22 – Email from Doug Brown stating a target date of May 1st for pick up of Ms. Martin’s personal items. Doug needed confirmation from Kevin Berry for this to occur.

4/22 – Email to John Arrascada regarding the scheduling of a settlement meeting or Hearing Board date to hear the Caren Martin case.

4/29 – Another email to Mr. Arrascada regarding the AQMD case. Return phone message from him this afternoon.

4/30 – Phone message back to Mr. Arrascada. Also received a phone call from Doug Brown confirming that Caren’s personal hard surfaced items would be released on May 1. I said that a staff member from AQMD would be on site to oversee the release of her items by Advance Installations. Phone call to Caren to inform her of the situation.

5/1 - Advance Installations released certain hard surfaced items to Ms. Martin under the supervision of Tom Davis and Senior Air Quality Specialist Dennis Cerfoglio. A representative from Doug Brown’s office was on site documenting the personal items released. Mr. Kevin Berry was also present.

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5/20 – Settlement meeting with John Arrascada. Mr. Arrascada requested some additional information prior to making a decision to settle this matter or go before the APCHB.

5/21 – Additional information on NESHAP applicability faxed to Mr. Arrascada.

6/3 – Phone call to Mr. Arrascada who indicated he would be appealing this case to the Hearing Board, but would not be available until after August.

7/6 – Phone call to Mr. Willie Falcon stating that this case would be heard by the Hearing Board on September 8th, and that I wanted both parties to be present and heard at this meeting. Therefore, we would not have a settlement meeting for his Notice of Violation.

7/24 - Phone call from Doug Brown requesting further clarification regarding the “soft goods” information provided by Mr. Bob Trotter.

LOCAL ASBESTOS REGULATION

CFR61.141 – SUBPART M

5. Subpart O - Ethylene Oxide Emissions Standards for Sterilization Facilities (63.360 - 63.367)
6. Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (63.420 - 63.429)
7. Subpart T - National Emission Standards for Halogenated Solvent Cleaning (63.460 - 63.469)
8. Subpart KK - National Emission Standards for the Printing and Publishing Industry (63.820 - 63.831)

030.107

HAZARDOUS AIR POLLUTANTS (Adopted 10/24/90, Revised 5/24/95, 10/25/95)

A. Asbestos Sampling and Notification

No permit for the demolition or for the renovation of any NESHAP regulated facility may be issued by any public agency within the Health District until such time as an asbestos survey, conducted by a person qualified to make such a survey, is made on the premises.

No potential asbestos containing materials may be disturbed until such a survey is performed. The person performing the survey must possess U.S. EPA AHERA certification. The survey must be completed to the satisfaction of the Control Officer or additional samples may be required. A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgment Form" obtained before any permit for demolition or renovation, as noted above, is issued. Failure to conduct an asbestos survey, or obtain a completed "Asbestos Assessment Acknowledgment Form", may result in a citation or other enforcement action, including the issuance of a stop work order if a reasonable possibility for the release of asbestos fibers exists. If the survey indicates the presence of asbestos, the permit applicant must adhere to the requirements of Sections 030.105 and this section prior to and during the removal of any asbestos. The owner, operator or his representative shall submit to the Control Officer notice of intent in compliance with 40 CFR 61.145. Such notice shall be required for the following operations:

1. All renovations disturbing regulated asbestos containing materials (RACM) which exceed, in aggregate, more than 160 feet square, 260 lineal feet or 35 cubic feet whichever is most restrictive.
2. Notice shall be required for any building demolition, including single residential dwellings.

This notification shall contain all information as requested by the Control Officer, including a plan of action as to the methods and techniques to be used for removal. Standard fees as set by the Board Of Health must be submitted with all such notifications before they can be considered valid.

B. Asbestos Control Work Practice

For the purposes of this regulation, in addition to the requirements of the NESHAP, acceptable work practices for RACM removal shall include, but are not limited to, adequate wetting, containment of materials in glove bags or containment areas, negative air systems, decontamination areas, double bag disposal or other methods as required by the Control Officer. Acceptable work practices for commercial ACM roofing removal shall include adequate wetting of the material and removal in covered chutes. As an alternative, ACM roofing materials may be removed by bagging or careful wrapping and lowering. The Control Officer may require separate removal of friable roofing materials prior to demolition. All asbestos removal work which is done with barriers isolating the work area shall include transparent viewing ports which allow observation of stripping and removal of ACM from outside the barrier. Sufficient view ports shall be installed to make at least 90 percent of the work area visible from outside the barrier, except in unusual situations as approved by the Control Officer. Air clearance testing after removal work is complete may be required by the Control Officer for the protection of public health.

C. Asbestos Contamination And Abatement

Under no condition may any person store, remove, transport or destroy any asbestos containing materials in a manner which is likely to release asbestos fibers into the atmosphere. Safe asbestos removal work practices, sufficient to prevent a danger to public health as defined below, shall be required for any remodeling or demolition of NESHAP regulated facilities which disturbs any quantity of RACM. The Control Officer may require cleanup or abatement of damaged or degraded asbestos containing materials where their storage, handling or continued presence represents a danger to public health. Unsafe work practices or danger to public health as noted above shall be concluded only when testing results demonstrate asbestos levels exceeding one of the following limits: 1) 0.01 asbestos fibers per cubic centimeter as determined by any method of air sampling as specified by the Control Officer; or 2) greater than one percent asbestos as determined by vacuum, bulk or wipe sampling of surfaces. The Control Officer may require such sampling to be performed at the owners expense by a qualified person when unsafe work practices or a danger to public health are suspected. The Control Officer shall approve procedures for sample collection, including the type of sampling as listed above, sample duration and volume, or analytical methods, such as the use of TEM or PCM depending on the type of suspected contamination and building materials present. Failure to use acceptable work practices during RACM removal or disturbance may result in the issuance of a stop work order, a citation, or both.

030.108

PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING (Adopted 9/27/00)

The Control Officer may require testing for the asbestos content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian,

Environmental Protection Agency

§61.141

(7) For each vapor incinerator, the following shall be recorded for at least 2 years:

(1) If subject to §61.139(f)(2)(1), records of the flow indication, and of all periods when the vent stream is diverted from the vapor incinerator or has no flow rate.

(ii) If subject to §61.139(f)(2)(ii), records of the flow indication, and of all periods when the vent stream is diverted from the vapor incinerator.

(iii) If subject to §61.139(f)(2)(iii), records of the conditions found during each monthly inspection, and of each period when the car seal is broken, when the valve position is changed, or when maintenance on the bypass line valve is performed.

(j) The following reporting requirements are applicable to owners or operators of control devices subject to §61.139:

(1) Compliance tests shall be reported as specified in §61.13(f).

(2) The following information shall be reported as part of the semiannual reports required in §61.138(f).

(i) For each carbon adsorber:

(A) The date and time of detection of each exceedance of the maximum concentration point and a brief description of the time and nature of the corrective action taken.

(B) The date of each time that the captured benzene or removed carbon was not handled as required in §61.139(b)(1) and (2), and a brief description of the corrective action taken.

(C) The date of each determination of the maximum concentration point, as described in §61.139(h), and a brief reason for the determination.

(ii) For each vapor incinerator, the date and duration of each exceedance of the boundary parameters recorded under §61.139(i)(6) and a brief description of the corrective action taken.

(iii) For each vapor incinerator, the date and duration of each period specified as follows:

(A) Each period recorded under §61.139(i)(7)(1) when the vent stream is diverted from the control device or has no flow rate;

(B) Each period recorded under §61.139(i)(7)(ii) when the vent stream is diverted from the control device; and

(C) Each period recorded under §61.139(i)(7)(iii) when the vent stream is diverted from the control device, when the car seal is broken, when the valve is unlocked, or when the valve position has changed.

(iv) For each vapor incinerator, the owner or operator shall specify the method of monitoring chosen under paragraph (f)(2) of this section in the first semiannual report. Any time the owner or operator changes that choice, he shall specify the change in the first semiannual report following the change.

[56 FR 47407, Sept. 19, 1991, as amended at 64 FR 7467, Feb. 12, 1999; 65 FR 62157, Oct. 17, 2000]

Subpart M—National Emission Standard for Asbestos

AUTHORITY: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

SOURCE: 49 FR 13661, Apr. 5, 1984, unless otherwise noted.

§61.140 Applicability.

The provisions of this subpart are applicable to those sources specified in §§61.142 through 61.151, 61.154, and 61.155.

[55 FR 49414, Nov. 20, 1990]

§61.141 Definitions.

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

Active waste disposal site means any disposal site other than an inactive site.

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Asbestos mill means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

Asbestos tailings means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

Asbestos waste from control devices means any waste material that contains asbestos and is collected by a pollution control device.

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Commercial asbestos means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling oper-

ations or the intentional burning of any facility.

Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

Fabricating means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

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

Facility component means any part of a facility including equipment.

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Fugitive source means any source of emissions not controlled by an air pollution control device.

Glove bag means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (appendix G to 29 CFR 1926.58).

Grinding means to reduce to powder or small fragments and includes mechanical chipping or drilling.

In poor condition means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

Inactive waste disposal site means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.

Installation means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

Leak-tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

Manufacturing means the combining of commercial asbestos—or, in the case of woven friction products, the combining of textiles containing commercial asbestos—with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

Natural barrier means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

Outside air means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Particulate asbestos material means finely divided particles of asbestos or material containing asbestos.

Planned renovation operations means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on

§61.142

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the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Resilient floor covering means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Roadways means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

Strip means to take off RACM from any part of a facility or facility components.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

Waste shipment record means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

Working day means Monday through Friday and includes holidays that fall

on any of the days Monday through Friday.

[49 FR 13661, Apr. 5, 1984; 49 FR 25453, June 21, 1984, as amended by 55 FR 49414, Nov. 20, 1990; 56 FR 1669, Jan. 16, 1991; 60 FR 31920, June 19, 1995]

§ 61.142 Standard for asbestos mills.

(a) Each owner or operator of an asbestos mill shall either discharge no visible emissions to the outside air from that asbestos mill, including fugitive sources, or use the methods specified by §61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(b) Each owner or operator of an asbestos mill shall meet the following requirements:

(1) Monitor each potential source of asbestos emissions from any part of the mill facility, including air cleaning devices, process equipment, and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring shall be by visual observation of at least 15 seconds duration per source of emissions.

(2) Inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunction, including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis according to this paragraph, submit to the Administrator, and revise as necessary, a written maintenance plan to include, at a minimum, the following:

(i) Maintenance schedule.

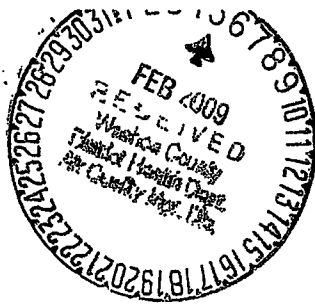
(ii) Recordkeeping plan.

(3) Maintain records of the results of visible emissions monitoring and air cleaning device inspections using a format similar to that shown in Figures 1 and 2 and include the following:

(i) Date and time of each inspection.

(ii) Presence or absence of visible emissions.

NESHAP CLEANUP NOTIFICATION



Courtesy

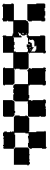
COPY

**EPA NESHAP
Notification of DEMOLITION AND RENOVATION
FILL IN ALL NUMBERED BLANKS
401 Ryland Street, Suite 331 Reno, Nevada 89520**

| | | | | | |
|--|---------------------------|---|-----------------------|-------------------------------------|-------|
| Generator Project # 6683 | Postmark | Date Received | Notification Permit # | | |
| 1. TYPE OF NOTIFICATION (O=Original R=Revised C=Canceled) O | | | | | |
| 2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator) | | | | | |
| OWNER NAME: Hatch Living Trust | | | | | |
| Address: 5202 Racine Court | | | | | |
| City: Bonita | State: California | Zip: 91902 | | | |
| Contact Person: Willie Falcon | Tel: 691-4666 | | | | |
| REMOVAL CONTRACTOR: ADVANCE INSTALLATIONS | | | | | |
| Address: P.O. Box 2163 | | | | | |
| City: Sparks | State: Nevada | Zip: 89432-2163 | | | |
| Contact Person: EDWARD A. DAVIS | Tel: 775/359-1468 | | | | |
| OTHER OPERATOR/CONSULTANT: <i>TOM DAVIS</i> | | | | | |
| Address: | | | | | |
| City: | State: | Zip: | | | |
| Contact Person: | Tel: | | | | |
| 3. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer.Renovation) R | | | | | |
| IS ASBESTOS PRESENT (Yes/No) YES | | | | | |
| 5. Facility Description (Include Building Name, Number, and Floor or Room Number) | | | | | |
| Building Name: 0 | | | | | |
| Address: 844 Ridgewood Drive | | | | | |
| City: Sparks | State: Nevada | Zip: 89434 | | | |
| Site Location: throughout | | | | | |
| Building Size: 1,276 | # of Floors: Two | Age in Years: 36 | | | |
| Present Use: commercial | Prior Use: commercial | | | | |
| 6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM: BULK SAMPLE ANALYZED BY PLM | | | | | |
| 7. APPROXIMATE AMOUNT OF ASBETOS, INCLUDING: 1. Regulated ACM to be removed. 2. Category I ACM Not Removed. 3. Category II ACM Not Removed. Pipes (Linear Ft.) Surface Area (Square Ft.) None - clean up debris only Vol RACM off facility Component (Cubic Ft.) | Amount RACM To Be Removed | Amount Nonfriable ACM Not To Be Removed | | Amount Nonfriable ACM To Be Removed | |
| | | | Cat I | Cat II | Cat I |
| | | | | | |
| | | | | | |
| | | | | | |
| 8. SCHEDULED DATES ASBETOS REMOVAL (MM/DD/YY) Start: 2/6/2009 Completed: 2/6/2009 | | | | | |
| 9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: UNKNOWN Completed: UNKNOWN | | | | | |

SHOE COUNTY DOES NOT DISCRIMINATE IN THE ACTIVITIES AND/OR SERVICES WHICH IT PROVIDES. IF YOU HAVE ANY QUESTIONS, PLEASE CALL WASHOE COUNTY HUMAN RESOURCES - 328-2080

| | | | |
|---|-----------------------------------|-------------------------------|-------------------|
| 10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED: ASBESTOS CONTAINING MATERIALS REMOVED BEFORE RENOVATION | | | |
| 11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE: FULL CONTAINMENT, NEG. AIR, WET METHOD | | | |
| 12. WASTE TRANSPORTER #1 | | | |
| Name: ADVANCE INSTALLATIONS, INC. | | EPA HAULER ID# NVD 98089 | |
| Address: P.O. BOX 2163 | | | |
| City: SPARKS | State: NV | Zip: 89432-2163 | |
| Contact Person: EDWARD A. DAVIS | | Tel: (775) 359-1468 | |
| WASTE TRANSPORTER #2 | | | |
| Name: CASTAWAY TRASH HAULING, INC. | | | |
| Address: P.O. BOX 51930 | | | |
| City: SPARKS | State: NV | Zip: 89435 | |
| Contact Person: JAY GARDNER | | Tel: (775) 342-2444 | |
| 13. WASTE DISPOSAL SITE | | | |
| Name: LOCKWOOD LANDFILL/REFUSE INC. | | | |
| Location: 2407 CANYON ROAD STOREY COUNTY EXIT 22 OFF INTERSTATE 80 | | | |
| City: SPARKS | State: NV | Zip: 89434 | |
| Telephone: (775) 342-0401 | | | |
| 14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW: | | | |
| Name: | Title: | | |
| Authority: | | | |
| Date of order (MM/DD/YY - HH:MM): | Date ordered to begin (MM/DD/YY): | | |
| 15. FOR EMERGENCY RENOVATIONS: | | | |
| Date and hour of emergency (MM/DD/YY - HH:MM): | | | |
| Description of Sudden, Unexpected Event: | | | |
| Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden: | | | |
| 16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER: PROJECT SHUT DOWN, CONSULTANT CALLED, AIR MISTED WITH ENCAPULANT | | | |
| 17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS. | | | |
| _____ | _____ | <i>Karen Powers</i> | <i>2-5-09</i> |
| (Print Name: Owner/Operator) | (Title) | (Signature of Owner/Operator) | (Date) |
| 18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT. | | | |
| _____ | _____ | _____ | _____ |
| (Print Name: Owner/Operator) | (Affiliation) | (AHERA Certificate Number) | (Expiration Date) |
| 19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT. | | | |
| _____ | _____ | <i>Karen Powers</i> | <i>2-5-09</i> |
| (Print Name: Owner/Operator) | (Title) | (Signature of Owner/Operator) | (Date) |



Courtesy

EPA NESHAP
Notification of DEMOLITION AND RENOVATION
FILL IN ALL NUMBERED BLANKS
401 Ryland Street, Suite 331 Reno, Nevada 89620

Generator Project # 6683
Postmark
Date Received
Notification Permit #
1. TYPE OF NOTIFICATION (O=Original R=Revised C=Canceled) R
2. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)
OWNER NAME: Hatch Living Trust
Address: 5202 Racine Court
City: Bonita State: California Zip: 91902
Contact Person: Willie Falcon Tel: 691-4666
REMOVAL CONTRACTOR: ADVANCE INSTALLATIONS
Address: P.O. Box 2163
City: Sparks State: Nevada Zip: 89432-2163
Contact Person: EDWARD A. DAVIS Tel: 775/359-1468
OTHER OPERATOR/CONSULTANT:
Address:
City: State: Zip:
Contact Person: Tel:
TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer.Renovation) R
IS ASBESTOS PRESENT (Yes/No) YES
5. Facility Description (Include Building Name, Number, and Floor or Room Number)
Building Name: 0
Address: 844 Ridgewood Drive
City: Sparks State: Nevada Zip: 89434
Site Location: throughout
Building Size: 1,276 # of Floors: Two Age in Years: 36
Present Use: commercial Prior Use: commercial
6. PROCEDURE INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ACM:
BULK SAMPLE ANALYZED BY PLM
7. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:
1. Regulated ACM to be removed.
2. Category I ACM Not Removed.
3. Category II ACM Not Removed.
Pipes (Linear Ft.)
Surface Area (Square Ft.) None - clean up debris only
Vol RACM off facility Component (Cubic Ft.)
8. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start: 2/8/2009 Completed: 2/6/2009 TBA
9. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start: UNKNOWN Completed: UNKNOWN

COPY

10. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHODS TO BE USED:
ASBESTOS CONTAINING MATERIALS REMOVED BEFORE RENOVATION

11. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS
AT THE DEMOLITION AND RENOVATION SITE: FULL CONTAINMENT, NEG. AIR, WET METHOD

12. WASTE TRANSPORTER #1

Name: ADVANCE INSTALLATIONS, INC. EPA HAULER ID# NVD 98089

Address: P.O. BOX 2163

City: SPARKS State: NV Zip: 89432-2163

Contact Person: EDWARD A. DAVIS Tel: (775) 359-1468

WASTE TRANSPORTER #2

Name: CASTAWAY TRASH HAULING, INC.

Address: P.O. BOX 61930

City: SPARKS State: NV Zip: 89435

Contact Person: JAY GARDNER Tel: (775) 342-2444

13. WASTE DISPOSAL SITE

Name: LOCKWOOD LANDFILL/REFUSE INC.

Location: 2407 CANYON ROAD STOREY COUNTY EXIT 22 OFF INTERSTATE 80

City: SPARKS State: NV Zip: 89434

Telephone: (775) 342-0401

14. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:

Name: Title:

Authority:

Date of order (MM/DD/YY - HH:MM): Date ordered to begin (MM/DD/YY):

15. FOR EMERGENCY RENOVATIONS:

Date and hour of emergency (MM/DD/YY - HH:MM):

Description of Sudden, Unexpected Event:

Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:

16. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER:
PROJECT SHUT DOWN, CONSULTANT CALLED, AIR MISTED WITH ENCAPULANT

17. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

(Print Name: Owner/Operator) (Title) Karen Powers (Signature of Owner/Operator) 2-5-09 (Date)

18. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.

(Print Name: Owner/Operator) (Affiliation) (AHERA Certificate Number) (Expiration Date)

19. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.

(Print Name: Owner/Operator) (Title) Karen Powers (Signature of Owner/Operator) 2-5-09 (Date)
Karen Powers 2-19-09

ASBESTOS SAMPLING RESULTS

ENVIRONMENTAL TESTING & CONSULTING INC
21480 Delta Drive • Reno, Nevada 89521-7411

October 15, 2008
ETC Project No. 10-08-637

Caren Martin
844 Ridgewood Dr #2
Sparks, NV 98431

Re: ASBESTOS SURVEY
844 Ridgewood Dr #2, Sparks, NV

Ladies and Gentlemen:

On Monday October 13, 2008 a representative from Environmental Testing & Consulting (ETC) collected bulk material samples of white debris on surfaces throughout unit #2 located at 844 Ridgewood Dr, Sparks, NV. The requested scope of work involved performing a detailed visual inspection of the residence and testing potential asbestos sources using industry standard collection and analytical procedures.

SUMMARY

Based on our visual inspection and sampling results, ETC identified asbestos containing debris throughout the residence.

METHODS

1) Data Gathering/Visual Inspection

Background information is obtained by interviewing the relevant person (occupant, tenant, homeowner, building manager, maintenance personnel, contractor, insurance agent, realtor, etc.), to determine the history of the issue of concern. A comprehensive visual examination is then performed in the targeted areas. The investigator gathers observational information and then environmental data.

2) Bulk Sampling

Bulk material sampling can be used to confirm if Asbestos Containing Material (ACM) exists in the substance in question. Samples are collected from the suspect materials sealed, labeled and submitted to an asbestos laboratory for identification.

The samples are analyzed for asbestos content by EPA Method 600/R-93/116.

The investigation and sampling was conducted by Mr. Jack Goshow on Monday October 13, 2008. The sample results are attached to this report.

OBSERVATIONS, RESULTS AND DISCUSSION

Inspection Observations

On the day of our investigation, the following conditions were observed or information recorded:

General

- The current tenant indicated the following:
 - The tenant occupied the unit in January 2008.
 - The tenant noticed debris on surfaces throughout the residence.
 - Upon discussing the issue with the homeowner the tenant discovered that the acoustical ceiling had been removed in November 2007.
 - The owner reported knowing that the acoustical ceiling contained asbestos.

Occupied Space

- Asbestos containing material (ACM) was observed on surfaces (i.e. window sill, window tracks, shelves, light fixtures, sliding door tracks, etc.) and in the HVAC ducts. Please see lab results below.

Bulk Material Sample Results

The following homogenous materials were determined to be ACM because the analytical results indicate they contain greater than 1% asbestos:

| ACM Summary Data | | | |
|---|---|----------------------------------|-------------|
| Material Description | Material Location | Sample Number & Asbestos Content | *Friability |
| White Debris | Stairwell Light Fixture | 1 1-5% Chrysotile | F |
| White Debris | Rear Bedroom Window Sill | 2 1-5% Chrysotile | F |
| White Debris | Master Bedroom Closet Shelve | 3 1-5% Chrysotile | F |
| Gray Lint/Dust | 2 nd Floor Hall HVAC Duct | 4 <1% Chrysotile | F |
| White Debris | 2 nd Floor Hall HVAC Duct | 4 1-5% Chrysotile | F |
| *Note: F = Friable NF = Non-Friable PF = Potentially Friable, because it will become friable under standard renovation or demolition procedures. | | | |

CONCLUSIONS AND RECOMMENDATIONS

Based upon our site inspection observations and information gathered, we have established the following:

- **There is asbestos containing debris on surfaces and in the HVAC ducts throughout the residence.**
- **Considering the evident conditions (ACM debris throughout, reported history, etc.) currently existing, it appears that abatement of the acoustical ceiling had occurred some time in the past and the debris and dust created during the bulk material removal had not been completely or thoroughly cleaned from the surfaces throughout the residence.**

Therefore, we recommend that all surfaces and contents throughout the residence be completely and thoroughly cleaned of any and all ACM debris prior to re-occupancy and/or moving of contents to another location. Additionally, we also recommend a qualified & licensed asbestos abatement contractor perform the work and that all work comply with all federal, state and local regulations.

For projects in Washoe County, we recommend this report be submitted to the Washoe County District Health Department (WCDHD), Air Quality Management Division, 401 Ryland Street, Suite 331, Reno, Nevada, 89502-1643, to receive an Acknowledgment of Asbestos Assessment. By doing this, you have verifiable documentation that this survey was performed and may receive directions from WCDHD on how to comply with local and Federal EPA regulations. Note that OSHA and state regulations may also apply to this project under separate jurisdiction.

CLOSURE

Our services and this report have been performed using a degree of skill and care ordinarily exercised under similar circumstances by industrial hygienists practicing on similar projects, in a similar time frame, and in this or similar localities. The inspection and testing described in this report relate specifically to the circumstances present at the locations sampled on the date and time the sampling was conducted. The conclusions are strictly professional opinion and expressly do not constitute a certification, warranty or guarantee of any type.

We appreciate the opportunity to assist with this project. Please contact us if you have any questions regarding this report.

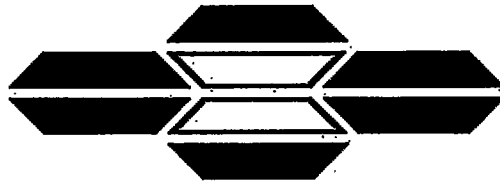
Caren Martin
Asbestos Survey
844 Ridgewood Dr #2, Sparks, NV

ETC Project No. 10-08-637
October 15, 2008
Page 4 of 4

Submitted by:

**Jack Goshaw, Senior Industrial Hygienist, CMC™
Council Certified Microbial Consultant™
Board-awarded by the American Indoor Air Quality Council™
NV Asbestos Consultant # IM 0865**

**Enc. Polarized Light Microscopy Analytical Report No. 110881 of 10-15-08
Chain-of-Custody Report of 10-13-08 for Sample Nos. 1 through 4
Photos and Photo Log**



ASBESTOS TEM LABORATORIES, INC.

**EPA Method 600/R-93/116
Polarized Light Microscopy
Analytical Report**

Report No. 110881

1350 Freeport Blvd., Unit 104
Sparks, NV 89431
(775) 359-3377
FAX (775) 359-2798

With Main Office Located At:
630 Bancroft Way, Berkeley, CA 94710
Ph. (510) 704-8930 Fax (510) 704-8929



ASBESTOS TEM LABORATORIES, INC

Accredited by
U.S. Dept. of Commerce
NVLAP
NVLAP Lab Code 200104-0

Oct-15-08

Mr. Jack Goshow
Environmental Testing & Consulting
21480 Delta Drive
Reno, NV 89521

RE: LABORATORY JOB # 881-748
Polarized light microscopy analytical results for 4 bulk sample(s) with 1 sample split(s)
Job Site: 844 Ridge Wood #2
Job No.:
Report No.: 110881

Enclosed please find the bulk material analytical results for one or more samples submitted for asbestos analysis. The analyses were performed in accordance with EPA Method 600/R-93/116 or 600/M4-82-020 for the determination of asbestos in bulk building materials by polarized light microscopy (PLM). Please note that while PLM analysis is commonly performed on non-friable and fine grained materials such as floor tiles and dust, the EPA method recognizes that PLM is subject to limitations. In these situations, accurate results may only be obtainable through the use of more sophisticated and accurate techniques such as transmission electron microscopy (TEM) or X-ray diffraction (XRD).

Prior to analysis, samples are logged-in and all data pertinent to the sample recorded. The samples are checked for damage or disruption of any chain-of-custody seals. A unique laboratory ID number is assigned to each sample. A hard copy log-in sheet containing all pertinent information concerning the sample is generated. This and all other relevant paper work are kept with the sample throughout the analytical procedures to assure proper analysis.

Each sample is opened in a class 100 HEPA negative air hood. A representative sampling of the material is selected and placed onto a glass microscope slide containing a drop of refractive index oil. The glass slide is placed under a polarizing light microscope where standard mineralogical techniques are used to analyze and quantify the various materials present, including asbestos. The data is then compiled into standard report format and subjected to a thorough quality assurance check before the information is released to the client.

For possible future reference, samples are normally kept on file for one year.

Sincerely Yours,

Lab Manager
ASBESTOS TEM LABORATORIES, INC.

--- These results relate only to the samples tested and must not be reproduced, except in full, with the approval of the laboratory. This report must not be used to claim product endorsement by NVLAP or any other agency of the U.S. Government. ---



POLARIZED LIGHT MICROSCOPY ANALYTICAL REPORT

| | | |
|--|--------------------------|---------------------------|
| Contact: Mr. Jack Goshow | Samples Indicated: 4 | Report No. 110881 |
| Address: Environmental Testing & Consulting 21480 Delta Drive Reno, NV 89521 | Reg. Samples Analyzed: 4 | Date Submitted: Oct-13-08 |
| | Split Layers Analyzed: 1 | Date Reported: Oct-15-08 |
| Job Site / No. 844 Ridge Wood #2 | | |

| SAMPLE ID | % | ASBESTOS TYPE | OTHER DATA | DESCRIPTION |
|-------------------------------|------|---------------|---|----------------------------------|
| | | | 1) Non-Asbestos Fibers 2) Matrix Materials 3) Date/Time Collected 4) Date Analyzed | FIELD LAB |
| 1. Lab ID # 881-00748-001 | 1-5% | Chrysotile | 1) None Detected | Stairwell Light, Debris |
| | | | 2) 95-99% Calc, Bndr, PlastFoam | |
| 2. Lab ID # 881-00748-002 | 1-5% | Chrysotile | 3) | Spray-On Ceiling-Off-White |
| | | | 4) Oct-15-08 | |
| 3. Lab ID # 881-00748-003 | 1-5% | Chrysotile | 1) None Detected | Rear Bedroom Window Sill, Debris |
| | | | 2) 95-99% Calc, Bndr, PlastFoam | |
| 4. Lab ID # 881-00748-004A | <1% | Chrysotile | 3) | Spray-On Ceiling-Off-White |
| | | | 4) Oct-15-08 | |
| 4. Lab ID # 881-00748-004B | 1-5% | Chrysotile | 1) <1% Cellulose, Synthetics | 2nd Floor Hall HVAC, Debris |
| | | | 2) 35-49% Calc, Qtz, Other m.p. | |
| Lab ID # | | | 3) | Bulk Dust-Grey |
| | | | 4) Oct-15-08 | |
| Lab ID # | | | 1) <1% Cellulose | 2nd Floor Hall HVAC, Debris |
| | | | 2) 95-99% Calc, Bndr, PlastFoam | |
| Lab ID # | | | 3) | Frag of Acoustic-Off-White |
| | | | 4) Oct-15-08 | |
| Lab ID # | | | 1) | |
| | | | 2) | |
| Lab ID # | | | 3) | |
| | | | 4) | |
| Lab ID # | | | 1) | |
| | | | 2) | |
| Lab ID # | | | 3) | |
| | | | 4) | |

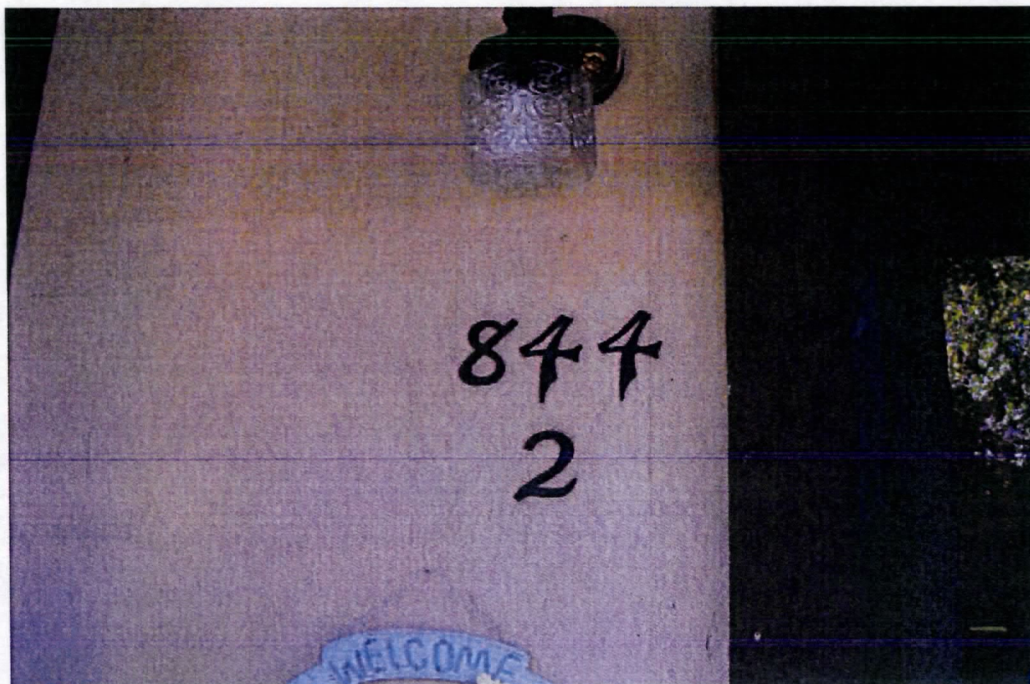
Detection Limit of Method is Estimated to be 1% Asbestos Using a Visual Area Estimation Technique

Lab Manager C. Neil Upchurch Analyst C. Neil Upchurch
 ASBESTOS TEM LABORATORIES, INC. 1350 Freeport Blvd., Unit 104, Sparks, NV 89431 (775) 359-3377
 With Main Office in Berkley, CA (510) 704-8930

Photo Log

| Photo ID – 844 Ridgewood Dr#2, Sparks, NV | | | Inspection 10-13-08 |
|--|-----------|------------------------------------|---|
| Date | No | Location | Notes |
| 10-13-08 | 101 | Exterior Residence | 844 Ridgewood Dr #2, Sparks, NV |
| 10-13-08 | 102 | Stairwell Light Fixture | Note white debris (Sample# 1) |
| 10-13-08 | 103 | Rear Bedroom | Note white debris in window track (Sample# 2) |
| 10-13-08 | 104 | Rear Bedroom | Note white debris on sill |
| 10-13-08 | 105 | Master Bedroom Closet | Note white debris (Sample# 3) |
| 10-13-08 | 106 | Master Bedroom Closet | Note white debris (Sample# 3) |
| 10-13-08 | 107 | 2 nd Floor Hall/Landing | HVAC Grill |
| 10-13-08 | 108 | 2 nd Floor Hall/Landing | Note white debris in duct (Sample# 4) |
| 10-13-08 | 109 | 2 nd Floor Hall/Landing | Note white debris in duct (Sample# 4) |

844 Ridgewood Dr #2
Sparks, Nevada

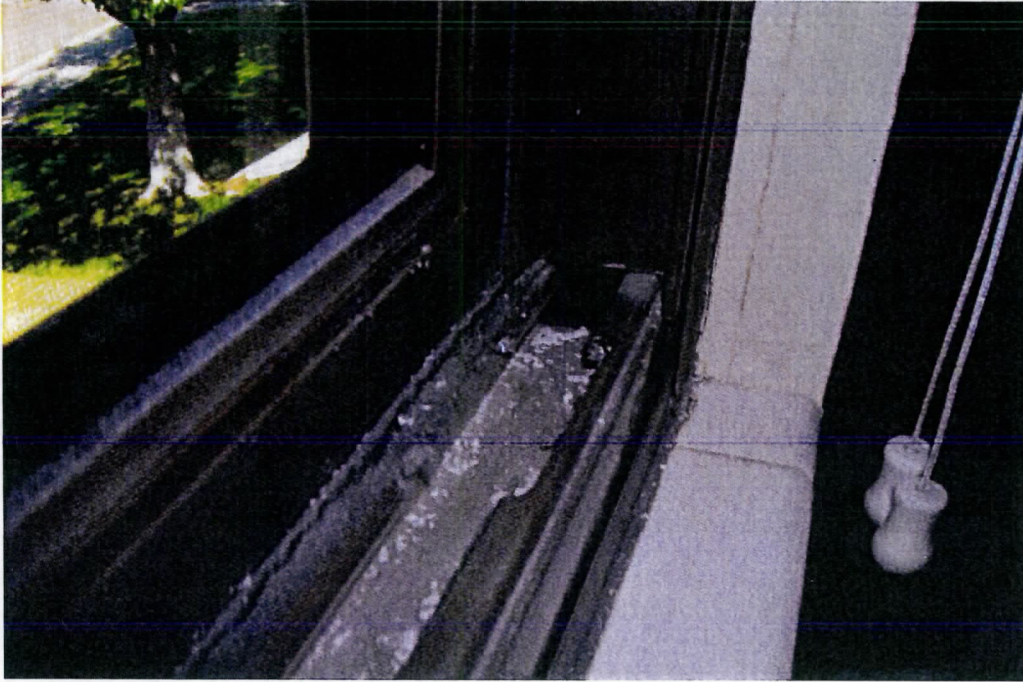


Picture No. 101.

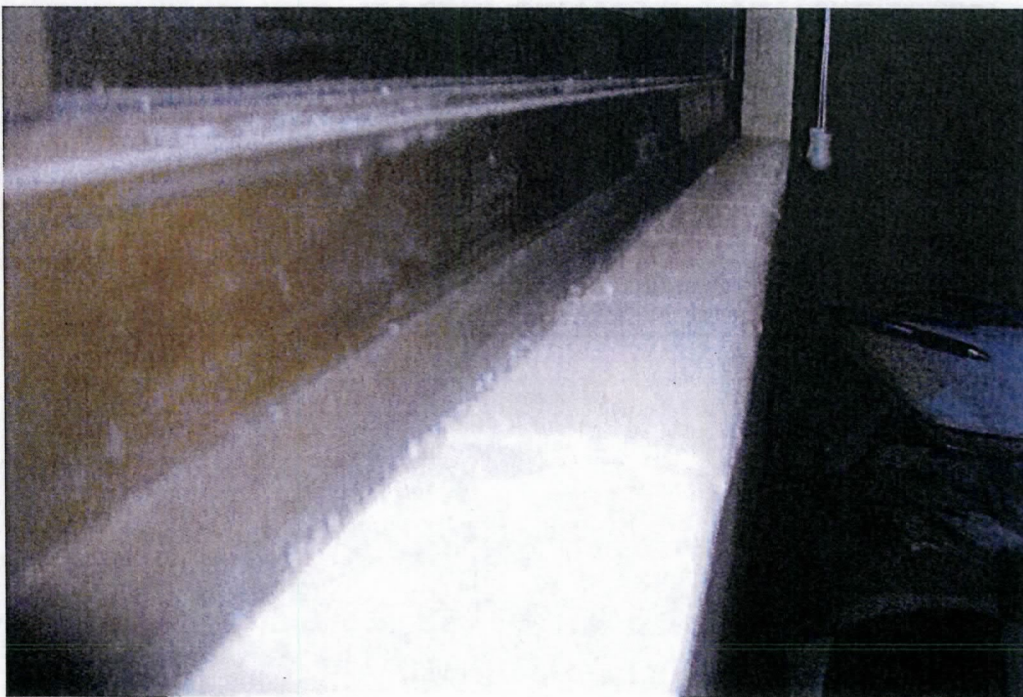


Picture No. 102.

844 Ridgewood Dr #2
Sparks, Nevada

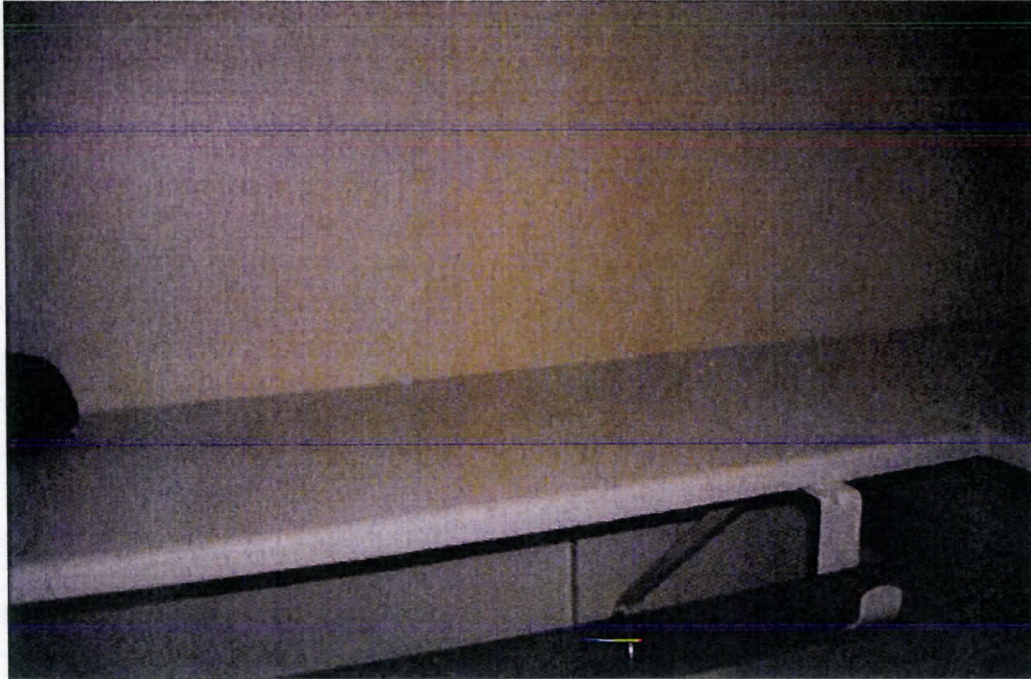


Picture No. 103.



Picture No. 104.

844 Ridgewood Dr #2
Sparks, Nevada

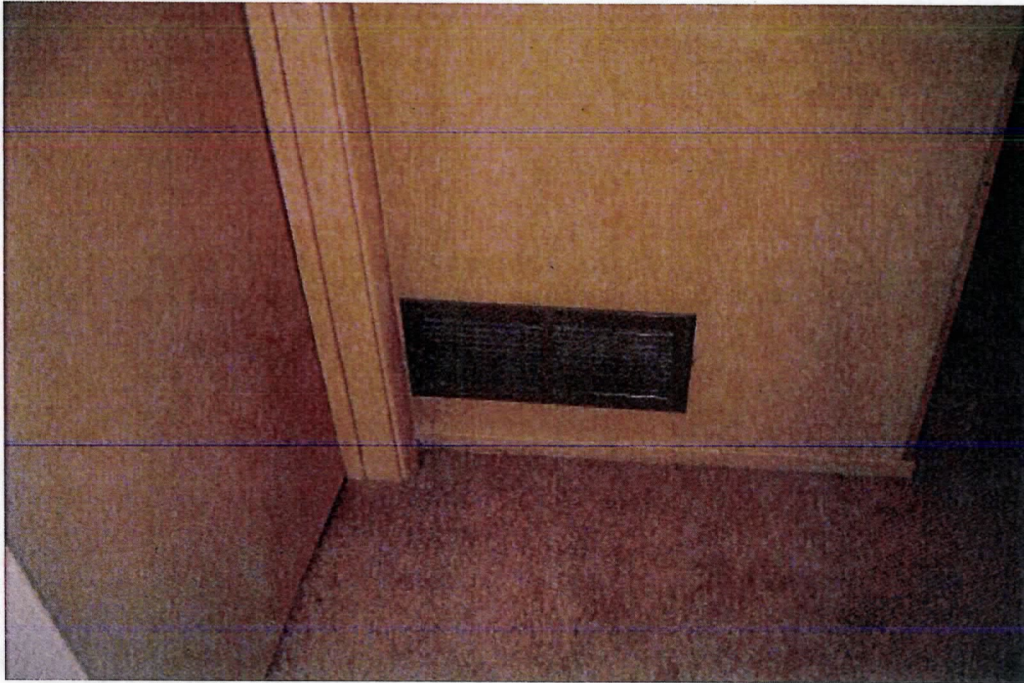


Picture No. 105.



Picture No. 106.

844 Ridgewood Dr #2
Sparks, Nevada

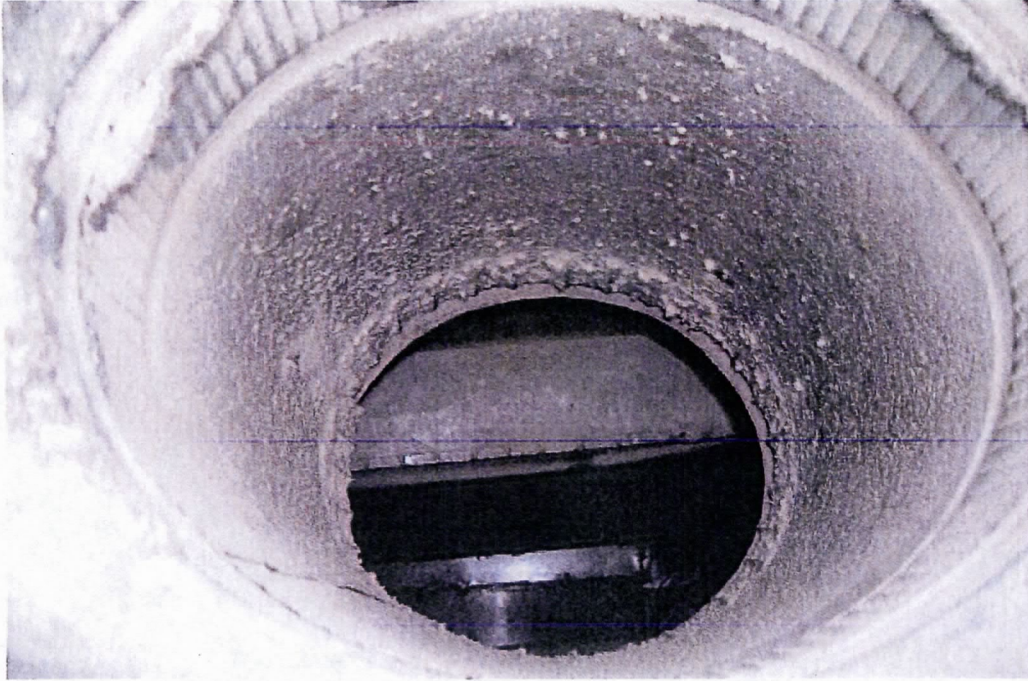


Picture No. 107.



Picture No. 108.

844 Ridgewood Dr #2
Sparks, Nevada



Picture No. 109.

JAN. 28. 2009 9:00AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 2

**Converse Consultants**

Over 50 Years of Dedication in Geotechnical Engineering and Environmental Sciences

January 14, 2009

08-23760-01

Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
6005 Plumas Street
Reno, NV 89519

Subject: Airborne and Surface Asbestos Evaluation
Apartment
844 Ridgewood Drive, Unit #2
Sparks, NV 89431

Dear Mr. Hatch:

On October 31, 2008, Converse Consultants (Converse) conducted the subject services at 844 Ridgewood Drive, Unit #2 in Sparks, Nevada. The evaluation was conducted to assess whether elevated airborne and/or surface asbestos levels were present within the residential unit which were in excess of common background levels. The evaluation was requested due to possible residual asbestos contamination reportedly caused by the removal and/or disturbance of asbestos-containing acoustical ceiling material in November 2007. The removal was conducted in a manner that may have left residual asbestos materials in the unit. This evaluation was performed in general accordance with the verbal authorization of Mr. Christian L. Moore (Lemons, Grundy & Eisenberg) to proceed on October 29, 2008.

Scope of Work

The subject evaluation was conducted by Mr. John Petersen, a Converse Project Manager, under the supervision of Mr. Dale Walsh, a Converse employed Certified Industrial Hygienist (CIH), Certified Safety Professional (CSP) and Nevada Certified Environmental Manager (CEM). Upon arrival at the site Converse conducted air sampling in five areas (the center of the kitchen, the living room, the second floor landing, the master bedroom and the southwest bedroom).

Following the setup of the air samplers Converse collected micro-vacuum samples of the settled dust observed to be present throughout the unit. A total of eight samples were collected consisting of settled dust from porous items (e.g., furniture and carpet) and non-porous items (e.g., hard surfaces). The samples collected were chosen mainly

JAN. 28. 2009 9:01AM

LEMONS GRUNDY & EISENBERG

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Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
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January 14, 2008
Page 2

due to visible settled dust concentrations and were collected from the following locations:

- The carpet located in the center of the living room.
- The living room sofa located at the east window.
- The carpet at the heating vent located on the second floor hall landing.
- The chair located in the walk-in closet of the master bedroom.
- The top of the television located in the master bedroom.
- The wall shelf located on the south wall in the southwest bedroom.
- The top of the television located in the living room.
- The top of the refrigerator located in the kitchen.

Following the collection of micro-vacuum samples Converse collected three bulk samples of suspect residual asbestos-containing material which may have been associated with the original acoustic ceiling and/or residue still remaining from its removal in November of 2007. The samples collected consisted of remnant acoustic material identified in the northwest corner of the of the ceiling at second floor stairwell landing; the northwest corner of the of the ceiling in the master bedroom at the entry; and lint material identified in the Heating, Ventilation and Air Conditioning (HVAC) duct on the second floor landing. Other areas where residue was identified, but no samples were collected, consisted of window sills, window tracks, light fixtures, and the HVAC supply and return vents.

Sampling Methodology

Air Samples

Air sampling was conducted in accordance with the AHERA (schools rule) Transmission Electron Microscopy (TEM) Method described in 40 CFR Part 763. This method utilizes an open-faced 25 millimeter (mm) filter and holder fitted with a 50 millimeter (mm) static conductive extension cowl. This configuration is known as a sampling cassette, known as a . The pore size of the filter was 0.45 micrometers. The calibration device utilized consisted of a Bios International Defender 510-H, serial # 113314. Laboratory analysis consisted of Transmission Electron Microscopy (TEM) and was conducted by McCall and Spero Environmental, Inc. (McCall and Spero) located in Louisville, Kentucky to which the samples were shipped using chain-of-custody methods. McCall and Spero is accredited for TEM analysis under the National Voluntary Laboratory Accreditation Program (NVLAP) as required by Nevada OSHA regulations. TEM analysis was the method utilized because it identifies asbestos using elemental analysis as well as

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Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
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January 14, 2009
Page 3

Identifying crystal structure which is the most definitive analytical technique for asbestos currently available. The sampling consisted of five locations and two lot blanks. The flow rates were between 9 and 10 liters per minute (LPM) and ran for a period of 150 minutes each. The volumes collected were between 1,400 and 1,500 liters.

Micro-Vacuum Samples

The micro-vacuum method was used to assess for asbestos in the settled dust and provide asbestos structures per unit area of sampled surface. This surface sampling was conducted in accordance with American Society for Testing and Materials (ASTM) method number D5755-03. The sampling materials utilized consisted of the same sampling cassette as used in the air sampling attached with one inch plastic nozzle tubes cut at a 45 degree angle. The cassettes were then connected by flexible tubing to a high volume air pump which supplies a smooth flow rate, set by the use of a primary calibration device. The calibration device utilized in regards to this project consisted of a Bios International Defender 510-H, serial # 113314. The cassettes were calibrated to an average flow rate of 2 LPM. A sampling template of 100 square centimeters (approximately 4 inches by 4 inches) was used to delineate the surface sampling size. The areas were vacuumed for an average of two minutes per location by moving the cassette in diagonal passes until no visible dust or particulate remained. Care was taken to allow a vacuum break at the nozzle to avoid pushing the dust around rather than allowing it to enter the cassette. Following the two minute time period the cassette was held nozzle up, the pump turned off, the nozzle removed and placed in a sealable plastic bag. The plugs were placed back into the cassette, the cassette was wet wiped and also placed in a bag. The two bags (one for the cassette and one for the tube) were then placed together in one sealable plastic bag and labeled for identification purposes and transported to the laboratory for analysis using chain-of-custody methods. One blank cassette with a nozzle was also submitted for a field blank. The calibration device utilized consisted of a Bios International Defender 510-H, serial # 113314. Laboratory analysis was also by TEM and conducted by McCall and Spero.

Bulk Samples

Bulk samples of debris visually similar to acoustical ceiling material were collected. The samples were collected by wetting the collection area and scraping material into sealable plastic collection bags with a label identifying the location and sample identification number. Samples were collected from the ceiling in the northwest corner

JAN. 28. 2009 9:01AM

LEMONS GRUNDY & EISENBERG

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Mr. Richard Hatch
 c/o Lemons, Grundy & Eisenberg
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at the second floor landing and from ceiling in the northwest corner of the master bedroom at the entry. A third bulk sample was collected from inside the HVAC duct located on the second floor landing and was collected utilizing a pair of needle nosed pliers and then placed into a labeled collection bag. Laboratory analysis was also by TEM and conducted by McCall and Spero.

Sampling Results

Air Samples

The results of the analysis for the air sampling are enclosed and are titled "Summary of AHERA TEM Results - Table 1 - Inside Samples". Of the five samples collected, one was found to contain two asbestos fibers while the others had no detectable asbestos fibers. The two fibers detected in the sample from the center of the master bedroom represent an asbestos structure concentration of 0.0085 structures per cubic centimeter (s/cc) or 30.4 structures per square millimeter of filter area (s/mm²). These levels are considered acceptable for re-occupancy of a space after asbestos abatement has been conducted per Nevada OSHA regulations in NAC 618 (e.g., ≤ 0.01 s/cc). They are also considered acceptable for re-occupancy in a school after asbestos abatement (e.g., ≤ 70 s/mm²). The following table summarizes the sample locations and results for cross reference with the analytical report.

TABLE 1 - "SUMMARY OF AHERA TEM RESULTS -- INSIDE SAMPLES"

| Sample # | Location | # of Asbestos Structures | Asbestos Type |
|----------|--------------------------------------|--------------------------|---------------|
| BH376355 | The Center of the Kitchen | None Detected | — |
| BH376327 | The Center of the Living Room | None Detected | — |
| BH376339 | The Landing at the Top of the Stairs | None Detected | — |
| BH376374 | The Center of the Master Bedroom | 2 | Chrysotile |
| BH376344 | The Center of the Southwest Bedroom | None Detected | — |

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Micro-Vacuum Samples

The results of the surface micro vacuum sampling are enclosed and titled "Summary of TEM Results - Table 1 - Dust Sample Analysis". Of the eight samples collected, two were found to contain asbestos fibers (one with 1 fiber and one with 3 fibers) while the others had no detectable asbestos fibers. The laboratory detection limit for the method used was 4 fibers. Therefore, both the 1 fiber and 3 fiber results were below the level of detection which calculates to 3,721 asbestos structures per square centimeter (s/cm²). In a paper titled "EPA World Trade Center Expert Technical Review Panel - On The Issue Of Microvac Sampling - Comments of - David M. Newman" dated May 3, 2004 the author indicated that levels of asbestos in settled dust as determined by the microvac technique are considered low if less than 1,000 s/cm². He also stated that levels above 10,000 s/cm² are generally above background and levels above 100,000 s/cm² are considered high and in the range of a significant accidental release from an abatement site. The following table summarizes the sample locations and results for cross reference with the analytical report.

TABLE 2 - "SUMMARY OF TEM RESULTS - DUST SAMPLE ANALYSIS"

| Sample # | Location | # of Asbestos Structures | Asbestos Type |
|----------|--|--------------------------|---------------|
| BH375052 | Carpet - The Center of the Living Room | None Detected | --- |
| BH376339 | Sofa - The East Wall Area of the Living Room | None Detected | --- |
| BH376328 | Carpet - The Second Floor Landing at the HVAC Vent | 1 | Chrysotile |
| BH376350 | Chair - The Master Bedroom in the Walk-In Closet | None Detected | --- |
| BH376418 | The Top of the Television in the Master Bedroom | None Detected | --- |
| BH376331 | The South Wall Shelf in the Southwest Bedroom | None Detected | --- |
| BH374888 | The Top of the Television in the Living Room | None Detected | --- |
| BH373182 | The Top of the Refrigerator in the Kitchen | 3 | Chrysotile |

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Bulk Samples

As indicated in the following table the debris samples contained 2 to 3% asbestos by weight. The EPA and OSHA definition of an asbestos containing material (ACM) is one that contains >1%.

TABLE 3 - "SUMMARY OF TEM RESULTS - BULK SAMPLES"

| Sample # | Location | % of Asbestos | Asbestos Type |
|-------------------|---|---------------|---------------|
| SA-01-844-2-10-31 | The Northwest Corner of the Ceiling - 2 nd Floor Landing | 2.38% | Chrysotile |
| SA-02-844-2-10-31 | The Northwest Corner of the Ceiling in the Master Bedroom | 2.06% | Chrysotile |
| VL-03-844-2-10-31 | The 2 nd Floor Landing Inside the HVAC Duct | 2.46% | Chrysotile |

Conclusions and Recommendations

The results indicate that the reported past disturbance of acoustical ceiling material has not resulted in elevated surface or airborne asbestos fiber concentrations as measured on October 31, 2008 utilizing industry standard methods and comparing results to industry regulations, standards and guidelines. The results for the eight micro-vacuum samples indicated no detectable fiber concentrations in six samples and concentrations below the detection limit of 3,721 s/cm² for the other two samples. Studies and the literature indicate that background surface levels of asbestos fiber concentrations are typically below 10,000 s/cm². The results of the five air samples collected were either below the method detection limit or were below the acceptable filter background level of 70 s/mm². These levels would be acceptable for post abatement in a school or any other building in the U.S. under current EPA and Nevada OSHA regulations. Both the surface and air sampling results indicate normal or no detectable levels of asbestos fibers/structures in the subject residence.

Although the results do not indicate a release of airborne asbestos or elevated asbestos in settled dust, there does remain visible debris in the residence which appears to be representative of asbestos-containing acoustical ceiling material. This material was identified as ACM through TEM analysis. This material could release asbestos

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fibers/structures if it were pulverized in a dry condition by the action of common cleaning equipment such as a bag filtered vacuum cleaner. Therefore, it is recommended that the residence, including the ventilation system surfaces, and all affected contents be thoroughly cleaned to remove all visible acoustic ceiling debris using wet methods and High Efficiency Particulate Arrestor (HEPA) filtered vacuums. This work should be conducted by a certified Nevada licensed abatement contractor. Following the cleaning process a third party asbestos abatement consultant should conduct a visual clearance assessment followed by an aggressive air clearance per Nevada OSHA requirements. If the residence passes the visual and air sampling clearance criteria set by Nevada OSHA and other applicable industry standards (e.g., ASTM visual assessment for asbestos), then the residence may be re-occupied.

Closure

It must be understood that this evaluation represents the conditions present at the time of the sampling on October 31, 2008 and cannot be interpreted as being representative to periods of time prior to and/or predict future conditions. It must be noted that only surface and airborne levels in specific areas, at a specific time are being represented and that future activities could impact both type of concentrations under different circumstances.

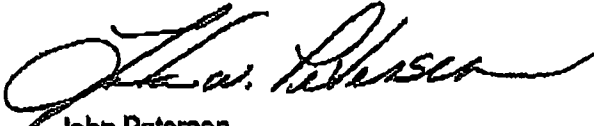
Converse is not responsible for any claims or damages associated with the interpretation of available information. This assessment pertains to the conditions as they were on the day of our evaluation.

Mr. Richard Hatch
c/o Lemons, Grundy & Eisenberg
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Thank you for the opportunity to be of service. Should you have any questions or comments regarding this report, or if you require further assistance, please do not hesitate to call.

Respectfully submitted,

CONVERSE CONSULTANTS



John Petersen
Nevada Licensed Asbestos Abatement Consultant No.: IJPM-0575

Reviewed and Approved by:



Dale Walsh, CIH, CSP, CEM
Nevada License Asbestos Abatement Consultant No.: IJPM-0402

Enclosures: Chain of Custody Sheets
Laboratory Reports
Photographs

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AIR SAMPLES

Air Sample Log

Chain of Custody Forms

Laboratory Results

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NO. 9308 P. 11

**McCall and Spero
Environmental, Inc.**

Specialists in Microanalysis

1831 Williamson Court - Suite 100 • Louisville, KY 40223
Phone (502) 244-7135 • (800) 841-0180 • FAX (502) 244-7135
E-mail: customerservice@mselabs.com • Website: www.mselabs.com

Date: November 4, 2008

Attention: John Petersen
Converse ConsultantsSubject: Analysis of air samples for asbestos mineral fibers by
Transmission Electron Microscopy (TEM)RE: MSE-N38CCA
844 Ridgewood Drive Unit #2 Project
CC#08-23760-01-01

Dear Mr. Petersen:

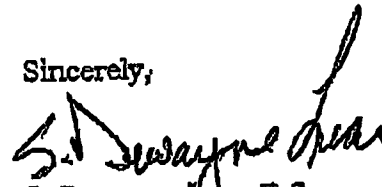
McCall and Spero Environmental, Inc. has completed the analyses of the air samples we received from your office on November 3, 2008. These samples represent the final clearance TEM samples for the 844 Ridgewood Drive Unit #2 Project - CC#08-23760-01-01.

The TEM counting procedures described for the asbestos-containing materials in schools under the Asbestos Hazard Emergency Response Act (AHERA) were used during the analyses. Specifically, structures were counted in two categories: 0.5 to 5.0 micrometers in length and greater than 5 micrometers in length, which were added together for a total asbestos structure count.

The results for the five (5) samples taken inside the work area are summarized in Table I. TEM sample analysis printouts are also attached. Please note that the average number of asbestos structures per square millimeter (s/mm²) is 18.2 s/mm², which is below the specified clearance level of 70 s/mm² (40CFR Part 763).

Thank you for consulting McCall and Spero Environmental, Inc. Should you have any questions concerning these results, please contact our office.

Sincerely,



S. Dewayne Lear, E.S.
TEM Laboratory Director

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NO. 9308 P. 12

SUMMARY OF AHERA TEM RESULTS

TABLE I

Inside Samples

Project Name: 844 Ridgewood Drive Unit #2 Project - CC#08-23760-01-01

McCall and Spero Project No: MSE-N38CCA

| MSE Lab ID | Client ID | # of Asb. Struc. | Asb. Type | Sample Vol. (l) | Calculated Analytical Sensitivity (s/cc) | Conc. (s/cc) | Conc. (s/mm ²) |
|------------|-----------|------------------|-----------|-----------------|--|-----------------|----------------------------|
| 155 | BH376355 | NSD | NA | 1459 | 0.0040 | BDL (0.0040)* | BDL (15.2)* |
| 137 | BH376637 | NSD | NA | 1422 | 0.0041 | BDL (0.0041)* | BDL (15.2)* |
| 189 | BH376389 | NSD | NA | 1435 | 0.0041 | BDL (0.0041)* | BDL (15.2)* |
| 174 | BH374874 | 2 | CH | 1374 | 0.0043 | 0.0085 | 30.4 |
| 144 | BH376344 | NSD | NA | 1490 | 0.0039 | BDL (0.0039)* | BDL (15.2)* |
| Average | | | | | | 0.0049 | 18.2 |

Filter Type: MCE
 Filter diameter: 25mm
 Effective filter Area: 385mm²
 Pore Size: 0.45um

Mean Grid Square Area: 0.00940mm²
 Grid Openings Analyzed Per Sample: 7
 Area Analyzed Per Sample: 0.0658mm²
 Non-Asbestos Debris: Non-Fibrous Debris

Notes:

CH = Chrysotile A = Amosite BDL = Below Detectable Limit
 F = Fiber B = Bundle C = Cluster M = Matrix NSD = No Structures Detected
 SAED = Selected Area Electron Diffraction EDS = Energy Dispersive Spectrometry
 s/mm² = asbestos structures per square millimeter
 s/cc = asbestos structures per cubic centimeter
 * Single fiber detection limits are used when no structures are detected.
 Results apply only to the items listed.

The analysis was performed according to the TEM Method (40CFR part 763).
 This laboratory is in compliance with the specified method.
 Analytical results may not be used by any party to claim product endorsement by NVLAP or any agency of the U.S. Government.

TEM Laboratory Director:

Date:

11/4/08

JAN. 28. 2009 9:03AM LEMONS GRUNDY & EISENBERG

NO. 9308 P. 13

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376355
 Location: Center Kitchen

MSE Lab I.D : 155
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1459
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0040
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0040)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

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LEMONS GRUNDY & EISENBERG

NO. 9308 P. 14

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
Client I.D. Number: BH376637
Location: Center Living Room

MSE Lab I.D : I37
Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
Filter Type: MCE
Filter Diameter: 25mm
Grid Openings Analyzed: 7
Grids Analyzed: 2
Analyst: SDL

Volume (liters) : 1422
Effective Filter Area: 385mm²
Magnification: 18,000
Mean Grid Square Area: 9400um²
Instrument Serial No: D1002
Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ^a | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | NSD | 0 | 0 | 0 | 0 | — | — |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | NSD | 0 | 0 | 0 | 0 | — | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | NSD | 0 | 0 | 0 | 0 | — | — |

Notes:
F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

1.0. Number of Asbestos Structures: No Structures Detected

1.1. Chrysotile: No Structures Detected

1.2. Amphibole: No Structures Detected Type: Not Applicable

2.0. Area of Filter Analyzed: 0.06580mm²

3.0. Analytical Sensitivity (s/cc): 0.0041

4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)

5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

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LEMONS GRUNDY & EISENBERG

NO. 9308 P. 15

AHERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38CCA
 Client I.D. Number: BH376389
 Location: Landing Top of Stairs

MSE Lab I.D : I89
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1435
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Types* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | NSD | 0 | 0 | 0 | 0 | — | — |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | NSD | 0 | 0 | 0 | 0 | — | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | NSD | 0 | 0 | 0 | 0 | — | — |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0041
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0041)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

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NO. 9308 P. 16

AFERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N38COA
 Client I.D. Number: BH374874
 Location: Master Bedroom Center

MSE Lab ID : 174
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1374
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type ^A | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | — | — |
| 2 | 1 | 1M | 0 | 1 | 0 | 1 | (Neg#250) |
| 3 | NSD | 0 | 0 | 0 | 0 | — | — |
| 4 | NSD | 0 | 0 | 0 | 0 | — | — |
| 5 | NSD | 0 | 0 | 0 | 0 | — | — |
| 6 | 1 | 1M | 0 | 1 | 0 | 1 | — |
| 7 | NSD | 0 | 0 | 0 | 0 | — | — |
| Totals | 2 | 2M | 0 | 2 | 0 | 2 | — |

Notes:
 F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: 2
 - 1.1. Chrysotile: 2
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0043
- 4.0. Total Asbestos Structures (s/cc): 0.0085
- 5.0. Total Asbestos Structures (s/mm²): 30.4

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NO. 9308 P. 17

AFERA TEM SAMPLE ANALYSIS

MSE Project Number : MSE-N380CA
 Client I.D. Number: BH376344
 Location: Center Southwest Room

MSE Lab ID : 144
 Date Received: November 3, 2008

SAMPLING AND ANALYSIS PARAMETERS

Prep. Technique: Burdett & Rood
 Filter Type: MCE
 Filter Diameter: 25mm
 Grid Openings Analyzed: 7
 Grids Analyzed: 2
 Analyst: SDL

Volume (liters) : 1490
 Effective Filter Area: 385mm²
 Magnification: 18,000
 Mean Grid Square Area: 9400um²
 Instrument Serial No: D1002
 Date Analyzed: November 4, 2008

COUNT SHEET SUMMARY

| Grid Square | No. Structures | Structure Type* | | Structure Size | | SAED Pattern | EDS Spectra |
|-------------|----------------|-----------------|-----------|----------------|--------|--------------|-------------|
| | | Chrysotile | Amphibole | 0.5-5.0um | >5.0um | | |
| 1 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 2 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 3 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 4 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 5 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 6 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| 7 | NSD | 0 | 0 | 0 | 0 | --- | --- |
| Totals | NSD | 0 | 0 | 0 | 0 | --- | --- |

Notes:

F=Fiber B=Bundle C=Cluster M=Matrix NSD=No Structures Detected
 SAED=Selected Area Electron Diffraction EDS=Energy Dispersive Spectrometry

- 1.0. Number of Asbestos Structures: No Structures Detected
 - 1.1. Chrysotile: No Structures Detected
 - 1.2. Amphibole: No Structures Detected Type: Not Applicable
- 2.0. Area of Filter Analyzed: 0.06580mm²
- 3.0. Analytical Sensitivity (s/cc): 0.0039
- 4.0. Total Asbestos Structures (s/cc): Below Detectable Limit (0.0039)
- 5.0. Total Asbestos Structures (s/mm²): Below Detectable Limit (15.2)

JAN. 28. 2009 9:04AM

LEMONS GRUNDY & EISENBERG

NO. 9308 P. 18



**McCall and Spore
Environmental, Inc.**
Specialists in Microanalysis

1531 Wilkinson Court • Suite 100 • Louisville, KY 40223
Phone (502) 244-7195 • (800) 841-0180 • FAX (502) 244-7195
E-mail: customerservice@mselabs.com • Website: www.mselabs.com

TEMAHERA CHAIN OF CUSTODY FORM

Company: CONVERSE CONSULTANTS Telephone #: (775) 849-6302 Fax #: (775) 856-8513
 Contacts: JOHN W. PETERSEN Client Project Number: 08-29760-01-01
 Relinquished by: JOHN W. PETERSEN Date: 10-31-08 Time: 1630 HRS
 Written Report To: JOHN W. PETERSEN CONVERSE CONSULTANTS
 Project Name: 844 RIDGEWOOD DRIVE UNIT #2
 Turn-Around Time (Circle One) 4 Hour | 6-8 Hour (same day) | 24 Hour | 2-3 Day | 4-5 Day | Weekend Rush | After Hour Rush

MSE Project #: MSE-NS80CA Comments: Intact
 Samples Received by: Dandi Stov Date: 11-3-08 Time: 10:00 a.m.
 Sample To Be Analyzed by: TEMAHERA / EPA 40 CFR Part 763
 Samples Prepared By: [Signature] Method: Burdett & Root
 Samples Analyzed By: [Signature] Date: 11/3/08

| Client ID Number | Sample Location / Type (G) Gas (S) Soil (B) Blank (P) Personal (A) Ambient | Start Time | Stop Time | Total Time x Liters/Volume = Volume | | |
|------------------|---|------------|-----------|-------------------------------------|-------|------|
| 84376355 | CENTER KITCHEN (A) | 1004 | 1234 | 150 | 9.726 | 1459 |
| 84376357 | CENTER LIVING ROOM (A) | 1004 | 1236 | 150 | 9.439 | 1422 |
| 84376389 | LANDING TOP OF STAIRS (A) | 1008 | 1238 | 150 | 9.566 | 1435 |
| 84376374 | MASTER BEDROOM CENTER (A) | 1010 | 1240 | 150 | 9.160 | 1334 |
| 84376344 | CENTER SOUTHWEST ROOM (B) | 1012 | 1242 | 150 | 9.933 | 1490 |
| 84376329 | LOT BLANK | - | - | - | - | - |
| 84376383 | LOT BLANK | - | - | - | - | - |
| | | | | | | |
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Results Transmitted/Date: _____ Fax/Phone By: _____

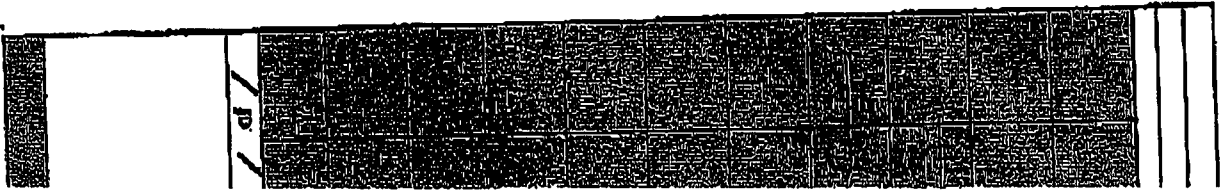
JAN. 28. 2009 9:05AM

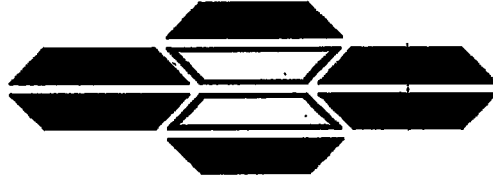
LEMONS GRUNDY & EISENBERG

NO. 9308 P. 19

75) 856-3833

75) 856-3613





ASBESTOS TEM LABORATORIES, INC.

**Polarized Light Microscopy
Analytical Report
(EPA Point Count Protocol)**

Laboratory Job # 1139-0014

630 Bancroft Way
Berkeley, CA 94710
(510) 704-8930
FAX (510) 704-8429



ASBESTOS TEM LABORATORIES, INC

Accredited by
U.S. Dept. of Commerce



NVLAP LAB CODE 101891-0

CA DOHS ELAP

Dec/24/2008

Mr. Jack Goshow
Environmental Testing & Consulting
21480 Delta Drive
Reno, NV 89521

RE: LABORATORY JOB # 1139-00014
Polarized light microscopy analytical results for 1 bulk sample(s).
Job Site: 844 Ridgewood #2
Job No.: N/A

Enclosed please find the bulk material analytical results for one or more samples submitted for asbestos analysis. The analyses were performed in accordance with EPA Method 600/R-93/116 or 600/M4-82-020 for the determination of asbestos in bulk building materials by polarized light microscopy (PLM) using the point counting technique to determine asbestos concentration. Please note that while PLM analysis is commonly performed on non-friable and fine grained materials such as floor tiles and dust, the EPA method recognizes that PLM is subject to limitations. In these situations, accurate results may only be obtainable through the use of more sophisticated and accurate techniques such as transmission electron microscopy (TEM) or X-ray diffraction (XRD).

Prior to analysis, samples are logged-in and all data pertinent to the sample recorded. The samples are checked for damage or disruption of any chain-of-custody seals. A unique laboratory ID number is assigned to each sample. A hard copy log-in sheet containing all pertinent information concerning the sample is generated. This and all other relevant paper work are kept with the sample throughout the analytical procedures to assure proper analysis.

Each sample is opened in a class 100 HEPA negative air hood. A representative sampling of the material is selected and placed onto a glass microscope slide containing a drop of refractive index oil. The glass slide is placed under a polarizing light microscope where standard mineralogical techniques are used to analyze the various materials present, including asbestos. Quantitation of asbestos is made via counting of a minimum of 400 semi-random particles using a Chalkey reticle. The data is then compiled into standard report format and subjected to a thorough quality assurance check before the information is released to the client.

Sincerely Yours,

Lab Manager
ASBESTOS TEM LABORATORIES, INC.

--- These results relate only to the samples tested and must not be reproduced, except in full, without the approval of the laboratory. This report must not be used to claim product endorsement by NVLAP or any other agency of the U.S. Government. ---

630 BANCROFT WAY • BERKELEY, CA 94710 • (510) 704-8930 • FAX (510) 704-8429

With Branch Offices Located At: 1016 GREG STREET, SPARKS, NV 89431

POLARIZED LIGHT MICROSCOPY POINT COUNT ANALYTICAL REPORT

| | | |
|--|--|---------------------------|
| Contact: Mr. Jack Goshow | Samples Submitted: 1 | Report No. 074263 |
| Address: Environmental Testing & Consulting 21480 Delta Drive Reno, NV 89521 | Samples Analyzed: 0 | Date Submitted: Dec-22-08 |
| | Job Site / No. 844 Ridgewood #2 N/A | Date Reported: Dec-23-08 |

| SAMPLE ID | POINTS COUNTED | ASBESTOS % | TYPE | LOCATION / DESCRIPTION |
|-------------------------|--------------------|------------|------------|--|
| 3 | 46 | 11.50% | Chrysotile | MBD Closet Shelve - Debris Very little material |
| Lab ID # 1139-00014-001 | 400 - Total Points | | | |
| Lab ID # | - Total Points | | | |
| Lab ID # | - Total Points | | | |
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| Lab ID # | - Total Points | | | |

QC Reviewer *R. Mc R...* Analyst *Julia Crozman*

SUPPORT LETTERS



DISTRICT HEALTH DEPARTMENT

AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

December 2, 2008

Sharon & Richard Hatch
5202 Racine Court
Bonita, Calif. 91902

RE: 844 Ridgewood Drive, #2
Sparks, Nevada

Dear Mr. & Mrs. Hatch:

I have enclosed a copy of Notice of Violation #4333 for the removal of an acoustic ceiling at the above address without an asbestos survey, proper permits, or proper work practices per the requirements of Section 030.107 of the District Board of Health Regulations Governing Air Quality Management (AQMD). Although Mr. Willie Falcon (DBA A Falcon on the Rescue) actually performed the work, you are the property owner and therefore are a responsible party per both AQMD and federal Environmental Protection Agency (EPA) regulations. Mr. Falcon was also issued a Notice of Violation by the AQMD.

As with all Notices of Violation issued by the AQMD, you may request a "settlement meeting" with staff to discuss the circumstances that led up to this violation. Staff will offer settlement terms at this meeting for your consideration. If you do not agree with these terms, you may appeal this case to the Air Pollution Control Hearing Board for their review and recommendation to the District Board of Health. The settlement meeting can be conducted via a telephone conference call.

Please call me at (775) 784-7205 to schedule a settlement meeting date or if you have any questions regarding the action taken by the AQMD on this case. I have also enclosed a copy of the AQMD asbestos regulation for your information.

Sincerely,

Noel A. Bonderson
Air Quality Supervisor



DISTRICT HEALTH DEPARTMENT

AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

November 12, 2008

Mr. Willie Falcon
A Falcon on the Rescue
5245 Canyon Rim Court
Sparks, NV 89436

RE: 844 Ridgeview, #2
Sparks, NV 89431

Dear Mr. Falcon:

I would like to speak with you as soon as possible about the work I was told you performed at the above address. Specifically, I was informed that you were hired to scrape the acoustic ceiling as part of a remodeling project at this location.

Thank you for your immediate attention on this matter. Please call me at 784-7205 or come by the Air Quality office at 401 Ryland St., Suite 331, in Reno.

Sincerely,

Noel A. Bonderson
Air Quality Supervisor

Bonderson, Noel

From: Trotter.Robert@epamail.epa.gov
Sent: Tuesday, February 10, 2009 4:53 PM
To: Bonderson, Noel
Subject: contaminated materials

February 10, 2008

Memorandum

Subject: Contaminated Materials

From: Robert Trotter
Asbestos NESHAP Coordinator

To: Noel Bonderson
Enforcement, Washoe County Air Pollution

EPA considers all materials contaminated by Regulated Asbestos Containing Material (RACM) to be asbestos waste under the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).

"Soft Materials", such as carpeting, clothing, and other fabrics, can not be decontaminated after violations of the Asbestos NESHAP. Asbestos fibers will adhere to fabric fibers and HEPA vacuuming will not decontaminate the soft materials. In these cases, the soft materials are contaminated and should be considered asbestos containing waste material under the Asbestos NESHAP and disposed as such. Failure to comply with provisions of the NESHAP can lead to fines of up to \$37,500 per day of violations.

If you have any further questions on the Asbestos NESHAP, feel free to contact me at (415)972-3989.

Sincerely,

Robert S.Trotter
Asbestos NESHAP Coordinator

May 21, 2009

MEMORANDUM

Subject: Regulation of Condominiums

To: Noel Boderson
Washoe County

From: Robert Trotter
Asbestos NESHAP Coordinator

This memorandum is in response to your question to the number of condominiums required to be regulated under the Asbestos NESHAP.

Your specific question is if individual structures must contain greater than four units to be regulated under the NESHAP. The number of units in a structure is immaterial to the Asbestos NESHAP. If greater than four residential units are on site, the site is regulated under the Asbestos NESHAP.

The definition of facility under the Asbestos NESHAP is, "any institutional, commercial, public, industrial or residential structure, installation, or building.....". The regulation further defines installation, "Installation means any buildings or group of buildings or structures at a single demolition or renovation site".

I have included an earlier determination on condominiums for your information.

Please advise me if you believe additional EPA involvement is warranted at the site.

(See attached file: condosj.doc)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street

San Francisco, CA 94105

July 27, 2004

Merl Jessop
Asbestos Coordinator
Washoe County District Health Department
Air Quality Management Division
P.O.Box 11130
Reno, NV 89520

Dear Mr. Jessop:

This letter is in response to your question regarding the applicability of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) to multiple duplexes managed as a residential facility. EPA has consistently regulated multiple residences as facilities under the Asbestos NESHAP. If two hundred duplexes are under the control of one entity, the entire residential facility is regulated under the NESHAP. In fact EPA has determined that multiple single family dwellings under the control of one entity, such as military housing, is regulated under the Asbestos NESHAP. EPA Region 9 has successfully prosecuted such cases.

In the situation you describe, one entity has control of multiple duplexes. The facility representative believes the facility should not be regulated as each structure houses only two units. The facility's interpretation of the NESHAP is in error. As the facility has greater than four units, the entire facility and all components are regulated under the Asbestos NESHAP. It is immaterial how many units are in each individual structure. Failure to comply with Asbestos NESHAP notification and work-practice requirements could result in fines of up to \$27,000 per day per violation.

Please feel free to contact me if you would like additional information on the Asbestos NESHAP. I would also like to be informed on the outcome of this particular case to determine if a Federal enforcement action should be initiated.

Sincerely,

A handwritten signature in cursive script that reads "Robert S. Trotter".

Robert S. Trotter
Asbestos NESHAP Coordinator



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

May 23, 2003

Meggin Boranian
Assistant District Counsel
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg
Fresno, CA 93726

Dear Ms. Boranian:

Thank you for the opportunity to review the Diepenbrock Law Firm's interpretation of the applicability of the Asbestos NESHAP to the Prescott Estates development.

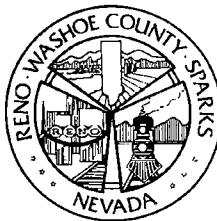
The information provided does not change the fact that the Prescott Estates is a regulated facility. The Asbestos NESHAP regulates condominiums greater than four units. The Prescott Estates is 78 units. This fact alone regulates the entire facility. Once a facility is regulated, and a renovation or demolition occurs, all the provisions of the rule must be met. The firm's interpretation that certain renovations make the structures regulated, while other make the facility non-regulated, is inconsistent.

Debris removal is considered a renovation/demolition. Regulated asbestos containing material must be properly surveyed and removed according to the Asbestos NESHAP. The EPA document "Asbestos/NESHAP Demolition Decision Tree" states: Contaminated debris that can be isolated must still be disposed of in accordance with 40 CFR 61.150 of the asbestos NESHAP while the remainder of the debris (noncontaminated) may be disposed of as normal "clean" demolition debris."

EPA, including Region 9, has successfully pursued enforcement cases against condominium owners. If you believe Federal investigation of this matter is warranted, please feel free to contact me.

Sincerely,

Robert S. Trotter
Enforcement Officer



Washoe County Health District

STAFF REPORT

BOARD MEETING DATE: October 22, 2009

DATE: October 13, 2009

TO: District Board of Health

FROM: Lori Cooke, Fiscal Compliance Officer, Washoe County Health District *LC*
775-325-8068, lcooke@washoecounty.us

THROUGH: Eileen Coulombe, Administrative Health Services Officer *EC*
775-328-2417, ecoulombe@washoecounty.us

SUBJECT: Proposed approval of 1) Subgrant Amendment #2 from the Nevada Department of Health and Human Services, Health Division for the period January 1, 2009 through December 31, 2009 in the amount of \$2,035 in support of the Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016; 2) approval of amendments totaling an increase of \$2,035 in revenue and expenses to bring the FY10 Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program budget, IO 10016 into alignment with the subgrant; and 3) authorize the Chairman of the Board to sign.

SUMMARY

The Washoe County District Board of Health must approve and execute, or direct the Health Office to execute, contracts in excess of \$50,000, Interlocal Agreements and amendments to the adopted budget.

The Washoe County Health District (District) received a Subgrant Amendment from the Nevada Department of Health and Human Services, Health Division in the amount of \$2,035 for the period January 1, 2009 through December 31, 2009 in support of the Tuberculosis CDC Grant Program. A copy of the Subgrant Amendment is attached.

Priority/Goal supported by this item: Approval of the Subgrant Amendment and associated budget amendments supports the District's Community & Clinical Health Services Division Tuberculosis Prevention Program's mission to prevent and control Tuberculosis in order to reduce morbidity, disability and premature death due to Tuberculosis.

PREVIOUS ACTION

The Washoe County District Board of Health approved Subgrant Amendment #1 and

AGENDA ITEM # 7.C.1.

budget amendments in support of the Tuberculosis CDC Grant Program on 7/23/09.

BACKGROUND

The Tuberculosis CDC Grant Program, IO 10016 was adopted with \$67,723 in FY10 funding. A budget amendment in the amount of \$26,155 was approved on 7/23/09. Therefore, a budget amendment in the amount of \$2,035 is necessary.

The additional Calendar Year 2009 CDC funds in the amount of \$26,155 will be applied to the purchase of:

1. Client housing funds to provide housing support for homeless or at-risk for becoming homeless active/suspect TB patients during initial treatment and/or evaluation phase, or until they are no longer contagious.
2. Outpatient services (chest x-rays, lab tests, CT scans)

FISCAL IMPACT

Should the Board approve the Subgrant Amendment and the budget amendments, the adopted FY10 budget will be **increased by \$2,035 in both revenues and expenditures** in the Tuberculosis CDC Grant Program, IO 10016 in the following accounts:

| <u>Account Number</u> | <u>Description</u> | <u>Amount of Increase</u> |
|------------------------------|---------------------------|----------------------------------|
| 2002-IN-10016 -431100 | Federal Revenue | \$ 2,035.00 |
| 2002-IN-10016 -710500 | Other Expense | 2,035.00 |
| | Total Expenditures | \$ 2,035.00 |

RECOMMENDATION

Staff recommends that the District Board of Health approve 1) Subgrant Amendment #2 from the Nevada Department of Health and Human Services, Health Division for the period January 1, 2009 through December 31, 2009 in the amount of \$2,035 in support of the Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016; 2) approval of amendments totaling an increase of \$2,035 in revenue and expenses to bring the FY10 Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program budget, IO 10016 into alignment with the subgrant; and 3) authorize the Chairman of the Board to sign.

POSSIBLE MOTION

Move to approve 1) Subgrant Amendment #2 from the Nevada Department of Health and Human Services, Health Division for the period January 1, 2009 through December 31, 2009 in the amount of \$2,035 in support of the Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program, IO 10016; 2) approval of amendments totaling an increase of \$2,035 in revenue and expenses to bring the FY10 Tuberculosis Centers for Disease Control and Prevention (CDC) Grant Program budget, IO 10016 into alignment with the subgrant; and 3) authorize the Chairman of the Board to sign.

**Nevada Department of Health and Human Services
HEALTH DIVISION**
(hereinafter referred to as the DIVISION)

HD Amendment #: 09147-2
 HD Contract #: 09147
 Budget Account #: 3220
 Category #: 14
 GL #: 8503

SUBGRANT AMENDMENT # 2

| | | | |
|--|--|---|--|
| Program Name: TB Control and Elimination Program Office of Epidemiology Nevada State Health Division | | Subgrantee Name: Washoe County Health District (WCHD) Financial Services (775) 325-8068 | |
| Address: 4150 Technology Way, Suite # 200 Carson City, NV 89706-2009 | | Address: P.O. Box 11130 Reno, NV 89520 | |
| Original Subgrant Period: January 1, 2009 through December 31, 2009 | | Subgrantee EIN#: 88-6000138 | |
| Source of Funds: | | % of Funds: | CFDA#: |
| 1. Centers for Disease Control and Prevention | | 100% | 93.116 |
| | | | Federal Grant #: 5U52PS907855-18 |

Amendment #2: This amendment provides an additional \$2,035 to the Washoe County Health District Tuberculosis program which increases the 2009 total award from \$93,878 to \$95,913. There is no change to the scope of work. The effective dates are unchanged.

The other category will increase funds from \$28,575 to \$30,610 to maintain the WCHD TB program and promote identification, and treatment of Tuberculosis in Washoe County, Nevada as described in the scope of work.

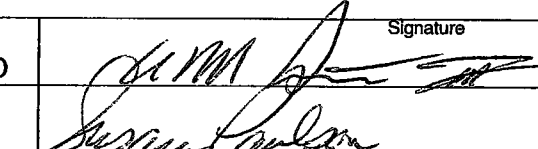
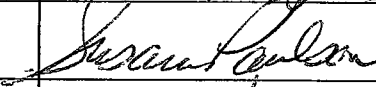
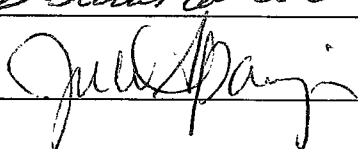

Change From:

| | | |
|---------------------------|-----------|---------------|
| 1. Personnel | \$ | 61,451 |
| 2. Travel | \$ | 3,852 |
| 3. Operating | \$ | |
| 4. Equipment | \$ | |
| 5. Contractual/Consultant | \$ | |
| 6. Training | \$ | |
| 7. Other | \$ | 28,575 |
| Total Cost | \$ | 93,878 |

Change To:

| | | |
|---------------------------|-----------|---------------|
| 1. Personnel | \$ | 61,451 |
| 2. Travel | \$ | 3,852 |
| 3. Operating | \$ | |
| 4. Equipment | \$ | |
| 5. Contractual/Consultant | \$ | |
| 6. Training | \$ | |
| 7. Other | \$ | 30,610 |
| Total Cost | \$ | 95,913 |

By signing this Amendment, the Authorized Subgrantee Official or their designee, Program Manager, Bureau Chief, and Health Division Administrator acknowledge the above as the new standard of practice for the above referenced Subgrant. Further, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the Original Subgrant Award and all of its Attachments.

| | Signature | Date |
|--|---|----------|
| Chairman, Washoe County District Board of Health, WCHD |  | 10-30-09 |
| Susanne Paulson Program Coordinator |  | 10/08/09 |
| Julia Spaulding, MHA Bureau Chief |  | 10/06/09 |
| Richard Whitley, MS Administrator, Health Division |  | |

Nevada Department of Health and Human Services
HEALTH DIVISION
 (hereinafter referred to as the DIVISION)

HD Contract #: 09147
 Budget Account #: 3220
 Category #: 14
 GL #: 8503

SUBGRANT AMENDMENT #1

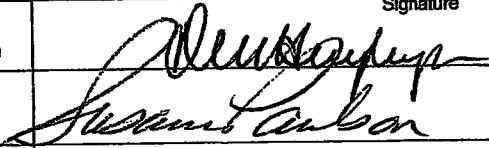
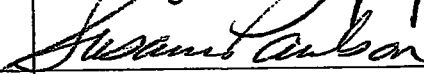
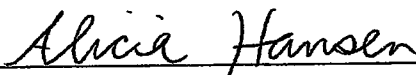
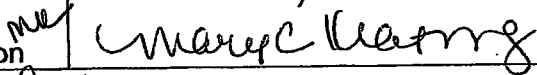
| | |
|---|--|
| <p>Program Name: TB Control and Elimination Program Bureau of Community Health Nevada State Health Division</p> <p>Address: 1150 Technology Way, Suite # 200 Carson City, NV 89706-2009</p> <p>Original Subgrant Period: January 1, 2009 through December 31, 2009</p> <p>Source of Funds: 1. Centers for Disease Control and Prevention</p> | <p>Subgrantee Name: Washoe County Health District (WCHD) Financial Services (775) 325-8068</p> <p>Address: P.O. Box 11130 Reno, NV 89520</p> <p>Subgrantee EIN#: 88-6000138</p> <p>Subgrantee Vendor#: T40283400Q</p> <p>% of Funds: 100% CFDA#: 93.116 Federal Grant #: 5U52PS907855-18</p> |
|---|--|

Amendment #1: This amendment provides an additional \$26,155 to the Washoe County Health District tuberculosis program which increases the 2009 total award from \$67,723 to \$93,878. There is no change to the scope of work. The effective dates are unchanged.

The other category will increase funds from \$2,420 to \$28,575 to maintain the WCHD TB program and promote identification, and treatment of Tuberculosis in Washoe County, Nevada as described in the scope of work.

| Change From: | Change To: |
|------------------------------|------------------------------|
| 1. Personnel \$ 61,451 | 1. Personnel \$ 61,451 |
| 2. Travel \$ 3,852 | 2. Travel \$ 3,852 |
| 3. Operating \$ | 3. Operating \$ |
| 4. Equipment \$ | 4. Equipment \$ |
| 5. Contractual/Consultant \$ | 5. Contractual/Consultant \$ |
| 6. Training \$ | 6. Training \$ |
| 7. Other \$ 2,420 | 7. Other \$ 28,575 |
| Total Cost \$ 67,723 | Total Cost \$ 93,878 |

By signing this Amendment, the Authorized Subgrantee Official or their designee, Program Manager, Bureau Chief, and Health Division Administrator acknowledge the above as the new standard of practice for the above referenced Subgrant. Further, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the Original Subgrant Award and all of its Attachments.

| | Signature | Date |
|--|---|---------|
| Chairman, Washoe County District Board of Health, WCHD |  | 7/23/09 |
| Susanne Paulson Program Coordinator |  | 6/25/09 |
| Alicia Hansen, MS Bureau Chief |  | 6/25/09 |
| Richard Whitley, MS Administrator, Health Division |  | 8-6-09 |

Nevada Department of Health and Human Services

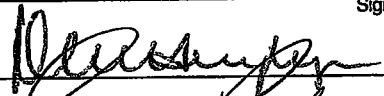
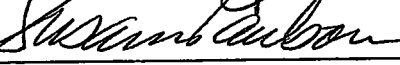
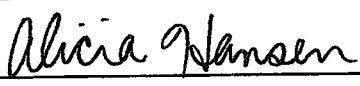
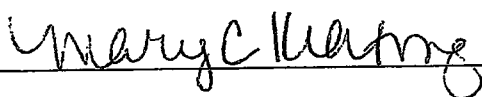
Health Division #: 09147

HEALTH DIVISION

(hereinafter referred to as the DIVISION)

Budget Account #: 3220
 Category #: 14
 GL #: 8516

NOTICE OF SUBGRANT AWARD

| | | | |
|--|--|---|-------------------------|
| Program Name: TB Control and Elimination Program Bureau of Community Health Nevada State Health Division | | Subgrantee Name: Washoe County Health District (WCHD) | |
| Address: 4150 Technology Way, Suite 200 Carson City, NV 89701-2028 | | Address: P. O. Box 11130 Reno, NV 89520 | |
| Subgrant Period: January 1, 2009 through December 31, 2009 | | Subgrantee EIN#: 88-6000138 Subgrantee Vendor#: T40283400Q | |
| Reason for Award: To fund activities for the control and elimination of <i>M. tuberculosis</i> in Washoe County | | | |
| County(ies) to be served: () Statewide (<input checked="" type="checkbox"/>) Specific county or counties: <u>Washoe County</u> | | | |
| Approved Budget Categories: | | | |
| 1. Personnel | \$ 61,451 | Subgrantee may make categorical funding adjustments up to ten percent (10%) of the total subgrant amount without amending the agreement, so long as the adjustment is reasonable to support the activities described within the Scope of Work and the adjustment does not alter the Scope of Work. Do not use decimals or show cents, round to nearest whole dollar. | |
| 2. Travel | \$ 3,852 | | |
| 3. Operating | \$ | | |
| Equipment | \$ | | |
| Contractual/Consultant | \$ | | |
| 6. Training | \$ | | |
| 7. Other | \$ 2,420 | | |
| Total Cost | \$ 67,723 | | |
| Disbursement of funds will be as follows: Payment will be made upon receipt and acceptance of an invoice and supporting documentation specifically requesting reimbursement for actual expenditures <i>specific to this subgrant</i> . Total reimbursement will not exceed \$ 67,723.00 during the subgrant period. | | | |
| Source of Funds: | % of Funds: | CFDA#: | Federal Grant #: |
| 1. Centers for Disease Control and Prevention | <u>100%</u> | <u>93.116</u> | <u>5U52PS907855-18</u> |
| Terms and Conditions In accepting these grant funds, it is understood that: 1. Expenditures must comply with appropriate state and/or federal regulations. 2. This award is subject to the availability of appropriate funds. 3. Recipient of these funds agrees to stipulations listed in Sections A, B, and C of this subgrant award. | | | |
| Chairman, Washoe County District Board of Health, WCHD | Signature:  | | Date: <u>2/26/09</u> |
| Susanne Paulson Program Coordinator | Signature:  | | Date: <u>12/31/08</u> |
| Alicia Hansen, MS Biostatistician | Signature:  | | Date: <u>1/6/09</u> |
| Richard Whitley, MS Administrator, Health Division | Signature:  | | Date: <u>3-18-09</u> |



DISTRICT HEALTH DEPARTMENT

STAFF REPORT

BOARD MEETING DATE: 10/22/09

DATE: October 13, 2009

TO: District Board of Health

FROM: Patsy Buxton, Fiscal Compliance Officer, Washoe County Health District
775-328-2418, pbuxton@washoecounty.us *PB*

THROUGH: Eileen Coulombe, Administrative Health Services Officer *EC*

SUBJECT: Approval of Subgrant Amendment #2 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness, for the Women, Infants and Children (WIC) Clinic Program for the period October 1, 2008 through September 30, 2010 in the total amount of \$2,405,387 in support of Salaries and Benefits, Travel and Training, and Operating Expenditures; Approve amendments totaling an increase of \$5,195 in both revenue and expenses to the adopted FY 10 WIC Clinic Grant Program, IO 10031, to bring the FY 10 adopted budget into alignment with the grant; and if approved authorize the Chairman to execute.

SUMMARY

The Washoe County District Board of Health must approve and execute, or direct the Health Officer to execute, contracts in excess of \$50,000, Interlocal Agreements and amendments to the adopted budget. The Washoe County Health District has received a Subgrant Amendment from the Nevada State Health Division that provides funding for the period October 1, 2009 through September 30, 2010 in the amount of \$1,205,291 in support of the Special Supplemental Nutrition Program for Women, Infants and Children. A copy of the Subgrant Amendment is attached.

GOAL

Approval of this Subgrant Amendment, and budget amendment supports the Washoe County Health District's Special Supplemental Nutrition Program for Women, Infants and Children (WIC) mission. It is to provide supplemental nutritious foods, nutrition education and referrals to other health and social services to eligible pregnant and postpartum women, infants and children up to age five in Washoe County to prevent the occurrence of health problems and to improve the health status of these persons.

AGENDA ITEM # 7.C.2.

PREVIOUS ACTION

The District Board of Health approved last year's base Notice of Subgrant Award for the period October 1, 2008 through September 30, 2009 in the total amount of \$1,200,096 on October 23, 2008.

BACKGROUND

The Washoe County Health District agrees to provide a level of service sufficient to provide WIC food instruments to an estimated 7,231 participants per month for a total of 86,774 participants per year during the term of this Subgrant Award. In turn, the Nevada State Health Division, through this award will reimburse the Washoe County Health District \$13.89 per participant served.

FISCAL IMPACT

This grant was anticipated in the FY 10 adopted budget in the amount of \$1,200,096, in various categories. A budget amendment in the amount of \$5,195 is necessary to align the FY10 budget with the new award.

Should the Board approve these budget amendments, the adopted FY 10 budget will be **increased by \$5,195** in the following accounts:

| <u>Account Number</u> | <u>Description</u> | <u>Amount of Increase/(Decrease)</u> |
|-----------------------|---------------------------|--------------------------------------|
| 2002-IO-10031-431100 | Federal Revenue | \$5,195 |
| 2002-IO-10031-710300 | Operating Supplies | 5,195 |
| | Total Expenditures | \$5,195 |

RECOMMENDATION

Staff recommends that the Washoe County District Board of Health approve Subgrant Amendment #2 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness, for the Women, Infants and Children (WIC) Clinic Program for the period October 1, 2008 through September 30, 2010 in the total amount of \$2,405,387 in support of Salaries and Benefits, Travel and Training, and Operating Expenditures; Approve amendments totaling an increase of \$5,195 in both revenue and expenses to the adopted FY 10 WIC Clinic Grant Program, IO 10031, to bring the FY 10 adopted budget into alignment with the grant; and if approved authorize the Chairman to execute.

POSSIBLE MOTION

Move to approve Subgrant Amendment #2 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness, for the Women, Infants and Children (WIC) Clinic Program for the period October 1, 2008 through September 30, 2010 in the total amount of \$2,405,387 in support of Salaries and Benefits, Travel and Training, and Operating Expenditures; Approve amendments totaling an increase of \$5,195 in both revenue and expenses to the adopted FY 10 WIC Clinic Grant Program, IO 10031, to bring the FY 10 adopted budget into alignment with the grant; and if approved authorize the Chairman to execute.

Nevada Department of Health and Human Services
HEALTH DIVISION
 (hereinafter referred to as the DIVISION)

HD Amendment #: 2
 HD Contract #: 09077
 Budget Account #: 3214
 Category #: 04
 GL #: 8516

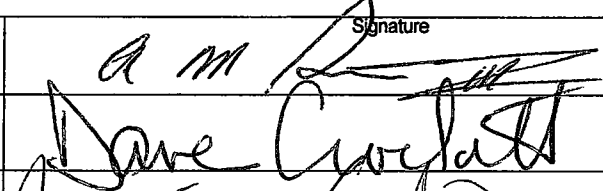
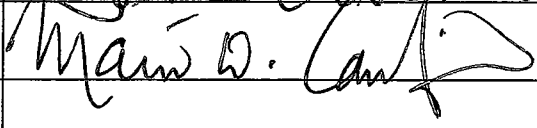

SUBGRANT AMENDMENT #2

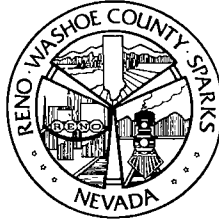
| | | | |
|---|--|---|-----------------------------|
| <u>Program Name:</u> WIC- Women, Infants and Children Bureau of Child, Family and Community Wellness Nevada State Health Division | | <u>Subgrantee Name:</u> Washoe County District Health Department –WIC IO-10031 | |
| <u>Address:</u> 3427 Goni Road, Suite 108 Carson City, NV 89706 | | <u>Address:</u> 1009 East 9 th Street/PO Box 11130 Reno, NV 89520 | |
| <u>Original Subgrant Period:</u> October 1, 2008 through September 30, 2009 | | <u>Subgrantee EIN#:</u> 88-6000138 | |
| <u>Source of Funds:</u> 1. WIC Nutrition Services/Administration | | <u>% of Funds:</u> 100 | <u>CFDA#:</u> 10.577 |
| | | <u>Federal Grant #:</u> 7NV700NV7 | |
| | | <u>Subgrantee Vendor#:</u> T41107900 | |

Amendment #2: This amendment provides additional funding for clinic operations, through September 30, 2010.

| | <u>FFY 2009</u> <u>AWARD</u> | <u>FFY 2010</u> <u>AWARD</u> | <u>TOTAL</u> <u>AWARD</u> |
|----------------------|---|---|--|
| Dollar Award | \$1,200,096 | 1,205,291 | \$2,405,387 |
| Participants | 86,400 | 86,774 | 173,174 |
| Rate per Participant | <u>\$13.89</u> | <u>\$13.89</u> | <u>\$13.89</u> |
| Subgrant Total | \$1,200,096 | \$1,205,291 | \$2,405,387 |

By signing this Amendment, the Authorized Subgrantee Official or their designee, Program Manager, Bureau Chief, and Health Division Administrator acknowledge the above as the new standard of practice for the above referenced Subgrant. Further, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the Original Subgrant Award and all of its Attachments.

| Authorized Sub-grantee Official Title | Signature | Date |
|---|--|----------|
| David Crockett Program Manager |  | 10-22-09 |
| Maria Canfield Bureau Chief |  | 9-24-09 |
| Richard Whitley, MS Administrator, Health Division |  | 9/25/09 |



DISTRICT HEALTH DEPARTMENT

STAFF REPORT

BOARD MEETING DATE: 10/22/09

DATE: October 13, 2009

TO: District Board of Health

FROM: Patsy Buxton, Fiscal Compliance Officer, Washoe County Health District ^{pb}
775-328-2418, pbuxton@washoecounty.us

THROUGH: Eileen Coulombe, Administrative Health Services Officer ^{EC}

SUBJECT: Approval of Notice of Grant Award dated September 17, 2009 from the Department of Health and Human Services Public Health Service for the period July 1, 2009 to June 29, 2010 in the amount of \$911,222 in support of the Family Planning Program; approval of amendments totaling an increase of \$157,144 in both revenue and expenses to the adopted FY 10 Family Planning Grant Program; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); Authorize increase in part-time hours for position control number 70002192 (.95 FTE to 1.0 FTE) for the period supplemental grant funds are available.

SUMMARY

The Washoe County District Board of Health must approve and execute, or direct the Health Officer to execute, contracts in excess of \$50,000, Interlocal Agreements and amendments to the adopted budget.

The Washoe County Health District's Family Planning program received a Notice of Grant Award from the Department of Health and Human Services Public Health Service that reflects an additional \$157,144 in federal funding for the period June 30, 2009 through June 29, 2010. A copy of the Notice of Grant Award is attached.

GOAL

Approval of this Notice of Grant Award and these budget amendments supports the Washoe County Health District's Family Planning Program mission to promote and assure that all Washoe County citizens have access to confidential, high quality, culturally competent reproductive health and family planning services that fosters healthy communities.

AGENDA ITEM # 7.C.3.

PREVIOUS ACTION

The District Board of Health approved the base Notice of Grant Award in the total amount of \$754,078 on July 23, 2009.

BACKGROUND

The Washoe County Health District received a \$157,144 increase in base funding. This grant was anticipated in the FY 10 adopted budget in the amount of \$729,078, in various categories. A budget amendment in the amount of \$25,000 was approved on July 23, 2009 to align the base award (\$754,078) with the budget. A second budget amendment in the amount of \$157,144 is necessary to bring the program budget into alignment with the new grant award amount of \$911,222.

The Family Planning program applied for and was awarded supplemental funds to mitigate the gap between needed and available services. The supplemental funds will support the increase in personnel expenditures including the increase in hours for the current part-time Advanced Practitioner of Nursing (APN) position, PC#70002192, (.95 FTE to 1.0 FTE) and the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD). It will also support the purchase of additional pharmaceuticals, vasectomy services and other operating expenditures.

The budget period for these supplemental funds currently extends through June 29, 2010. Should these funds not be fully expended by this date, the remaining unspent balance may be carried forward into the next fiscal year. The increase in hours for the current part-time APN position (pc#70002192) may be extended after June 29, 2010 contingent upon available grant funds and will not be funded at any time using general funds.

The budget amendment, creation of an on call Registered Nurse Intermittent Hourly position and the authorization to increase part-time hours will also require Board of County Commissioners approval.

FISCAL IMPACT

Should the Board approve these budget amendments, the adopted FY 10 budget will be **increased by \$157,144** in the following accounts:

| <u>Account Number</u> | <u>Description</u> | <u>Amount of Increase/(Decrease)</u> |
|-----------------------------|------------------------|--------------------------------------|
| 2002-IO-10025-431100 | Federal Revenue | \$157,144 |
| 2002-IO-10025-701110 | Base Salaries | 18,086 |
| -705210 | Retirement | 3,708 |
| -705230 | Medicare | 262 |
| -701130 | Pooled Position | 61,628 |

| | | |
|---------|---------------------------|------------------|
| -701300 | Overtime | 2,000 |
| -710100 | Professional Services | 2,000 |
| -710200 | Service Contract | 3,600 |
| -710300 | Operating Supplies | 2,500 |
| -710500 | Other Expense | 3,000 |
| -710503 | Licenses & Permits | 300 |
| -710546 | Advertising | 3,000 |
| -710703 | Biologicals | 40,760 |
| -710714 | Referral Services | 11,300 |
| -710721 | Outpatient | 5,000 |
| | Total Expenditures | \$157,144 |

RECOMMENDATION

Staff recommends that the Washoe County District Board of Health approve the Notice of Grant Award dated September 17, 2009 from the Department of Health and Human Services Public Health Service for the period July 1, 2009 to June 29, 2010 in the amount of \$911,222 in support of the Family Planning Program; approve amendments totaling an increase of \$157,144 in both revenue and expenses to the adopted FY 10 Family Planning Grant Program; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); Authorize increase in part-time hours for position control number 70002192 (.95 FTE to 1.0 FTE) for the period supplemental grant funds are available.

POSSIBLE MOTION

Move to approve the Notice of Grant Award dated September 17, 2009 from the Department of Health and Human Services Public Health Service for the period July 1, 2009 to June 29, 2010 in the amount of \$911,222 in support of the Family Planning Program; approve amendments totaling an increase of \$157,144 in both revenue and expenses to the adopted FY 10 Family Planning Grant Program; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); Authorize increase in part-time hours for position control number 70002192 (.95 FTE to 1.0 FTE) for the period supplemental grant funds are available.

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MAB

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE
OPHS Office of Grants Management

1101 Wootton Parkway
Suite 550
Rockville, MD 20852

NOTICE OF GRANT AWARD
AUTHORIZATION (Legislation/Regulations)
P.L. 91-572 PHS Act Sec. 1001 as Amended, 42 CFR 59

| | |
|--|----------------------------------|
| 1. DATE ISSUED (Mo./Day/Yr.) 09/17/2009 | 2. CFDA NO. 93.217 |
| 3. SUPERCEDES AWARD NOTICE dated 06/24/2009 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded | |
| 4. GRANT NO. 6 FPHPA090003-41-01 Formerly: 09H000003 | 5. ADMINISTRATIVE CODES FPH70 |
| 6. PROJECT PERIOD Mo./Day/Yr. From 07/01/2007 | Through 06/29/2012 |
| 7. BUDGET PERIOD Mo./Day/Yr. From 06/30/2009 | Through 06/29/2010 |

8. TITLE OF PROJECT (OR PROGRAM) (Limit to 56 spaces)
FY2010 Family Planning Services (Region 9-Navajo Nation, Federated States Micronesia, NV, Washoe Cnty)

| | | |
|---|---------------------|--|
| 9. GRANTEE NAME AND ADDRESS a. Washoe County District Health Department b. PO BOX 11130 c. 1001 EAST NINTH STREET d. Reno | e. NV f. 89520-0027 | 10. DIRECTOR OF PROJECT (PROGRAM DIRECTOR/PRINCIPLE INVESTIGATOR) (LAST NAME FIRST AND ADDRESS) Ms. Brown, Mary Ann PO BOX 11130 1001 EAST NINTH STREET Reno, NV 89520 Phone: 775-328-2478 |
|---|---------------------|--|

| | | | |
|--|--|--|--------------------|
| 11. APPROVED BUDGET (Excludes PHS Direct Assistance) | | 12. AWARD COMPUTATION FOR GRANT | |
| I PHS Grant Funds Only | | a. Amount of PHS Financial Assistance (from item 11.u) 911,222 | |
| II Total project costs including grant funds and all other financial participation (Select one and place NUMERAL in box) II | | b. Less Unobligated Balance From Prior Budget Periods 0 | |
| a. Salaries and Wages 504,720 | | c. Less Cumulative Prior Award(s) This Budget Period 754,078 | |
| b. Fringe Benefits 147,853 | | d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 157,144 | |
| c. Total Personnel Costs 652,573 | | 13. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project): | |
| d. Consultants Costs 0 | | YEAR | TOTAL DIRECT COSTS |
| e. Equipment 0 | | a. 42 | 796,683 |
| f. Supplies 29,370 | | b. 43 | |
| g. Travel 3,000 | | c. 44 | |
| h. Patient Care - Inpatient 0 | | d. 45 | |
| i. Patient Care - Outpatient 0 | | e. 46 | |
| j. Alterations and Renovations 0 | | f. 47 | |
| k. Other 170,185 | | 14. APPROVED DIRECT ASSISTANCE BUDGET (IN LIEU OF CASH): | |
| l. Consortium/Contractual Costs 235,002 | | a. AMOUNT OF PHS Direct Assistance 0 | |
| m. Trainee Related Expenses 0 | | b. Less Unobligated Balance From Prior Budget Periods | |
| n. Trainee Stipends 0 | | c. Less Cumulative Prior Award(s) This Budget Period | |
| o. Trainee Tuition and Fees 0 | | d. AMOUNT OF DIRECT ASSISTANCE THIS ACTION 0 | |
| p. Trainee Travel 0 | | 15. PROGRAM INCOME SUBJECT TO 45 CFR PART 74, SUBPART F, OR 45 CFR 92.25, SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES: (Select one and place LETTER in box.) e | |
| q. TOTAL DIRECT COSTS 1,090,130 | | a. DEDUCTION | |
| r. INDIRECT COSTS (rate of) 0 | | b. ADDITIONAL COSTS | |
| s. TOTAL APPROVED BUDGET \$ 1,090,130 | | c. MATCHING | |
| t. SBIR Fee | | d. OTHER RESEARCH (Add / Deduct Option) | |
| u. Federal Share \$ 911,222 | | e. OTHER (See REMARKS) | |
| v. Non-Federal Share \$ 178,908 | | 16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE PHS ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING: a. The grant program legislations cited above. b. The grant program regulation cited above. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. PHS Grants Policy Statement including addenda in effect as of the beginning date of the budget period. e. 45 CFR Part 74 or 45 CFR Part 92 as applicable. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system. | |

REMARKS: (Other Terms and Conditions Attached - Yes No)

This NGA reflects approval of a Directed Supplement in the amount of \$157,144. See attached terms and conditions, all previous terms and conditions remain in effect, unless specifically removed.

PHS GRANTS MANAGEMENT OFFICER: (Signature) *Karen Campbell* (Name - Typed/Print) Karen Campbell (Title) Grants Management Officer, OPHS

| | | | | |
|---|--|---|---|--|
| 17. OBJ CLASS FY-CAN a. 9-3094509 | 18. CRS - EIN DOCUMENT NO. a. 09H000003A | 1886000138A1 ADMINISTRATIVE CODE c. FPH70 | 19. LIST NO. AMT ACTION FIN ASST d. 157,144 | CONG. DIST.: AMT ACTION DR ASST e. 0 |
| 22. a | b. | c. | d. | e. |

NOTICE OF GRANT AWARD (Continuation Sheet)

| | |
|-------------------------------|---------------------------|
| PAGE 2 of 2 | DATE ISSUED 09/17/2009 |
| GRANT NO. 6 FPHPA090003-41-01 | |

SPECIAL CONDITIONS

1. Grantee must submit a revised budget to reflect the amount of award within 60 days of receiving their Notice of Grant Award
2. Funding is provided in the amount of \$11,300 as requested for "Option A" of application and \$45,844 for "Option B" of application. Remaining funds given to program to address recent budget reductions from the state and county.

CONTACTS

1. For assistance on **grants administration** issues please contact: Robin Fuller, Grants Management Specialist, at (240) 453-8830, FAX (240) 453-8823, e-mail robin.fuller@hhs.gov OPHS Grants Management Office, 1101 Wootton Parkway, Suite 550, Rockville, MD 20852.
2. For assistance on **programmatic** issues please contact: Rebecca Meece, Regional Program Consultant, at (415) 437-8403, FAX (415) 437-8004, e-mail rebecca.meece@hhs.gov or Office of Family Planning, 90 7th Street, Suite 5-100, San Francisco, CA 94103.



118 4.27.09 MK SH

**OFFICE OF FAMILY PLANNING
REGION IX**

**U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
90 7TH STREET, SUITE 5-100 SAN FRANCISCO, CA 94103**

September 14, 2009

Stacy Hardie, RN, BSN
Public Health Nursing Supervisor
Family Planning, Chile Health & Adolescent Services Department
P.O. Box 11130
Reno, NV 89520


Dear Ms. Hardie,


The Region IX Office of Family Planning is pleased to inform you that your recent applications for end-of-year funding were accepted and approved. You will be receiving a Notice of Grant Award (NGA) for a total of \$157,144. This amount includes \$11,300 to fund your "Option A" application and \$45,844 for your "Option B" application which provides additional FTE dollars.

The remainder of the NGA amount, \$100,000 was from additional dollars remaining in the region. The Regional Office is aware of the recent drastic budget cuts your program has faced from the county, and we felt that your organization would be a good recipient of these additional dollars. You will need to submit a budget plan for this amount by November 6, 2009. When planning your use for these dollars, we ask that you focus on the first priority of the Office of Family Planning; assuring the delivery of quality family planning and related preventive health services, where evidence exists that those services should lead to improvement in the overall health of individuals, with priority for services to individuals from low-income families.

Congratulations on your successful applications and please do not hesitate to contact us if you have any questions. The Regional Office may be reached by telephone at 415-437-8403 and by email at Rebecca.Meece@hhs.gov.

Sincerely,


RADM Ronald Banks, MD, MPH
Assistant Surgeon General
Regional Health Administrator


Rebecca Meece, PA-C, MPAS
Regional Program Consultant
Office of Family Planning, Region IX

cc: Office of Grants Management
Grantee File

Shoe County
Health District
SEP 21 '09 1:30:PM



DISTRICT HEALTH DEPARTMENT

STAFF REPORT

BOARD MEETING DATE: 10/22/09

DATE: October 13, 2009

TO: District Board of Health

FROM: Patsy Buxton, Fiscal Compliance Officer, Washoe County Health District *PB*
775-328-2418, pbuxton@washoecounty.us

THROUGH: Eileen Coulombe, Administrative Health Services Officer *EC*

SUBJECT: Approval of Subgrant Amendment #3 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness for the HIV Prevention Grant Program, for the period January 1, 2009 through December 31, 2009 in the total amount of \$607,800; Approve amendments totaling an increase of \$26,658 in both revenue and expenses to the adopted FY 10 HIV Prevention Grant Program, IO 10013, to bring the FY 10 adopted budget into alignment with the grant; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); and if approved authorize the Chairman to execute.

SUMMARY

The Washoe County District Board of Health must approve and execute, or direct the Health Officer to execute, contracts in excess of \$50,000, Interlocal Agreements and amendments to the adopted budget.

The District Health Department has received an Amendment from the Nevada State Health Division for the period January 1, 2009 to December 31, 2009. A copy of the Amendment is attached.

GOAL

Approval of this Amendment supports the District Health Department Sexual Health Program's mission to provide comprehensive prevention education, treatment, and surveillance activities in Washoe County that reduce the incidence of STD infection including HIV. The Sexual Health Program emphasizes strategies that empower individuals to decrease risk-related behaviors, thereby decreasing the incidence of new STD and HIV infections in the community.

AGENDA ITEM # 7.C.4.

PREVIOUS ACTION

The District Board of Health approved the Notice of Subgrant Award from the Nevada State Health Division for the period January 1, 2009 to December 31, 2009 in the amount of \$581,142 in support of the HIV Prevention Program on July 24, 2008.

BACKGROUND

The District Health Department received \$26,658 in supplemental funds from the Nevada State Health Division. The additional funds will support personnel expenditures (redirected from the Interlocal Agreement for HIV Prevention Fiscal Agent to the HIV Prevention Grant) and will be used to purchase 328 additional HIV tests (100 teens and 228 seniors), HIV prevention literature, condoms, lubricants and HIV testing advertising campaign.

Nevada AIDS Foundation terminated the Notice of Subgrant Award for the Comprehensive Risk Counseling Services (CRCS) on June 19, 2009. As such, a request was submitted by the Washoe County Health District to the Nevada State Health Division to reallocate CY 09 HIV Prevention program funding. Included in the budget reallocation request is funding to support an on call Registered Nurse Intermittent Hourly position. The intent to establish this classification in the HIV Prevention Program is to create greater flexibility in the provision of HIV testing at locations and events that regularly occur outside of normal business hours and that are frequented by the highest-risk clients.

Should the Intermittent Hourly Pooled RN position be approved, they will provide testing at off-site locations on a weekly rotation as well as being assigned to the following testing events this calendar year:

- Hispanic Heritage Day September 2009
- UNR Safer Sex Week October 2009
- World AIDS Day (5 events) December 2009

FISCAL IMPACT

Should the Board approve these budget amendments, the adopted FY 10 budget will be increased by \$26,658 in the following accounts:

| <u>Account Number</u> | <u>Description</u> | <u>Amount of Increase/(Decrease)</u> |
|-----------------------------|---------------------------|--------------------------------------|
| 2002-IO-10013-431100 | Federal Revenue | \$26,658 |
| 2002-IO-10013-701130 | Pooled Positions | 4,543 |
| -701412 | Salary Adjustment | 9,438 |
| -710300 | Operating Supplies | 1,661 |
| -710546 | Advertising | 6,500 |
| -710721 | Outpatient | 4,516 |
| | Total Expenditures | \$26,658 |

RECOMMENDATION

Staff recommends that the Washoe County District Board of Health approve Subgrant Amendment #3 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness for the HIV Prevention Grant Program, for the period January 1, 2009 through December 31, 2009 in the total amount of \$607,800; Approve amendments totaling an increase of \$26,658 in both revenue and expenses to the adopted FY 10 HIV Prevention Grant Program, IO 10013, to bring the FY 10 adopted budget into alignment with the grant; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); and if approved authorize the Chairman to execute.

POSSIBLE MOTION

Move to approve Subgrant Amendment #3 from the Nevada State Health Division, Bureau of Child, Family and Community Wellness for the HIV Prevention Grant Program, for the period January 1, 2009 through December 31, 2009 in the total amount of \$607,800; Approve amendments totaling an increase of \$26,658 in both revenue and expenses to the adopted FY 10 HIV Prevention Grant Program, IO 10013, to bring the FY 10 adopted budget into alignment with the grant; Authorize the creation of an on call Registered Nurse Intermittent Hourly position, (PC#TBD) as evaluated by the Job Evaluation Committee (JEC); and if approved authorize the Chairman to execute.

Nevada Department of Health and Human Services
HEALTH DIVISION
 (hereinafter referred to as the DIVISION)

HD Amendment #: 1472-3
 HD Contract #: _____
 Budget Account #: 3215
 Category #: 15
 GL #: 8516

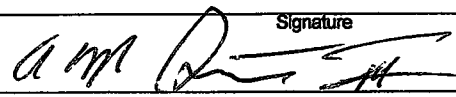

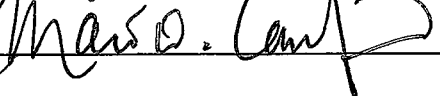

SUBGRANT AMENDMENT #3

| | | | |
|--|----------------------------|---|---|
| Program Name: HIV Prevention Program Bureau of Child, Family and Community Wellness Nevada State Health Division | | Subgrantee Name: Washoe County Health District Attn: Eileen Coulombe | |
| Address: 4150 Technology Way, Suite #210 Carson City, NV 89706-2009 | | Address: P.O. Box 11130 Reno, NV 89520-0027 | |
| Original Subgrant Period: January 1, 2009 – December 31, 2009 | | Subgrantee EIN#: 88-60000138 Subgrantee Vendor#: T40283400Q | |
| Source of Funds: 1. Centers for Disease Control and Prevention | % of Funds: 100% | CFDA#: 93.940 | Federal Grant #: 3U62/PS923483-05S1 |

Amendment #3: The purpose of this amendment is to add funding to support an additional 328 HIV tests to the "Supply" category. Additional funding has also been added to the "Other" category to support the purchase of HIV prevention literature, condoms, lubricant, and HIV testing advertising. The subgrantee also requested that the program redirect \$13,981 originally budgeted for the WCHD Interlocal Agreement to the HIV Prevention grant "Personnel" line item for program clerical support. This subgrant does not effect the current scope of work.

| Budget Categories | From 01/01/2009 | Addition of funds | To 12/31/2009 |
|-------------------|--------------------|-------------------|------------------|
| Personnel | \$289,294 | \$13,981 | \$303,275 |
| Travel | \$8,800 | -0- | \$8,800 |
| Operating | \$7,000 | -0- | \$7,000 |
| Supplies | \$22,000 | \$4,516 | 26,516 |
| Contractual | \$189,994 | -0- | \$189,994 |
| Other | \$64,054 | 8,161 | \$72,215 |
| Total Cost | \$581,142 | \$26,658 | \$607,800 |

By signing this Amendment, the Authorized Subgrantee Official or their designee, Program Manager, Bureau Chief, and Health Division Administrator acknowledge the above as the new standard of practice for the above referenced Subgrant. Further, the undersigned understand this amendment does not alter, in any substantial way, the non-referenced contents of the Original Subgrant Award and all of its Attachments.

| | Signature | Date |
|---|--|-----------|
| DENIS HUMPHREYS OD WCHD Board of Health |  | 10-22-09 |
| Lyell S. Collins, MBA Program Manager |  | 9/17/2009 |
| Maria D. Canfield, MS Bureau Chief |  | 9/17/09 |
| David Whitley, MS Administrator, Health Division |  | |



Washoe County Health District

October 13, 2009

To: Members District Board of Health
 From: Eileen Coulombe
 Subject: Public Health Fund Revenue and Expenditure Report for September 2009

Recommendation

Staff recommends that the District Board of Health accept the attached report of revenues and expenditures for the Public Health Fund for September of fiscal year 10.

Background

The attached reports are for the accounting period 03/10 and the percentages should approximate 25% of the year. Our total revenues and expenditures for the current year (FY10) compared to last year (FY09) are as follows:

| September 2009 | FY10 – REV | FY09 – REV | FY10 – EXP | FY09 – EXP |
|----------------|------------|------------|------------|------------|
| Transfer | 10% | 22% | | |
| AHS | 16% | 13% | 21% | 21% |
| AQM | 22% | 20% | 20% | 24% |
| CCHS | 13% | 17% | 21% | 24% |
| EHS | 26% | 25% | 27% | 28% |
| EPHP | 33% | 23% | 25% | 24% |
| TOTAL | 21% | 20% | 23% | 24% |

The Environmental Oversight Account for September 2009 is \$162,954.77

I will be happy to any questions of the Board during the meeting or you may contact me at 328-2417.


 Administrative Health Services Officer

Enclosure

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|-------------------------------------|---------------|---------------|---------------|------|---------------|---------------|---------------|------|
| 422503 Environmental Permits | 69,000.00- | 9,062.00- | 59,938.00- | 13 | 125,000.00- | 38,099.26- | 86,900.74- | 30 |
| 422504 Pool Permits | 33,000.00- | 7,675.00- | 25,325.00- | 23 | 100,000.00- | 15,345.00- | 84,655.00- | 15 |
| 422505 RV Permits | 10,500.00- | 2,096.00- | 8,404.00- | 20 | 15,000.00- | 3,325.00- | 11,675.00- | 22 |
| 422507 Food Service Permits | 355,000.00- | 87,441.00- | 267,559.00- | 25 | 410,000.00- | 95,786.00- | 314,214.00- | 23 |
| 422508 Wat Well Const Perm | 44,000.00- | 12,651.00- | 31,349.00- | 29 | 40,000.00- | 10,792.00- | 29,208.00- | 27 |
| 422509 Water Company Permits | 12,000.00- | 1,446.00- | 10,554.00- | 12 | 25,000.00- | 3,832.00- | 21,168.00- | 15 |
| 422510 Air Pollution Permits | 402,399.00- | 85,247.25- | 317,151.75- | 21 | 420,550.00- | 104,215.50- | 316,334.50- | 25 |
| 422511 ISDS Permits | 90,000.00- | 13,291.85- | 76,708.15- | 15 | 125,000.00- | 24,515.00- | 100,485.00- | 20 |
| 422513 Special Event Permits | 75,000.00- | 44,668.00- | 30,332.00- | 60 | 80,000.00- | 52,882.00- | 27,118.00- | 66 |
| 422514 Initial Applic.Fee | 38,000.00- | 9,868.00- | 28,132.00- | 26 | 3,920.00- | 3,920.00- | 3,920.00- | |
| * Licenses and Permits | 1,128,899.00- | 273,446.10- | 855,452.90- | 24 | 1,340,550.00- | 352,711.76- | 987,838.24- | 26 |
| 431100 Federal Grants | 5,885,422.76- | 1,065,063.28- | 4,820,359.48- | 18 | 6,797,766.45- | 1,061,834.21- | 5,735,932.24- | 16 |
| 431105 Federal Grants - Indirect | 29,531.00- | 9,805.13- | 19,725.87- | 33 | 1,737.42- | 1,737.42- | 1,737.42- | |
| 432100 State Grants | 482,225.57- | 65,431.87- | 416,793.70- | 14 | 809,529.80- | 134,100.06- | 675,429.74- | 17 |
| 432310 Tire Fee NRS 444A.090 | 370,534.52- | 145,844.62- | 224,689.90- | 39 | 415,000.00- | 155,999.06- | 259,000.94- | 38 |
| 432311 Pol Ctrl 455B.830 | 280,000.00- | 76,400.00- | 203,600.00- | 27 | 280,000.00- | 78,543.00- | 201,457.00- | 28 |
| * Intergovernmental | 7,047,713.85- | 1,362,544.90- | 5,685,168.95- | 19 | 8,302,296.25- | 1,428,738.91- | 6,873,557.34- | 17 |
| 460162 Services to Other Agencies | 63,657.69- | 23,909.21- | 39,748.48- | 38 | 195,859.10- | 5,796.55- | 190,062.55- | 3 |
| 460500 Other Immunizations | 110,000.00- | 28,061.35- | 81,938.65- | 26 | 165,000.00- | 38,721.00- | 126,279.00- | 23 |
| 460501 Medicaid Clinical Services | 36,500.00- | 5,752.63- | 30,747.37- | 16 | 30,750.00- | 20,762.77- | 9,987.23- | 68 |
| 460503 Childhood Immunizations | 190,000.00- | 51,801.75- | 138,198.25- | 27 | 190,000.00- | 73,678.00- | 116,322.00- | 39 |
| 460505 Non Title X Revenue | | 1,369.00- | 1,369.00- | | | 2,157.00- | 2,157.00- | |
| 460508 Tuberculosis | 10,000.00- | 1,882.73- | 8,117.27- | 19 | 8,000.00- | 4,567.63- | 3,432.37- | 57 |
| 460510 IT Overlay | 121,001.00- | 31,468.00- | 89,533.00- | 26 | 150,000.00- | 36,075.00- | 113,925.00- | 24 |
| 460511 Birth and Death Certificates | 215,000.00- | 54,219.00- | 160,781.00- | 25 | 230,000.00- | 58,958.20- | 171,041.80- | 26 |
| 460512 Duplication Service Fees | 200.00- | 31.50- | 168.50- | 16 | 800.00- | 126.50- | 673.50- | 16 |
| 460513 Other Health Service Charges | 8,000.00- | 1,387.00- | 6,613.00- | 17 | 23,800.00- | 1,901.40- | 21,898.60- | 8 |
| 460514 Food Service Certification | 8,000.00- | 4,765.00- | 3,235.00- | 60 | 8,000.00- | 1,968.00- | 6,032.00- | 25 |
| 460515 Medicare Reimbursement | 500.00- | 672.90- | 172.90- | 135 | 250.00- | 66.03- | 183.97- | 26 |
| 460516 Pgm Inc-3rd Prty Rec. | 9,000.00- | 1,983.92- | 7,016.08- | 22 | 3,000.00- | 2,714.29- | 285.71- | 90 |
| 460517 Influenza Immunization | 5,000.00- | 952.00- | 4,048.00- | 19 | 10,000.00- | | 10,000.00- | |
| 460518 STD Fees | 30,000.00- | 6,763.15- | 23,236.85- | 23 | 60,000.00- | 11,438.25- | 48,561.75- | 19 |
| 460519 Outpatient Services | 12,500.00- | 42.00- | 12,458.00- | 0 | 11,500.00- | 2,383.00- | 9,117.00- | 21 |
| 460520 Eng Serv Health | 90,500.00- | 16,205.00- | 74,295.00- | 18 | 120,000.00- | 44,585.00- | 75,415.00- | 37 |
| 460521 Plan Review - Pools & Spas | 5,000.00- | 4,161.00- | 839.00- | 83 | 3,000.00- | 1,716.00- | 1,284.00- | 57 |
| 460523 Plan Review - Food Services | 30,000.00- | 4,940.15- | 25,059.85- | 16 | 40,000.00- | 5,363.36- | 34,636.64- | 13 |
| 460524 Family Planning | 100,000.00- | 17,476.31- | 82,523.69- | 17 | 100,000.00- | 27,875.13- | 72,124.87- | 28 |
| 460525 Plan Review - Vector | 64,000.00- | 9,366.00- | 54,634.00- | 15 | 75,000.00- | 17,451.00- | 57,549.00- | 23 |
| 460526 Plan Review-Air Quality | 15,500.00- | 8,869.00- | 6,631.00- | 57 | 14,837.00- | 10,233.00- | 4,604.00- | 69 |
| 460527 NOE-AQM | 32,900.00- | 21,208.00- | 11,692.00- | 64 | 32,900.00- | 15,456.00- | 17,444.00- | 47 |
| 460528 NESHAP-AQM | 62,000.00- | 25,008.00- | 36,992.00- | 40 | 167,900.00- | 19,462.00- | 148,438.00- | 12 |
| 460529 Assessments-AQM | 22,000.00- | 8,775.00- | 13,225.00- | 40 | 36,630.00- | 7,728.00- | 28,902.00- | 21 |
| 460530 Inspector Registr-AQ | 1,900.00- | 3,735.00- | 1,835.00- | 197 | 2,100.00- | | 2,100.00- | |
| 460531 Dust Plan-Air Quality | 178,333.00- | 39,260.60- | 139,072.40- | 22 | 178,333.00- | 90,874.00- | 87,459.00- | 51 |
| 460533 Quick Start | | 170.00- | 170.00 | | | | | |

Washo County Health District
 REVEI
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|---------------------------------|---------------|---------------|---------------|------|----------------|---------------|---------------|------|
| 460534 Child Care Inspection | 9,000.00- | 3,049.00- | 5,951.00- | 34 | | | | |
| 460535 Pub Accomod Inspectn | 21,000.00- | 3,444.00- | 17,556.00- | 16 | | | | |
| 460570 Education Revenue | | 2,950.00- | 2,950.00 | | | | | |
| * Charges for Services | 1,451,491.69- | 383,678.20- | 1,067,813.49- | 26 | 1,857,659.10- | 502,057.11- | 1,355,601.99- | 27 |
| 484000 Donations, Contributions | | 100.00- | 100.00 | | | | | |
| 485300 Other Misc Govt Rev | 450.00- | 258.00- | 192.00- | 57 | | | | |
| * Miscellaneous | 450.00- | 358.00- | 92.00- | 80 | | | | |
| ** Revenue | 9,628,554.54- | 2,020,027.20- | 7,608,527.34- | 21 | 11,500,505.35- | 2,283,507.78- | 9,216,997.57- | 20 |

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|---------------------------------|---------------|--------------|--------------|-------|---------------|--------------|--------------|------|
| 701110 Base Salaries | 10,569,466.97 | 2,322,092.89 | 8,247,374.08 | 22 | 11,240,002.38 | 2,598,221.19 | 8,641,781.19 | 23 |
| 701120 Part Time | 700,249.99 | 157,062.93 | 543,187.06 | 22 | 1,045,046.35 | 213,616.86 | 831,429.49 | 20 |
| 701130 Pooled Positions | 218,859.33 | 46,253.25 | 172,606.08 | 21 | 197,135.86 | 47,376.53 | 149,759.33 | 24 |
| 701140 Holiday Work | 1,500.00 | 1,677.80 | 177.80 | 112 | 1,500.00 | 1,940.02 | 440.02 | 129 |
| 701150 Contractual Wages | 83,500.00 | 10,777.02 | 72,722.98 | 13 | 96,339.87 | 11,840.75 | 84,499.12 | 12 |
| 701200 Incentive Longevity | 166,450.00 | 1,264.66 | 165,185.34 | 1 | 169,100.50 | 1,101.81 | 167,998.69 | 1 |
| 701300 Overtime | 49,520.21 | 22,577.40 | 26,942.81 | 46 | 69,385.91 | 15,880.63 | 53,505.28 | 23 |
| 701406 Standby Pay | 30,000.00 | 8,858.56 | 21,141.44 | 30 | 35,000.00 | 7,365.35 | 27,634.65 | 21 |
| 701408 Call Back | 3,000.00 | 592.01 | 2,407.99 | 20 | 6,000.00 | 1,524.67 | 4,475.33 | 25 |
| 701412 Salary Adjustment | 224,410.22 | 62,037.32 | 224,410.22 | | 273,978.53 | 150,992.93 | 273,978.53 | |
| 701413 Vac Payoff/Sick Pay-Term | | 21,073.50 | 62,037.32 | | | 22,331.28 | 150,992.93 | |
| 701417 Comp Time | | 21,073.50 | 21,073.50 | | | 22,331.28 | 22,331.28 | |
| 701500 Merit Awards | 329,645.39 | | 329,645.39 | | 254,000.00 | | 254,000.00 | |
| * Salaries and Wages | 11,717,311.33 | 2,654,267.34 | 9,063,043.99 | 23 | 12,331,532.34 | 3,072,192.02 | 9,259,340.32 | 25 |
| 705110 Group Insurance | 1,566,307.85 | 354,194.32 | 1,212,113.53 | 23 | 1,493,380.68 | 337,592.10 | 1,155,788.58 | 23 |
| 705210 Retirement | 2,447,498.18 | 529,092.11 | 1,918,406.07 | 22 | 2,548,069.63 | 570,171.29 | 1,977,898.34 | 22 |
| 705215 Retirement Calculation | 200,000.00 | | 200,000.00 | | 147,700.00 | | 147,700.00 | |
| 705230 Medicare April 1986 | 149,962.42 | 34,640.30 | 115,322.12 | 23 | 161,008.60 | 39,822.74 | 121,185.86 | 25 |
| 705320 Workmens Comp | 64,271.45 | 15,333.39 | 48,938.06 | 24 | 81,600.00 | 20,299.89 | 61,300.11 | 25 |
| 705330 Unemploy Comp | 12,350.00 | | 12,350.00 | | 13,260.00 | | 13,260.00 | |
| 705360 Benefit Adjustment | | | | | 19,155.00 | | 19,155.00 | |
| * Employee Benefits | 4,440,389.90 | 933,260.12 | 3,507,129.78 | 21 | 4,464,173.91 | 967,886.02 | 3,496,287.89 | 22 |
| 710100 Professional Services | 632,784.72 | 133,561.80 | 499,222.92 | 21 | 1,106,898.07 | 288,767.30 | 818,130.77 | 26 |
| 710105 Medical Services | 13,600.00 | 3,992.00 | 9,608.00 | 29 | 13,700.00 | 2,014.00 | 11,686.00 | 15 |
| 710108 MD Consultants | 55,382.00 | 6,375.00 | 49,007.00 | 12 | 57,140.00 | 2,850.00 | 54,290.00 | 5 |
| 710115 Prof Eng Services | | | | | | 1,208.31 | 1,208.31 | |
| 710119 Subrecipient Payments | 189,994.00 | 22,709.00 | 167,285.00 | 12 | 304,994.00 | 51,248.00 | 253,746.00 | 17 |
| 710200 Service Contract | 91,110.00 | 38,697.70 | 52,412.30 | 42 | 116,754.00 | 31,032.51 | 85,721.49 | 27 |
| 710205 Repairs and Maintenance | 14,970.00 | 3,617.84 | 11,352.16 | 24 | 17,335.63 | 1,489.78 | 15,845.85 | 9 |
| 710210 Software Maintenance | 350.00 | 17,802.29 | 17,452.29 | 5,086 | | | | |
| 710300 Operating Supplies | 162,826.92 | 28,435.28 | 134,391.64 | 17 | 185,981.66 | 41,638.28 | 144,343.38 | 22 |
| 710302 Small Tools & Allow | 1,385.00 | | 1,385.00 | | 2,950.00 | | 2,950.00 | |
| 710308 Animal Supplies | 2,000.00 | | 2,000.00 | | 2,000.00 | | 2,000.00 | |
| 710319 Chemical Supplies | 560,707.00 | 359,672.88 | 201,034.12 | 64 | 621,588.00 | 359,851.46 | 261,736.54 | 58 |
| 710334 Copy Machine Expense | 36,067.03 | 5,838.67 | 30,228.36 | 16 | 41,362.18 | 8,210.75 | 33,151.43 | 20 |
| 710350 Office Supplies | 54,252.09 | 14,638.91 | 39,613.18 | 27 | 56,718.55 | 19,069.23 | 37,649.32 | 34 |
| 710355 Books and Subscriptions | 7,596.55 | 2,793.99 | 4,802.56 | 37 | 9,988.50 | 2,356.30 | 7,632.20 | 24 |
| 710360 Postage | 18,271.87 | 5,158.70 | 13,113.17 | 28 | 6,951.57 | 5,560.59 | 1,390.98 | 80 |
| 710361 Express and Courier | 1,135.00 | 64.84 | 1,070.16 | 6 | 18,150.00 | 135.26 | 18,014.74 | 1 |
| 710391 Fuel & Lube | 100.00 | | 100.00 | | 100.00 | | 100.00 | |
| 710500 Other Expense | 16,896.84 | 856.68 | 16,040.16 | 5 | 52,568.75 | 15,363.74 | 37,205.01 | 29 |
| 710502 Printing | 39,358.76 | 4,309.20 | 35,049.56 | 11 | 41,043.48 | 2,195.96 | 38,847.52 | 5 |
| 710503 Licenses & Permits | 8,325.00 | 2,752.67 | 5,572.33 | 33 | 10,415.00 | 836.00 | 9,579.00 | 8 |
| 710504 Registration | 900.00 | | 900.00 | | | | | |
| 710505 Rental Equipment | 2,269.00 | | 2,269.00 | | 10,169.00 | | 10,169.00 | |

Washo County Health District
 EXPEN
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|------------------------------------|---------------|--------------|---------------|------|---------------|---------------|---------------|------|
| 710506 Dept Insurance Deductible | | 300.00 | 300.00- | | | 150.00 | 150.00- | |
| 710507 Network and Data Lines | 4,605.00 | 1,327.92 | 3,277.08 | 29 | 455.00 | 1,244.06 | 789.06- | 273 |
| 710508 Telephone Land Lines | 62,953.43 | 11,571.76 | 51,381.67 | 18 | 74,905.48 | 12,568.41 | 62,337.07 | 17 |
| 710509 Seminars and Meetings | 32,600.00 | 4,248.00 | 28,352.00 | 13 | 66,296.00 | 7,929.00 | 58,367.00 | 12 |
| 710512 Auto Expense | 15,619.00 | 3,024.81 | 12,594.19 | 19 | 26,645.18 | 3,260.01 | 23,385.17 | 12 |
| 710519 Cellular Phone | 13,597.00 | 3,928.73 | 9,668.27 | 29 | 24,205.00 | 3,943.83 | 20,261.17 | 16 |
| 710529 Dues | 4,416.00 | 3,246.00 | 1,170.00 | 74 | 5,280.00 | 1,525.00 | 3,755.00 | 29 |
| 710535 Credit Card Fees | 12,394.78 | 2,096.94 | 10,297.84 | 17 | | | | |
| 710546 Advertising | 26,398.00 | 3,028.89 | 23,369.11 | 11 | 65,626.52 | 8,397.83 | 57,228.69 | 13 |
| 710577 Uniforms & Special Clothing | 3,150.00 | 232.87 | 2,917.13 | 7 | 3,500.00 | | 3,500.00 | |
| 710585 Undesignated Budget | 31,331.06 | | 31,331.06 | | | | | |
| 710600 LT Lease-Office Space | 195,423.01 | 64,935.92 | 130,487.09 | 33 | 256,446.13 | 63,787.48 | 192,658.65 | 25 |
| 710620 LT Lease-Equipment | 249,400.68 | 28,134.99 | 221,265.69 | 11 | 5,940.00 | 2,970.00 | 2,970.00 | 50 |
| 710703 Biologicals | | | | | 287,009.61 | 73,760.46 | 213,249.15 | 26 |
| 710714 Referral Services | | | | | 8,700.00 | 570.00 | 8,130.00 | 7 |
| 710721 Outpatient | 123,350.00 | 2,262.02 | 121,087.98 | 2 | 149,305.88 | 13,328.22 | 135,977.66 | 9 |
| 710872 Food Purchases | 1,950.00 | 223.04 | 1,726.96 | 11 | 2,050.00 | 73.54 | 1,976.46 | 4 |
| 711113 Equip Srv Replace | 101,823.48 | 27,712.15 | 74,111.33 | 27 | 104,964.00 | 32,704.83 | 72,259.17 | 31 |
| 711114 Equip Srv O & M | 71,986.43 | 14,044.55 | 57,941.88 | 20 | 160,958.54 | 37,909.04 | 123,049.50 | 24 |
| 711115 Equip Srv Motor Pool | 11,925.00 | 3,977.50 | 7,947.50 | 33 | 19,195.00 | 2,012.50 | 17,182.50 | 10 |
| 711117 ESD Fuel Charge | 52,973.64 | 14,039.59 | 38,934.05 | 27 | | | | |
| 711119 Prop & Liab Billings | 66,930.00 | 16,482.48 | 50,447.52 | 25 | 58,667.00 | 14,666.79 | 44,000.21 | 25 |
| 711210 Travel | 176,986.19 | 9,994.24 | 166,991.95 | 6 | 188,045.22 | 14,713.84 | 173,331.38 | 8 |
| 711504 Equipment nonCapital | 37,673.50 | 121,500.21 | 83,826.71- | 323 | 103,981.03 | 30,774.28 | 73,206.75 | 30 |
| * Services and Supplies | 3,205,967.98 | 987,590.06 | 2,218,377.92 | 31 | 4,288,983.98 | 1,160,116.59 | 3,128,867.39 | 27 |
| 781004 Equipment Capital | 371,424.85 | 44,304.12 | 327,120.73 | 12 | 570,176.05 | 80,130.59 | 490,045.46 | 14 |
| * Capital Outlay | 371,424.85 | 44,304.12 | 327,120.73 | 12 | 570,176.05 | 80,130.59 | 490,045.46 | 14 |
| ** Expenses | 19,735,094.06 | 4,619,421.64 | 15,115,672.42 | 23 | 21,654,866.28 | 5,280,325.22 | 16,374,541.06 | 24 |
| 485192 Surplus Equipment Sales | | 12.60- | 12.60 | | | | | |
| * Other Fin. Sources | | 12.60- | 12.60 | | | | | |
| 621001 Transfer From General | 8,795,500.00- | 885,000.00- | 7,910,500.00- | 10 | 9,693,500.00- | 2,157,000.00- | 7,536,500.00- | 22 |
| * Transfers In | 8,795,500.00- | 885,000.00- | 7,910,500.00- | 10 | 9,693,500.00- | 2,157,000.00- | 7,536,500.00- | 22 |
| ** Other Financing Src/Use | 8,795,500.00- | 885,012.60- | 7,910,487.40- | 10 | 9,693,500.00- | 2,157,000.00- | 7,536,500.00- | 22 |

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|---------------------------------|---------------|--------------|---------------|------|---------------|-------------|---------------|------|
| 431100 Federal Grants | 1,200,096.00- | 186,181.56- | 1,013,914.44- | 16 | 1,463,729.00- | 183,989.52- | 1,279,739.48- | 13 |
| * Intergovernmental | 1,200,096.00- | 186,181.56- | 1,013,914.44- | 16 | 1,463,729.00- | 183,989.52- | 1,279,739.48- | 13 |
| 460512 Duplication Service Fees | 200.00- | 31.50- | 168.50- | 16 | 800.00- | 126.50- | 673.50- | 16 |
| * Charges for Services | 200.00- | 31.50- | 168.50- | 16 | 800.00- | 126.50- | 673.50- | 16 |
| 485300 Other Misc Govt Rev | 450.00- | 205.00- | 245.00- | 46 | | | | |
| * Miscellaneous | 450.00- | 205.00- | 245.00- | 46 | | | | |
| ** Revenue | | | | | | | | |
| 701110 Base Salaries | 1,200,746.00- | 186,418.06- | 1,014,327.94- | 16 | 1,464,529.00- | 184,116.02- | 1,280,412.98- | 13 |
| 701120 Part Time | 1,748,051.93 | 401,836.09 | 1,346,215.84 | 23 | 2,046,648.55 | 435,004.79 | 1,611,643.76 | 21 |
| 701130 Pooled Positions | 24,553.03 | 5,224.01 | 19,329.02 | 21 | 24,461.26 | 5,490.17 | 18,971.09 | 22 |
| 701200 Incentive Longevity | 68,296.19 | 603.10 | 68,296.19 | 2 | 25,580.86 | 201.92 | 25,580.86 | 1 |
| 701300 Overtime | 31,000.00 | 964.85 | 30,396.90 | 16 | 29,850.00 | | 29,850.00 | |
| 701412 Salary Adjustment | 6,000.00 | | 5,035.15 | | 4,015.00 | | 4,015.00 | |
| 701413 Vac Payoff/Sick Pay-Term | 7,104.00 | | 7,104.00 | | 94,369.00 | | 94,369.00 | |
| 701417 Comp Time | | 7,335.40 | 7,335.40- | | | 33,899.31 | 33,899.31- | |
| 701500 Merit Awards | | 26.23 | 26.23- | | | 7,432.32 | 7,432.32- | |
| * Salaries and Wages | 1,885,005.15 | 415,989.68 | 1,469,015.47 | 22 | 91,459.00- | 482,028.51 | 91,459.00- | 23 |
| 705110 Group Insurance | 268,699.06 | 204,447.86 | 204,447.86 | 24 | 2,133,465.67 | 56,629.76 | 1,651,437.16 | 23 |
| 705210 Retirement | 381,561.51 | 85,683.48 | 295,878.03 | 22 | 245,985.18 | 87,981.71 | 189,355.42 | 23 |
| 705215 Retirement Calculation | 200,000.00 | | 200,000.00 | | 425,683.31 | | 337,701.60 | 21 |
| 705230 Medicare April 1986 | 24,601.66 | 5,549.36 | 19,052.30 | 23 | 147,700.00 | 6,751.98 | 147,700.00 | 23 |
| 705320 Workmens Comp | 11,458.00 | 2,864.49 | 8,593.51 | 25 | 14,800.00 | 3,699.99 | 11,100.01 | 25 |
| 705330 Unemply Comp | 2,210.00 | | 2,210.00 | | 2,405.00 | | 2,405.00 | |
| 705360 Benefit Adjustment | | | | | 19,155.00 | | 19,155.00 | |
| * Employee Benefits | 888,530.23 | 158,348.53 | 730,181.70 | 18 | 884,718.52 | 155,063.44 | 729,655.08 | 18 |
| 710100 Professional Services | 3,300.00 | | 3,300.00 | | 4,800.00 | 865.00 | 3,935.00 | 18 |
| 710105 Medical Services | | 46.50 | 46.50- | | | | | |
| 710108 MD Consultants | | | | | | | | |
| 710200 Service Contract | 750.00 | 783.28 | 33.28- | 104 | 150.00 | 45.00 | 45.00- | 445 |
| 710205 Repairs and Maintenance | 800.00 | 96.22 | 703.78 | 12 | 800.00 | 667.38 | 517.38- | 6 |
| 710300 Operating Supplies | 46,854.29 | 5,037.98 | 41,816.31 | 11 | 35,300.00 | 814.69 | 34,485.31 | 2 |
| 710334 Copy Machine Expense | 11,594.00 | 1,561.03 | 10,032.97 | 13 | 11,879.00 | 3,135.16 | 8,743.84 | 26 |
| 710350 Office Supplies | 16,185.00 | 5,171.34 | 11,013.66 | 32 | 16,185.00 | 4,232.05 | 11,952.95 | 26 |
| 710355 Books and Subscriptions | 1,370.00 | 1,475.50 | 105.50- | 108 | 1,370.00 | 358.50 | 1,011.50 | 26 |
| 710360 Postage | 1,600.00 | 236.22 | 1,363.78 | 15 | | 691.01 | 691.01- | |
| 710361 Express and Courier | 100.00 | 31.77 | 68.23 | 32 | 1,700.00 | 5.76 | 1,694.24 | 0 |
| 710500 Other Expense | 1,100.00 | 313.20 | 786.80 | 28 | 1,250.00 | 190.50 | 1,059.50 | 15 |
| 710502 Printing | 9,550.00 | 524.80 | 9,025.20 | 5 | 9,570.00 | 276.16 | 9,293.84 | 3 |
| 710503 Licenses & Permits | 2,400.00 | 190.00 | 2,210.00 | 8 | 2,500.00 | 171.00 | 2,329.00 | 7 |
| 710507 Network and Data Lines | | | | | | | | |
| 710508 Telephone Land Lines | 11,800.00 | 2,461.39 | 9,338.61 | 21 | 12,510.00 | 2,564.51 | 9,945.49 | 20 |
| 710509 Seminars and Meetings | 5,100.00 | 970.00 | 4,130.00 | 19 | 5,100.00 | 2,188.50 | 2,911.50 | 43 |
| 710512 Auto Expense | 4,350.00 | 271.94 | 4,078.06 | 6 | 4,550.00 | 292.96 | 4,257.04 | 6 |
| 710519 Cellular Phone | 350.00 | 29.31 | 320.69 | 8 | 383.00 | 88.26 | 294.74 | 23 |
| 710529 Dues | 955.00 | 2,410.00 | 1,455.00- | 252 | 955.00 | 1,240.00 | 285.00- | 130 |

Washo County Health District
 Administrative Health Services
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|------------------------------|--------------|--------------|--------------|------|--------------|-------------|--------------|------|
| 710546 Advertising | 150.00 | | 150.00 | | | | | |
| 710600 LT Lease-Office Space | 80,296.00 | 26,765.28 | 53,530.72 | 33 | 141,319.12 | 26,313.68 | 115,005.44 | 19 |
| 710872 Food Purchases | 150.00 | | 150.00 | | 200.00 | | 200.00 | |
| 711113 Equip Srv Replace | 2,122.20 | 620.55 | 1,501.65 | 29 | | 571.20 | 571.20 | |
| 711114 Equip Srv O & M | 1,043.60 | 139.36 | 904.24 | 13 | 1,623.64 | 199.49 | 1,424.15 | 12 |
| 711115 Equip Srv Motor Pool | | 55.00 | 55.00 | | | 175.00 | 175.00 | |
| 711117 ESD Fuel Charge | 636.64 | 152.38 | 484.26 | 24 | | | | |
| 711119 Prop & Liab Billings | 11,798.00 | 2,949.51 | 8,848.49 | 25 | 10,693.00 | 2,673.27 | 8,019.73 | 25 |
| 711210 Travel | 16,500.00 | 2,832.72 | 13,667.28 | 17 | 16,500.00 | 2,452.99 | 14,047.01 | 15 |
| 711504 Equipment nonCapital | 1,700.00 | 2,071.01 | 371.01- | 122 | 1,700.00 | | 1,700.00 | |
| * Services and Supplies | 232,554.73 | 57,196.29 | 175,358.44 | 25 | 281,037.76 | 50,410.40 | 230,627.36 | 18 |
| ** Expenses | 3,006,090.11 | 631,534.50 | 2,374,555.61 | 21 | 3,299,221.95 | 687,502.35 | 2,611,719.60 | 21 |
| *** Total | 1,805,344.11 | 445,116.44 | 1,360,227.67 | 25 | 1,894,692.95 | 503,386.33 | 1,331,306.62 | 27 |

| Accounts | 2010-Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|-------------------------------------|---------------|--------------|---------------|-------|---------------|-------------|---------------|------|
| * 422510 Air Pollution Permits | 402,399.00- | 85,247.25- | 317,151.75- | 21 | 420,550.00- | 104,215.50- | 316,334.50- | 25 |
| Licenses and Permits | 402,399.00- | 85,247.25- | 317,151.75- | 21 | 420,550.00- | 104,215.50- | 316,334.50- | 25 |
| 431100 Federal Grants | 681,349.00- | 93,114.90- | 588,234.10- | 14 | 759,349.00- | 94,911.00- | 664,438.00- | 12 |
| 431105 Federal Grants - Indirect | | 4,253.10- | 4,253.10- | | | | | |
| 432100 State Grants | | | | | | | | |
| 432311 Pol Ctr 455B.830 | 280,000.00- | 76,400.00- | 203,600.00- | 27 | 170,000.00- | 78,543.00- | 170,000.00- | 28 |
| * Intergovernmental | 961,349.00- | 173,768.00- | 787,581.00- | 18 | 1,209,349.00- | 173,454.00- | 1,035,895.00- | 14 |
| 460513 Other Health Service Charges | | 34.00- | 34.00- | | 9,800.00- | 290.40- | 9,509.60- | 3 |
| 460526 Plan Review-Air Quality | 15,500.00- | 8,869.00- | 6,631.00- | 57 | 14,837.00- | 10,233.00- | 4,604.00- | 69 |
| 460527 NOE-AQM | 32,900.00- | 21,208.00- | 11,692.00- | 64 | 32,900.00- | 15,456.00- | 17,444.00- | 47 |
| 460528 NESHAP-AQM | 62,000.00- | 25,008.00- | 36,992.00- | 40 | 167,900.00- | 19,462.00- | 148,438.00- | 12 |
| 460529 Assessments-AQM | 22,000.00- | 8,775.00- | 13,225.00- | 40 | 36,630.00- | 7,728.00- | 28,902.00- | 21 |
| 460530 Inspector Registr-AQ | 1,900.00- | 3,735.00- | 1,835.00- | 197 | 2,100.00- | | 2,100.00- | |
| 460531 Dust Plan-Air Quality | 178,333.00- | 39,260.60- | 139,072.40- | 22 | 178,333.00- | 90,874.00- | 87,459.00- | 51 |
| * Charges for Services | 312,633.00- | 106,889.60- | 205,743.40- | 34 | 442,500.00- | 144,043.40- | 298,456.60- | 33 |
| ** Revenue | 1,676,381.00- | 365,904.85- | 1,310,476.15- | 22 | 2,072,399.00- | 421,712.90- | 1,650,686.10- | 20 |
| 701110 Base Salaries | 1,311,733.43 | 308,903.78 | 1,002,829.65 | 24 | 1,388,862.47 | 330,106.60 | 1,058,755.87 | 24 |
| 701130 Pooled Positions | 8,000.00 | 379.28 | 7,620.72 | 5 | 8,000.00 | 869.29 | 7,130.71 | 11 |
| 701150 Contractual Wages | 50,000.00 | | 50,000.00 | | 50,000.00 | | 50,000.00 | |
| 701200 Incentive Longevity | 21,150.00 | | 21,150.00 | | 23,550.00 | 538.44 | 23,011.56 | 2 |
| 701300 Overtime | 6,057.21 | | 6,057.21 | | 4,535.34 | 134.48 | 4,400.86 | 3 |
| 701408 Call Back | | | | | 1,000.00 | | 1,000.00 | |
| 701412 Salary Adjustment | | | | | 8,608.78 | | 8,608.78 | |
| 701413 Vac Payoff/Sick Pay-Term | | | | | | | | |
| 701417 Comp Time | | | | | | 47,432.37 | 47,432.37- | |
| * Salaries and Wages | 1,396,940.64 | 309,283.06 | 1,087,657.58 | 22 | 1,484,556.59 | 387,551.85 | 1,097,004.74 | 26 |
| 705110 Group Insurance | 156,554.89 | 37,499.24 | 119,055.65 | 24 | 142,279.60 | 33,573.47 | 108,706.13 | 24 |
| 705210 Retirement | 285,871.82 | 65,668.91 | 220,202.91 | 23 | 289,544.99 | 66,821.77 | 222,723.22 | 23 |
| 705230 Medicare April 1986 | 17,726.98 | 4,053.28 | 13,673.70 | 23 | 18,901.05 | 5,288.27 | 13,612.78 | 28 |
| 705320 Workmens Comp | 6,740.00 | 1,685.01 | 5,054.99 | 25 | 8,000.00 | 2,000.01 | 5,999.99 | 25 |
| 705330 Unemply Comp | 1,300.00 | | 1,300.00 | | 1,300.00 | | 1,300.00 | |
| * Employee Benefits | 468,193.69 | 108,906.44 | 359,287.25 | 23 | 460,025.64 | 107,683.52 | 352,342.12 | 23 |
| 710100 Professional Services | 176,599.41 | 9,070.73 | 167,528.68 | 5 | 261,928.54 | 78,250.10 | 183,678.44 | 30 |
| 710200 Service Contract | 350.00 | 363.00 | 13.00- | 104 | 350.00 | 312.84 | 37.16 | 89 |
| 710205 Repairs and Maintenance | 7,000.00 | 1,874.70 | 5,125.30 | 27 | 8,792.63 | 143.00 | 8,649.63 | 2 |
| 710300 Operating Supplies | 4,100.00 | 1,100.85 | 2,999.15 | 27 | 4,500.00 | 302.87 | 4,197.13 | 7 |
| 710334 Copy Machine Expense | 4,387.20 | 1,033.82 | 3,353.38 | 24 | 4,387.20 | 1,207.34 | 3,179.86 | 28 |
| 710350 Office Supplies | 3,500.00 | 241.31 | 3,258.69 | 7 | 4,500.00 | 1,254.35 | 3,245.65 | 28 |
| 710355 Books and Subscriptions | 224.00 | 221.86 | 2.14 | 99 | 224.00 | 210.77 | 13.23 | 94 |
| 710360 Postage | 2,200.00 | 865.40 | 1,334.60 | 39 | | 584.73 | 584.73- | |
| 710361 Express and Courier | 200.00 | 6.75 | 193.25 | 3 | 2,000.00 | 12.21 | 1,987.79 | 1 |
| 710500 Other Expense | 200.00 | | 200.00 | | 1,000.00 | 604.92 | 395.08 | 60 |
| 710502 Printing | 1,000.00 | 184.57 | 815.43 | 18 | 1,600.00 | 418.33 | 1,181.67 | 26 |
| 710503 Licenses & Permits | 90.00 | 2,237.67 | 2,147.67- | 2,486 | | | | |
| 710505 Rental Equipment | 1,800.00 | | 1,800.00 | | 1,700.00 | | 1,700.00 | |

Washo County Health District
 Air Quality Management
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|------------------------------------|--------------|--------------|--------------|------|--------------|-------------|--------------|------|
| 710508 Telephone Land Lines | 9,000.00 | 1,767.15 | 7,232.85 | 20 | 12,600.00 | 1,925.25 | 10,674.75 | 15 |
| 710509 Seminars and Meetings | 4,200.00 | 440.00 | 3,760.00 | 10 | 4,200.00 | 390.00 | 3,810.00 | 9 |
| 710512 Auto Expense | 1,200.00 | 211.75 | 988.25 | 18 | 200.00 | 514.49 | 314.49- | 257 |
| 710519 Cellular Phone | 3,800.00 | 971.60 | 2,828.40 | 26 | 4,145.00 | 654.16 | 3,490.84 | 16 |
| 710529 Dues | 435.00 | | 435.00 | | 435.00 | | 435.00 | |
| 710535 Credit Card Fees | 1,500.00 | 379.42 | 1,120.58 | 25 | 5,700.00 | 308.20 | 5,391.80 | 5 |
| 710546 Advertising | 5,700.00 | 118.57 | 5,581.43 | 2 | 1,100.00 | | 1,100.00 | |
| 710577 Uniforms & Special Clothing | 1,100.00 | | 1,100.00 | | 74,490.12 | 24,379.20 | 50,110.92 | 33 |
| 710600 LT Lease-Office Space | 74,490.12 | 24,688.00 | 49,802.12 | 33 | 1,316.00 | | 1,316.00 | |
| 710721 Outpatient | 1,316.00 | | 1,316.00 | | 24,384.00 | 8,849.59 | 15,534.41 | 36 |
| 711113 Equip Srv Replace | 30,340.92 | 4,841.99 | 25,498.93 | 16 | 33,132.40 | 7,594.86 | 25,547.54 | 23 |
| 711114 Equip Srv O & M | 13,520.37 | 2,508.62 | 11,011.75 | 19 | 275.00 | | 275.00 | |
| 711115 Equip Srv Motor Pool | | | | | | | | |
| 711117 ESD Fuel Charge | 12,187.68 | 3,221.46 | 8,966.22 | 26 | 5,780.00 | 1,445.01 | 4,334.99 | 25 |
| 711119 Prop & Liab Billings | 7,940.00 | 1,734.99 | 6,205.01 | 22 | 38,984.00 | 440.80 | 38,523.20 | 1 |
| 711210 Travel | 40,227.52 | 752.07 | 39,475.45 | 2 | 4,000.00 | 6,628.79 | 2,628.79- | 166 |
| 711504 Equipment nonCapital | 4,000.00 | 6,506.36 | 2,506.36- | 163 | 501,703.89 | 136,421.81 | 365,282.08 | 27 |
| * Services and Supplies | 412,608.22 | 65,342.64 | 347,265.58 | 16 | 165,850.05 | | 165,850.05 | |
| 781004 Equipment Capital | 91,708.35 | | 91,708.35 | | 165,850.05 | | 165,850.05 | |
| * Capital Outlay | 91,708.35 | | 91,708.35 | | 2,612,136.17 | 631,657.18 | 1,980,478.99 | 24 |
| ** Expenses | 2,369,450.90 | 483,532.14 | 1,885,918.76 | 20 | | | | |
| 485192 Surplus Equipment Sales | | 12.60- | 12.60- | | | | | |
| ** Other Financing Src/Use | | 12.60- | 12.60- | | | | | |
| *** Total | 693,069.90 | 117,614.69 | 575,455.21 | 17 | 539,737.17 | 209,944.28 | 329,792.89 | 39 |

| Account | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|-----------------------------------|---------------|--------------|---------------|------|---------------|--------------|---------------|------|
| 431100 Federal Grants | 2,136,246.00- | 203,285.30- | 1,932,960.70- | 10 | 2,343,949.20- | 296,299.16- | 2,047,650.04- | 13 |
| 432100 State Grants | 407,225.57- | 46,181.87- | 361,043.70- | 11 | 564,279.80- | 134,100.06- | 430,179.74- | 24 |
| * Intergovernmental | 2,543,471.57- | 249,467.17- | 2,294,004.40- | 10 | 2,908,229.00- | 430,399.22- | 2,477,829.78- | 15 |
| 460162 Services to Other Agencies | 63,657.69- | 23,909.21- | 39,748.48- | 38 | 86,494.00- | 5,796.55- | 80,697.45- | 7 |
| 460500 Other Immunizations | 110,000.00- | 28,061.35- | 81,938.65- | 26 | 165,000.00- | 38,721.00- | 126,279.00- | 23 |
| 460501 Medicaid Clinical Services | 36,500.00- | 5,752.63- | 30,747.37- | 16 | 30,750.00- | 20,762.77- | 9,987.23- | 68 |
| 460503 Childhood Immunizations | 190,000.00- | 51,801.75- | 138,198.25- | 27 | 190,000.00- | 73,678.00- | 116,322.00- | 39 |
| 460505 Non Title X Revenue | | 1,369.00- | 1,369.00- | | | 2,157.00- | 2,157.00- | |
| 460508 Tuberculosis | 10,000.00- | 1,882.73- | 8,117.27- | 19 | 8,000.00- | 4,567.63- | 3,432.37- | 57 |
| 460515 Medicare Reimbursement | 500.00- | 672.90- | 172.90- | 135 | 250.00- | 66.03- | 183.97- | 26 |
| 460516 Pgm Inc-3rd Prty Rec | 9,000.00- | 1,983.92- | 7,016.08- | 22 | 3,000.00- | 2,714.29- | 285.71- | 90 |
| 460517 Influenza Immunization | 5,000.00- | 952.00- | 4,048.00- | 19 | 10,000.00- | | 10,000.00- | |
| 460518 STD Fees | 30,000.00- | 6,763.15- | 23,236.85- | 23 | 60,000.00- | 11,438.25- | 48,561.75- | 19 |
| 460519 Outpatient Services | 12,500.00- | 42.00- | 12,458.00- | 0 | 11,500.00- | 2,383.00- | 9,117.00- | 21 |
| 460524 Family Planning | 100,000.00- | 17,476.31- | 82,523.69- | 17 | 100,000.00- | 27,875.13- | 72,124.87- | 28 |
| 460570 Education Revenue | | 2,541.00- | 2,541.00- | | | | | |
| * Charges for Services | 567,157.69- | 143,207.95- | 423,949.74- | 25 | 664,994.00- | 190,159.65- | 474,834.35- | 29 |
| 484000 Donations, Contributions | | 100.00- | 100.00- | | | | | |
| * Miscellaneous | | 100.00- | 100.00- | | | | | |
| ** Revenue | 3,110,629.26- | 392,775.12- | 2,717,854.14- | 13 | 3,573,223.00- | 620,558.87- | 2,952,664.13- | 17 |
| 701110 Base Salaries | 2,998,790.37 | 646,475.72 | 2,352,314.65 | 22 | 3,350,766.90 | 779,089.45 | 2,571,677.45 | 23 |
| 701120 Part Time | 640,119.02 | 138,507.42 | 501,611.60 | 22 | 966,243.97 | 193,526.28 | 772,717.69 | 20 |
| 701130 Pooled Positions | 52,466.14 | 6,719.70 | 45,746.44 | 13 | 37,818.00 | 14,465.13 | 23,352.87 | 38 |
| 701150 Contractual Wages | | | | | 17,302.73 | | 17,302.73 | |
| 701200 Incentive Longevity | 54,059.00 | 338.46 | 53,720.54 | 1 | 53,890.00 | 188.37 | 53,701.63 | 0 |
| 701300 Overtime | 175.00 | | 175.00 | | 3,835.57 | 189.30 | 3,646.27 | 5 |
| 701412 Salary Adjustment | 161,849.28 | | 161,849.28 | | | | | |
| 701413 Vac Payoff/Sick Pay-Term | | 34,498.59 | 34,498.59- | | 403,856.66- | | 403,856.66- | |
| 701417 Comp Time | | 7,921.65 | 7,921.65- | | | | | |
| 701500 Merit Awards | 329,645.39- | | 329,645.39- | | | | | |
| * Salaries and Wages | 3,577,813.42 | 834,461.54 | 2,743,351.88 | 23 | 162,541.00- | 51,209.54 | 162,541.00- | 27 |
| 705110 Group Insurance | 519,954.04 | 113,272.25 | 406,681.79 | 22 | 3,863,459.51 | 1,044,538.36 | 2,818,921.15 | 27 |
| 705210 Retirement | 792,045.04 | 167,251.94 | 624,793.20 | 21 | 558,482.31 | 124,689.85 | 433,792.46 | 22 |
| 705230 Medicare April 1986 | 48,074.59 | 10,969.13 | 37,105.46 | 23 | 896,036.24 | 198,178.48 | 697,857.76 | 22 |
| 705320 Workmens Comp | 21,231.00 | 5,307.69 | 15,923.31 | 25 | 53,887.66 | 12,756.97 | 41,130.69 | 24 |
| 705330 Unemploy Comp | 4,095.00 | | 4,095.00 | | 30,000.00 | 7,499.94 | 22,500.06 | 25 |
| * Employee Benefits | 1,385,399.67 | 296,800.91 | 1,088,598.76 | 21 | 4,875.00 | 343,125.24 | 4,875.00 | 22 |
| 710100 Professional Services | 63,123.00 | 9,633.38 | 53,489.62 | 15 | 1,543,281.21 | 28,253.77 | 1,200,155.97 | 9 |
| 710105 Medical Services | 13,000.00 | 3,000.00 | 10,000.00 | 23 | 299,863.70 | 2,014.00 | 271,609.93 | 15 |
| 710108 MD Consultants | 43,382.00 | 6,375.00 | 37,007.00 | 15 | 13,350.00 | 2,805.00 | 11,336.00 | 6 |
| 710119 Subrecipient Payments | 189,994.00 | 22,709.00 | 167,285.00 | 12 | 45,140.00 | 51,248.00 | 42,335.00 | 17 |
| 710200 Service Contract | 1,100.00 | 3,389.53 | 2,289.53- | 308 | 304,994.00 | 3,356.98 | 253,746.00 | 31 |
| 710205 Repairs and Maintenance | 5,770.00 | 841.50 | 4,928.50 | 15 | 10,954.00 | 230.00 | 7,597.02 | 4 |
| 710210 Software Maintenance | 350.00 | | 350.00 | | 5,410.00 | | 5,180.00 | |
| 710300 Operating Supplies | 63,414.00 | 15,674.67 | 47,739.33 | 25 | 86,391.00 | 13,948.47 | 72,442.53 | 16 |

Washo City Health District
 Community and Clinical Health Services
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|------------------------------------|--------------|--------------|--------------|------|--------------|--------------|--------------|------|
| 710334 Copy Machine Expense | 16,572.00 | 2,517.25 | 14,054.75 | 15 | 17,183.00 | 3,227.69 | 13,955.31 | 19 |
| 710350 Office Supplies | 15,087.00 | 1,725.52 | 13,361.48 | 11 | 16,679.00 | 3,342.64 | 13,336.36 | 20 |
| 710355 Books and Subscriptions | 1,800.00 | 642.39 | 1,157.61 | 36 | 4,595.00 | 682.95 | 3,912.05 | 15 |
| 710360 Postage | 4,720.00 | 1,401.25 | 3,318.75 | 30 | 4,350.00 | 1,951.99 | 2,398.01 | 45 |
| 710361 Express and Courier | 535.00 | 15.98 | 519.02 | 3 | 3,650.00 | 64.41 | 3,585.59 | 2 |
| 710500 Other Expense | 11,070.52 | 543.48 | 10,527.04 | 5 | 43,298.75 | 9,732.01 | 33,566.74 | 22 |
| 710502 Printing | 10,307.24 | 1,615.83 | 8,691.41 | 16 | 16,784.00 | 731.49 | 16,052.51 | 4 |
| 710503 Licenses & Permits | 3,500.00 | 245.00 | 3,255.00 | 7 | 4,780.00 | 665.00 | 4,115.00 | 14 |
| 710504 Registration | 900.00- | | 900.00- | | | | | |
| 710505 Rental Equipment | 469.00 | | 469.00 | | 469.00 | | 469.00 | |
| 710507 Network and Data Lines | 1,405.00 | 603.60 | 801.40 | 43 | 455.00 | 607.13 | 152.13- | 133 |
| 710508 Telephone Land Lines | 18,212.00 | 3,770.71 | 14,441.29 | 21 | 24,270.00 | 4,181.87 | 20,088.13 | 17 |
| 710509 Seminars and Meetings | 10,700.00 | 1,675.00 | 9,025.00 | 16 | 34,897.00 | 3,760.50 | 31,136.50 | 11 |
| 710512 Auto Expense | 9,594.00 | 2,149.89 | 7,444.11 | 22 | 20,542.00 | 2,256.03 | 18,285.97 | 11 |
| 710519 Cellular Phone | 462.00 | 274.69 | 187.31 | 59 | 2,178.00 | 582.25 | 1,595.75 | 27 |
| 710529 Dues | 1,550.00 | 550.00 | 1,000.00 | 35 | 2,050.00 | 50.00 | 2,000.00 | 2 |
| 710535 Credit Card Fees | 5,935.00 | 885.61 | 5,049.39 | 15 | | | | |
| 710546 Advertising | 19,248.00 | 1,910.32 | 17,337.68 | 10 | 29,092.00 | 7,900.00 | 21,192.00 | 27 |
| 710577 Uniforms & Special Clothing | 350.00 | | 350.00 | | 450.00 | | 450.00 | |
| 710703 Biologicals | 245,100.00 | 28,134.99 | 216,965.01 | 11 | 282,109.61 | 73,760.46 | 208,349.15 | 26 |
| 710714 Referral Services | | | | | 8,700.00 | 570.00 | 8,130.00 | 7 |
| 710721 Outpatient | 112,986.00 | 2,262.02 | 110,723.98 | 2 | 140,067.88 | 13,153.97 | 126,913.91 | 9 |
| 710872 Food Purchases | 1,800.00 | 223.04 | 1,576.96 | 12 | 1,850.00 | 73.54 | 1,776.46 | 4 |
| 711113 Equip Srv Replace | 1,397.28 | 440.37 | 956.91 | 32 | 1,800.00 | 513.38 | 1,286.62 | 29 |
| 711114 Equip Srv O & M | 904.60 | | 904.60 | | 3,129.54 | 642.48 | 2,487.06 | 21 |
| 711115 Equip Srv Motor Pool | 4,725.00 | 50.00 | 4,675.00 | 1 | 320.00 | 235.00 | 85.00 | 73 |
| 711117 ESD Fuel Charge | 538.69 | | 538.69 | | | | | |
| 711119 Prop & Liab Billings | 21,861.00 | 5,465.22 | 16,395.78 | 25 | 21,675.00 | 5,418.75 | 16,256.25 | 25 |
| 711210 Travel | 42,303.00 | 2,257.67 | 40,045.33 | 5 | 54,991.00 | 3,940.16 | 51,050.84 | 7 |
| 711504 Equipment nonCapital | 5,950.00 | | 5,950.00 | | 5,017.00 | 53.00 | 4,964.00 | 1 |
| * Services and Supplies | 948,315.33 | 120,982.91 | 827,332.42 | 13 | 1,511,485.48 | 239,952.92 | 1,271,532.56 | 16 |
| ** Expenses | 5,911,528.42 | 1,252,245.36 | 4,659,283.06 | 21 | 6,918,226.20 | 1,627,616.52 | 5,290,609.68 | 24 |
| *** Total | 2,800,899.16 | 859,470.24 | 1,941,428.92 | 31 | 3,345,003.20 | 1,007,057.65 | 2,337,945.55 | 30 |

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|-------------------------------------|--------------|--------------|--------------|------|--------------|-------------|--------------|------|
| 422503 Environmental Permits | 69,000.00 | 9,062.00 | 59,938.00 | 13 | 125,000.00 | 38,099.26 | 86,900.74 | 30 |
| 422504 Pool Permits | 33,000.00 | 7,675.00 | 25,325.00 | 23 | 100,000.00 | 15,345.00 | 84,655.00 | 15 |
| 422505 RV Permits | 10,500.00 | 2,096.00 | 8,404.00 | 20 | 15,000.00 | 3,325.00 | 11,675.00 | 22 |
| 422507 Food Service Permits | 355,000.00 | 87,441.00 | 267,559.00 | 25 | 410,000.00 | 95,786.00 | 314,214.00 | 23 |
| 422508 Wat Well Const Perm | 44,000.00 | 12,651.00 | 31,349.00 | 29 | 40,000.00 | 10,792.00 | 29,208.00 | 27 |
| 422509 Water Company Permits | 12,000.00 | 1,446.00 | 10,554.00 | 12 | 25,000.00 | 3,832.00 | 21,168.00 | 15 |
| 422511 ISDS Permits | 90,000.00 | 13,291.85 | 76,708.15 | 15 | 125,000.00 | 24,515.00 | 100,485.00 | 20 |
| 422513 Special Event Permits | 75,000.00 | 44,668.00 | 30,332.00 | 60 | 80,000.00 | 52,882.00 | 27,118.00 | 66 |
| 422514 Initial Applic Fee | 38,000.00 | 9,868.00 | 28,132.00 | 26 | 3,920.00 | 3,920.00 | 3,920.00 | |
| * Licenses and Permits | 726,500.00 | 188,198.85 | 538,301.15 | 26 | 920,000.00 | 248,496.26 | 671,503.74 | 27 |
| 431100 Federal Grants | 277,000.00 | 44,226.38 | 232,773.62 | 16 | 277,000.00 | 46,551.65 | 230,448.35 | 17 |
| 432100 State Grants | 75,000.00 | 19,250.00 | 55,750.00 | 26 | 75,250.00 | 75,250.00 | 75,250.00 | |
| 432310 Tire Fee NRS 444A.090 | 370,534.52 | 145,844.62 | 224,689.90 | 39 | 415,000.00 | 155,999.06 | 259,000.94 | 38 |
| * Intergovernmental | 722,534.52 | 209,321.00 | 513,213.52 | 29 | 767,250.00 | 202,550.71 | 564,699.29 | 26 |
| 460162 Services to Other Agencies | 121,001.00 | 31,468.00 | 89,533.00 | 26 | 109,365.10 | 36,075.00 | 113,925.00 | 24 |
| 460510 IT Overlay | 8,000.00 | 1,353.00 | 6,647.00 | 17 | 14,000.00 | 1,611.00 | 12,389.00 | 12 |
| 460513 Other Health Service Charges | 8,000.00 | 4,765.00 | 3,235.00 | 60 | 8,000.00 | 1,968.00 | 6,032.00 | 25 |
| 460514 Food Service Certification | 90,500.00 | 16,205.00 | 74,295.00 | 18 | 120,000.00 | 44,585.00 | 75,415.00 | 37 |
| 460520 Eng Serv Health | 5,000.00 | 4,161.00 | 839.00 | 83 | 3,000.00 | 1,284.00 | 1,284.00 | 57 |
| 460521 Plan Review - Pools & Spas | 30,000.00 | 4,940.15 | 25,059.85 | 16 | 40,000.00 | 5,363.36 | 34,636.64 | 13 |
| 460523 Plan Review - Food Services | 64,000.00 | 9,366.00 | 54,634.00 | 15 | 75,000.00 | 17,451.00 | 57,549.00 | 23 |
| 460525 Plan Review - Vector | 9,000.00 | 170.00 | 8,830.00 | 19 | | | | |
| 460533 Quick Start | 9,000.00 | 3,049.00 | 5,951.00 | 34 | | | | |
| 460534 Child Care Inspection | 21,000.00 | 3,444.00 | 17,556.00 | 16 | | | | |
| 460535 Pub Accomod Inspectn | | 409.00 | 409.00 | | | | | |
| 460570 Education Revenue | 356,501.00 | 79,330.15 | 277,170.85 | 22 | 519,365.10 | 108,769.36 | 410,595.74 | 21 |
| * Charges for Services | | 53.00 | 53.00 | | | | | |
| 485300 Other Misc Govt Rev | | 53.00 | 53.00 | | | | | |
| * Miscellaneous | | 53.00 | 53.00 | | | | | |
| ** Revenue | 1,805,535.52 | 476,903.00 | 1,328,632.52 | 26 | 2,206,615.10 | 559,816.33 | 1,646,798.77 | 25 |
| 701110 Base Salaries | 3,399,403.84 | 724,625.73 | 2,674,778.11 | 21 | 3,324,778.61 | 811,549.92 | 2,513,228.69 | 24 |
| 701130 Pooled Positions | 90,097.00 | 39,154.27 | 50,942.73 | 43 | 125,737.00 | 32,042.11 | 93,694.89 | 25 |
| 701140 Holiday Work | 1,500.00 | 1,677.80 | 177.80 | 112 | 1,500.00 | 1,940.02 | 440.02 | 129 |
| 701150 Contractual Wages | 9,500.00 | 5,101.20 | 4,398.80 | 54 | | 6,546.55 | 6,546.55 | |
| 701200 Incentive Longevity | 52,100.00 | 323.10 | 51,776.90 | 1 | 53,900.00 | 173.08 | 53,726.92 | 0 |
| 701300 Overtime | 34,288.00 | 20,271.32 | 14,016.68 | 59 | 55,000.00 | 12,640.03 | 42,359.97 | 23 |
| 701406 Standby Pay | 30,000.00 | 8,858.56 | 21,141.44 | 30 | 35,000.00 | 7,365.35 | 27,634.65 | 21 |
| 701408 Call Back | 3,000.00 | 592.01 | 2,407.99 | 20 | 5,000.00 | 1,524.67 | 3,475.33 | 30 |
| 701412 Salary Adjustment | 304.20 | | 304.20 | | | | | |
| 701413 Vac Payoff/Sick Pay-Term | | 17,610.78 | 17,610.78 | | | 18,451.71 | 18,451.71 | |
| 701417 Comp Time | | 8,056.86 | 8,056.86 | | | 558.00 | 558.00 | |
| * Salaries and Wages | 3,619,584.64 | 826,271.63 | 2,793,313.01 | 23 | 3,600,915.61 | 892,791.44 | 2,708,124.17 | 25 |
| 705110 Group Insurance | 480,654.08 | 105,843.55 | 374,810.53 | 22 | 411,165.33 | 97,946.83 | 313,218.50 | 24 |
| 705210 Retirement | 740,272.62 | 156,612.00 | 583,660.62 | 21 | 692,578.60 | 166,199.69 | 526,378.91 | 24 |
| 705230 Medicare April 1986 | 43,911.91 | 10,393.70 | 33,518.21 | 24 | 42,676.59 | 11,437.52 | 31,239.07 | 27 |
| 705320 Workmens Comp | 18,535.00 | 4,633.71 | 13,901.29 | 25 | 20,800.00 | 5,199.96 | 15,600.04 | 25 |
| 705330 Unemply Comp | 3,575.00 | | 3,575.00 | | 3,380.00 | | 3,380.00 | |

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|------------------------------------|--------------|--------------|--------------|------|--------------|--------------|--------------|------|
| * Employee Benefits | 1,286,948.61 | 277,482.96 | 1,009,465.65 | 22 | 1,170,600.52 | 280,784.00 | 889,816.52 | 24 |
| 710100 Professional Services | 179,930.29 | 66,216.00 | 113,714.29 | 37 | 131,160.62 | 44,729.88 | 86,430.74 | 34 |
| 710105 Medical Services | 500.00 | 945.50 | 445.50- | 189 | 150.00 | | 150.00 | |
| 710115 Prof Eng Services | 87,300.00 | 32,545.89 | 54,754.11 | 37 | 104,700.00 | 1,208.31 | 1,208.31- | |
| 710200 Service Contract | 1,000.00 | 533.97 | 466.03 | 53 | 1,100.00 | 26,591.03 | 78,108.97 | 25 |
| 710205 Repairs and Maintenance | 23,593.05 | 17,802.29 | 17,802.29- | 10 | 14,392.81 | 768.70 | 331.30 | 70 |
| 710210 Software Maintenance | 1,385.00 | 2,258.78 | 21,334.27 | 10 | 2,950.00 | 4,182.20 | 10,210.61 | 29 |
| 710300 Operating Supplies | 2,000.00 | 359,672.88 | 2,000.00 | 64 | 2,000.00 | 2,950.00 | 2,950.00 | |
| 710302 Small Tools & Allow | 560,707.00 | 162.57 | 201,034.12 | 13 | 621,588.00 | 359,851.46 | 2,000.00 | 58 |
| 710308 Animal Supplies | 1,280.00 | 4,453.04 | 1,117.43 | 49 | 4,550.00 | 133.66 | 261,736.54 | |
| 710334 Copy Machine Expense | 9,150.00 | 325.24 | 4,696.96 | 20 | 9,075.00 | 1,692.79 | 4,416.34 | 3 |
| 710350 Office Supplies | 1,600.00 | 2,069.55 | 1,274.76 | 35 | 2,000.00 | 756.00 | 7,382.21 | 19 |
| 710355 Books and Subscriptions | 5,900.00 | 10.34 | 3,830.45 | 3 | 1,250.00 | 1,637.76 | 1,244.00 | 38 |
| 710360 Postage | 300.00 | 100.00 | 289.66 | 33 | 7,100.00 | 52.88 | 387.76- | 131 |
| 710361 Express and Courier | 100.00 | 80.00 | 80.00 | 20 | 3,400.00 | 1,294.55 | 100.00 | 1 |
| 710391 Fuel & Lube | 3,225.00 | 637.90 | 2,587.10 | 20 | 4,060.00 | 345.95 | 2,105.45 | 38 |
| 710500 Other Expense | 2,335.00 | 80.00 | 2,255.00 | 3 | 3,135.00 | | 3,135.00 | 9 |
| 710502 Printing | 3,200.00 | 300.00 | 300.00- | 19 | 8,000.00 | 150.00 | 8,000.00 | |
| 710503 Licenses & Permits | 11,425.00 | 603.60 | 2,596.40 | 22 | 22,845.00 | 435.94 | 150.00- | 11 |
| 710505 Rental Equipment | 11,200.00 | 2,482.25 | 8,942.75 | 22 | 15,850.00 | 2,452.63 | 435.94- | |
| 710506 Dept Insurance Deductible | 375.00 | 1,113.00 | 10,087.00 | 10 | 350.00 | 1,445.00 | 20,392.37 | 9 |
| 710507 Network and Data Lines | 8,405.00 | 60.78 | 314.22 | 16 | 16,813.00 | 39.24 | 14,405.00 | 9 |
| 710508 Telephone Land Lines | 896.00 | 286.00 | 610.00 | 25 | 1,800.00 | 2,447.67 | 310.76 | 11 |
| 710509 Seminars and Meetings | 4,959.78 | 831.91 | 4,127.87 | 17 | 30,500.00 | 235.00 | 14,365.33 | 15 |
| 710512 Auto Expense | 500.00 | 232.87 | 500.00 | 14 | 1,950.00 | 189.63 | 1,565.00 | 13 |
| 710519 Cellular Phone | 1,700.00 | 13,482.64 | 1,467.13 | 33 | 40,636.89 | 13,094.60 | 30,310.37 | 1 |
| 710529 Dues | 6,048.00 | 21,809.24 | 27,154.25 | 33 | 4,922.00 | 27,542.29 | 1,950.00 | 32 |
| 710535 Credit Card Fees | 67,963.08 | 10,891.82 | 6,048.00 | 32 | 78,780.00 | 4,922.00 | 4,922.00 | |
| 710546 Advertising | 56,517.86 | 3,860.00 | 46,153.84 | 19 | 123,072.96 | 22,770.66 | 56,009.34 | 29 |
| 710577 Uniforms & Special Clothing | 7,000.00 | 10,665.75 | 45,626.04 | 55 | 18,500.00 | 29,011.83 | 94,061.13 | 24 |
| 710600 LT Lease-Office Space | 39,610.63 | 4,771.26 | 3,140.00 | 27 | 15,028.00 | 1,602.50 | 16,897.50 | 9 |
| 710721 Outpatient | 19,085.00 | 3,146.58 | 28,944.88 | 25 | 44,136.62 | 3,756.99 | 56,009.34 | 25 |
| 711113 Equip Srv Replace | 35,650.00 | 564,391.75 | 14,313.74 | 9 | 36,202.42 | 4,504.03 | 39,632.59 | 10 |
| 711114 Equip Srv O & M | 2,643.97 | 1,668,146.34 | 32,503.42 | 47 | 1,372,098.32 | 1,131.84 | 35,070.58 | 3 |
| 711115 Equip Srv Motor Pool | 1,198,921.55 | 634,529.80 | 634,529.80 | 27 | 6,143,614.45 | 526,512.73 | 845,585.59 | 38 |
| 711117 ESD Fuel Charge | 6,105,454.80 | 1,668,146.34 | 4,437,308.46 | 27 | 350,000.00- | 1,700,088.17 | 4,443,526.28 | 28 |
| 711119 Prop & Liab Billings | 350,000.00- | 350,000.00- | 350,000.00- | 30 | 350,000.00- | 1,140,271.84 | 350,000.00- | 32 |
| 711210 Travel | 3,949,919.28 | 1,191,243.34 | 2,758,675.94 | 30 | 3,586,989.35 | | 2,446,727.51 | |
| 711504 Equipment nonCapital | | | | | | | | |
| * Services and Supplies | | | | | | | | |
| ** Expenses | | | | | | | | |
| 621001 Transfer From General | | | | | | | | |
| ** Other Financing Src/Use | | | | | | | | |
| *** Total | | | | | | | | |

Washo County Health District
 Epidemiology and Public Health Preparedness
 Pds 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|---------------------------------------|---------------|--------------|---------------|------|---------------|-------------|---------------|------|
| 431100 Federal Grants | 1,590,731.76- | 538,255.14- | 1,052,476.62- | 34 | 1,953,739.25- | 440,082.88- | 1,513,656.37- | 23 |
| * 431105 Federal Grants - Indirect | 29,531.00- | 5,552.03- | 23,978.97- | 19 | 1,737.42 | 1,737.42 | 1,737.42- | |
| * Intergovernmental | 1,620,262.76- | 543,807.17- | 1,076,455.59- | 34 | 1,953,739.25- | 438,345.46- | 1,515,393.79- | 22 |
| * 460511 Birth and Death Certificates | 215,000.00- | 54,219.00- | 160,781.00- | 25 | 230,000.00- | 58,958.20- | 171,041.80- | 26 |
| ** Charges for Services | 215,000.00- | 54,219.00- | 160,781.00- | 25 | 230,000.00- | 58,958.20- | 171,041.80- | 26 |
| ** Revenue | 1,835,262.76- | 598,026.17- | 1,237,236.59- | 33 | 2,183,739.25- | 497,303.66- | 1,686,435.59- | 23 |
| 701110 Base Salaries | 1,111,487.40 | 240,251.57 | 871,235.83 | 22 | 1,128,945.85 | 242,470.43 | 886,475.42 | 21 |
| 701120 Part Time | 35,577.94 | 13,331.50 | 22,246.44 | 37 | 54,341.12 | 14,600.41 | 39,740.71 | 27 |
| 701150 Contractual Wages | 24,000.00 | 5,675.82 | 18,324.18 | 24 | 29,037.14 | 5,294.20 | 23,742.94 | 18 |
| 701200 Incentive Longevity | 8,141.00 | 1,341.23 | 6,799.77 | 16 | 7,910.50 | 2,916.82 | 5,000.00 | 37 |
| 701300 Overtime | 3,000.00 | 1,341.23 | 1,658.77 | 45 | 2,000.00 | 2,916.82 | 916.82- | 146 |
| 701412 Salary Adjustment | 55,761.14 | 2,592.55 | 53,168.59 | 4 | 26,900.35 | 26,900.35 | 26,900.35 | |
| 701413 Vac Payoff/Sick Pay-Term | | 5,068.76 | 5,068.76 | | | | | |
| 701417 Comp Time | | 5,068.76 | 5,068.76 | | | | | |
| * Salaries and Wages | 1,237,967.48 | 268,261.43 | 969,706.05 | 22 | 1,249,134.96 | 265,281.86 | 983,853.10 | 21 |
| 705110 Group Insurance | 140,445.78 | 33,328.08 | 107,117.70 | 24 | 135,468.26 | 24,752.19 | 110,716.07 | 18 |
| 705210 Retirement | 247,747.19 | 53,875.88 | 193,871.31 | 22 | 244,226.49 | 50,989.64 | 193,236.85 | 21 |
| 705230 Medicare April 1986 | 15,647.28 | 3,674.83 | 11,972.45 | 23 | 16,553.27 | 3,588.00 | 12,965.27 | 22 |
| 705320 Workmens Comp | 6,307.45 | 842.49 | 5,464.96 | 13 | 8,000.00 | 1,899.99 | 6,100.01 | 24 |
| 705330 Unemply Comp | 1,170.00 | | 1,170.00 | | 1,300.00 | | 1,300.00 | |
| * Employee Benefits | 411,317.70 | 91,721.28 | 319,596.42 | 22 | 405,548.02 | 81,229.82 | 324,318.20 | 20 |
| 710100 Professional Services | 209,832.02 | 48,641.69 | 161,190.33 | 23 | 409,145.21 | 136,668.55 | 272,476.66 | 33 |
| 710105 Medical Services | 100.00 | | 100.00 | | 200.00 | | 200.00 | |
| 710108 MD Consultants | 12,000.00 | | 12,000.00 | | 12,000.00 | | 12,000.00 | |
| 710200 Service Contract | 1,610.00 | 1,616.00 | 6.00- | 100 | 600.00 | 104.28 | 495.72 | 17 |
| 710205 Repairs and Maintenance | 400.00 | 271.45 | 128.55 | 68 | 1,233.00 | 299.75 | 933.25 | 24 |
| 710300 Operating Supplies | 24,865.58 | 4,363.00 | 20,502.58 | 18 | 45,397.85 | 22,390.05 | 23,007.80 | 49 |
| 710334 Copy Machine Expense | 2,233.83 | 564.00 | 1,669.83 | 25 | 3,362.98 | 506.90 | 2,856.08 | 15 |
| 710350 Office Supplies | 10,330.09 | 3,047.70 | 7,282.39 | 30 | 10,279.55 | 8,547.40 | 1,732.15 | 83 |
| 710355 Books and Subscriptions | 2,602.55 | 129.00 | 2,473.55 | 5 | 1,799.50 | 348.08 | 1,451.42 | 19 |
| 710360 Postage | 3,851.87 | 586.28 | 3,265.59 | 15 | 1,351.57 | 695.10 | 656.47 | 51 |
| 710361 Express and Courier | | | | | 3,700.00 | | 3,700.00 | |
| 710500 Other Expense | 3,726.32 | 1,346.10 | 2,380.22 | 36 | 3,620.00 | 3,541.76 | 78.24 | 98 |
| 710502 Printing | 15,276.52 | | 13,930.42 | 9 | 9,029.48 | 424.03 | 8,605.45 | 5 |
| 710507 Network and Data Lines | | 120.72 | 120.72- | | | 50.99 | 50.99- | |
| 710508 Telephone Land Lines | 12,516.43 | 1,090.26 | 11,426.17 | 9 | 2,680.48 | 1,444.15 | 1,236.33 | 54 |
| 710509 Seminars and Meetings | 1,400.00 | 50.00 | 1,350.00 | 4 | 6,249.00 | 145.00 | 6,104.00 | 2 |
| 710512 Auto Expense | 100.00 | 330.45 | 230.45- | 330 | 1,003.18 | 157.29 | 845.89 | 16 |
| 710519 Cellular Phone | 580.00 | 513.03 | 66.97 | 88 | 686.00 | 171.49 | 514.51 | 25 |
| 710529 Dues | 580.00 | | 580.00 | | 40.00 | | 40.00 | |
| 710546 Advertising | 800.00 | 1,000.00 | 200.00- | 125 | 334.52 | | 334.52 | |
| 710585 Undesignated Budget | 31,331.06 | | 31,331.06 | | | | | |
| 710620 LT Lease-Equipment | | | | | 5,940.00 | 2,970.00 | 2,970.00 | 50 |
| 710703 Biologicals | 4,300.68 | | 4,300.68 | | 4,900.00 | | 4,900.00 | |
| 710721 Outpatient | 3,000.00 | | 3,000.00 | | 3,000.00 | 174.25 | 2,825.75 | 6 |

Washoe County Health District
 Epidemiology and Public Health Preparedness
 Pgs 1 - 3, FY 2010

| Accounts | 2010 Plan | 2010 Actuals | Balance | Act% | 2009 Plan | 2009 Actual | Balance | Act% |
|-----------------------------|--------------|--------------|--------------|------|--------------|-------------|--------------|------|
| 711114 Equip Srv O & M | | 504.75 | 504.75- | | | 470.38 | 470.38- | |
| 711115 Equip Srv Motor Pool | 200.00 | 12.50 | 187.50 | 6 | 100.00 | | 100.00 | |
| 711119 Prop & Liab Billings | 6,246.00 | 1,561.50 | 4,684.50 | 25 | 5,491.00 | 1,372.77 | 4,118.23 | 25 |
| 711210 Travel | 42,305.67 | 1,005.20 | 41,300.47 | 2 | 33,453.60 | 3,375.86 | 30,077.74 | 10 |
| 711504 Equipment nonCapital | 23,379.53 | 112,922.84 | 89,543.31- | 483 | 57,061.61 | 22,960.65 | 34,100.96 | 40 |
| * Services and Supplies | 413,568.15 | 179,676.47 | 233,891.68 | 43 | 622,668.53 | 206,818.73 | 415,839.80 | 33 |
| 781004 Equipment Capital | 279,716.50 | 44,304.12 | 235,412.38 | 16 | 404,326.00 | 80,130.59 | 324,195.41 | 20 |
| * Capital Outlay | 279,716.50 | 44,304.12 | 235,412.38 | 16 | 404,326.00 | 80,130.59 | 324,195.41 | 20 |
| ** Expenses | 2,342,569.83 | 583,963.30 | 1,758,606.53 | 25 | 2,681,667.51 | 633,461.00 | 2,048,206.51 | 24 |
| *** Total | 507,307.07 | 14,062.87- | 521,369.94 | 3- | 497,928.26 | 136,157.34 | 361,770.92 | 27 |



WASHOE COUNTY HEALTH DISTRICT


AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

DATE: October 22, 2009

TO: District Board of Health

FR: Andrew Goodrich, Division Director 

SUBJECT: Appointment to the Air Pollution Control Hearing Board
Agenda Item: 12

Recommendation

It is recommended that the District Board of Health examine the attached resumes and appoint Dr. Cathleen M. Fitzgerald, DEnv, PE, and Mr. Michael Ford to serve initial one year terms to the APCHB. Dr. Fitzgerald will replace Mr. Pat Fritchel (professional engineer member), and Mr. Ford will replace Mr. Mel Zeldin. Also reappoint Mr. Jon Greene; Mr. Joe Serpa, as the Nevada Licensed Contractor Representative; and Ms. Alysa Keller-Conway, Esquire, as the Nevada Licensed Attorney Representative to serve three (3) year terms.

Fiscal Impact

There will be no fiscal impact to the Air Division associated with these appointments other than the costs of the nameplates.

Alternatives

The Board may decide not to make these appointments and direct staff to solicit more potential applicants.



Andrew Goodrich, REM
Division Director
Air Quality Management Division

Michael Ford

**3276 Forest View Lane
Reno, Nevada 89511**

**775-851-3276 (Home)
775-741-4150 (Cell)
fordmc@sbcglobal.net**

Objective:

To volunteer my experience and leadership skills in public health, health care, human services and non-profit administration in service to the community.

Experience:

An extensive career of progressively responsible administrative and leadership experience that includes:

- Budget preparation, management and analysis in multiple budget units and revenue sources in both downsizing and non-profit environments
- Human resources management encompassing recruitment, classification, compensation, testing, selection, positive labor-management relations, contract negotiations, supervision and application of the principles of progressive discipline
- Management and administration of general organizational operations, special projects and capital improvement projects
- Development of competitive bid documents and procedures, contract preparation, negotiations and monitoring for vendors and professional services
- Grant writing, grant management and fundraising experience
- Public, community, media, political (local, state and federal levels) and judicial system relations
- Policy board staffing and support

Accomplishments:

- Developed numerous environmental and health care regulations and enforcement procedures in support of community health
- Managed a \$22 million annual budget, with annual revenue in excess of operational costs each year (Merced County) and a \$3.4 million annual budget with a 92% increase in donations over 4 years (Reno)
- Successfully led a legislative advocacy effort resulting in the implementation of a regional emergency ambulance response system, with a single provider, eliminating street competition for patients (Washoe County)
- Coordinated the RFP bid process and contract negotiations for the long term lease of a 176 bed county hospital, resulting in a \$5 million per year savings for Merced county
- Developed policies, procedures, the organizational structure, scope of benefits and provider relations for a \$6 million per year health care service program for 3,000 enrollees classified as medically indigent and implemented a Jail Health Program for 600 inmates (Merced County)
- Secured financing, coordinated design, construction and occupancy of a 38,500 sq. ft. health service center in Reno (1977), a 40,000 sq. ft. health center in Merced (1999), a 12,000 sq. ft. dining facility in Reno (2005) and a 28 unit low income housing facility in Reno (2009)
- Rejuvenated the organization, mission, staffing, facilities, image and credibility of a local non-profit charitable organization

MICHAEL FORD

Employment:

Executive Director (October, 2004 – October, 2009)
Associate Director (March, 2004 - October, 2004)
Catholic Community Services of Northern Nevada
Reno, Nevada

Director of Health Services (1990-2003)
Merced County Health Department
Merced County, California

Health Consultant (1989-1990)
Reno, Nevada

District Health Officer (1981-1989)
Acting Administrator (1981)
Assistant Administrator (1980-1981)
Senior Health Analyst (1979-1980)
Health Analyst (1975-1979)
Public Health Environmentalist (1971-1975)
Washoe County Health District
Reno, Nevada

Education:

Master of Public Health (MPH), University of California, Berkeley, School of Public Health
Bachelor of Arts (BA), San Jose State College, Dean's Scholar Award
University of Nevada, Reno (MPA candidate), numerous Public Administration, managerial and leadership development courses, seminars and workshops

Professional Associations and Community Organizations:

County Health Executives Association of California
National Association of City and County Health Officials
Nevada Public Health Association and California Public Health Association-North
Golden Valley Health Centers, Inc., Board of Directors
Central San Joaquin Valley HIV CARE Consortium, Board of Directors
Ryan White CARE Act Year 04 Statewide Working Group
Medi-Cal Administrative Claiming (SB 910/MAA/TCM) Statewide Steering Committee
Merced County Drug and Alcohol Advisory Committee
California State Tattoo and Body Piercing Ad Hoc Task Force
San Joaquin Valley Health Consortium, Board of Directors
Truckee Meadows Human Services Task Force
Regional Emergency Medical Services Authority (REMSA), Board of Directors
Catholic Charities USA – Diocesan Director



May 31, 2009

Mr. Andrew Goodrich
Director
Washoe County District Health Department
Air Quality Management Division
P.O. Box 11130
Reno, NV 89520-0027

Subject: Transmittal of Resume for Air Pollution Control Hearing Board Opening

Dear Mr. Goodrich:

Attached, please find a copy of my resume for consideration of one of the openings on the Air Pollution Control Hearing Board. I previously served on the Board from 1994 to 1999 until I went into the Peace Corps in May of 1999. During the period that I served on the Board, I was very impressed with the professionalism and preparedness of the Washoe County staff, the advice of legal counsel, and the integrity of the other Board members.

Sincerely,

THE PLANNING CENTER

Dr. Cathleen M. Fitzgerald, P.E.
Senior Engineer

creating better places



CATHLEEN FITZGERALD, DEnv, PE
Senior Engineer

Qualifications

Cathy has nearly 30 years of academic and professional experience in the design and conduct of hazardous waste site investigations, health risk assessments, pipeline and railroad safety assessments, air emissions studies, remedial action plans, and installation of groundwater and soil vapor extraction systems. She has worked with commercial, industrial, and government clients, including licensing and environmental assessments of nuclear and fossil fuel power plants. Cathy has conducted baseline health risk assessments, developed site-specific soil cleanup levels, used vadose zone modeling to evaluate the potential for vapor intrusion, conducted groundwater modeling to evaluate the natural attenuation of chemical plumes, and developed innovative groundwater remediation systems. In addition, Cathy has taught several classes at the University of California, Riverside (UCR) and University of Nevada, Reno (UNR) related to safety and hazard assessments and hydrology issues. Cathy is a Registered Professional Engineer in the States of California and Nevada and a Certified Environmental Manager in the State of Nevada.

Highlights of Experience

- Phase I Environmental Site Assessments and field investigations at numerous commercial and industrial sites, Reno and Sparks, Nevada
- State Superfund site, third-party review of field investigations, removal actions, and groundwater remediation activities, Palomino Valley, Nevada
- CNG and Propane Risk Assessment, Moreno Valley Unified School District
- Aboveground Water Tank Safety Hazard Assessment, Waterstone Environmental, Inc.
- Vadose zone and groundwater modeling to support closure of a former UST site in Lancaster, California
- Soil vapor extraction pilot test, Huntington Park; vacuum-enhanced recovery pilot test, Los Angeles
- Former oil field site, development of risk-based cleanup levels, Bakersfield, California
- Former dry-cleaning facility, vapor intrusion modeling, Northridge, California
- Site removal action, excavation and disposal of lead-impacted soil, City of Commerce
- Chemical hazard analysis, postulated chlorine release, pool supply warehouse company
- Vapor intrusion modeling to evaluate health risks to office workers from contaminated groundwater diffusing through the concrete building slab at a facility in Orange County, California
- Former ordnance facility, development of soil cleanup levels for explosives and screening level health risk assessment, Chino Hills, California

Pipeline Risk Assessments

- SPEC Services, Inc.
- Los Angeles Unified School District
- Coachella Valley Unified School District
- Lincoln II South, San Bernardino City Unified School District
- Tri-City Community Day School, San Bernardino County Superintendent of Schools

Rail Safety Studies

- School Farm Renovation, Manteca Unified School District
- San Luis Coastal Unified School District
- Oro Grande Elementary School, Oro Grande Elementary School District

Air Quality Health Risk Assessments

- Various, Los Angeles Unified School District
- Air Toxics Health Risk Assessments, City of Irvine
- Puente Hills Intermodal Transport Facility, Air Toxics Assessment

Education

- DEnv, Environmental Science and Engineering, University of California, Los Angeles, 1981
- MA, Marine Biology, University of California, Santa Barbara, 1977
- BA, Biology, University of California, Los Angeles, 1975

**Professional
Affiliations and
Certifications**

- State of California Professional Engineer No. 39541
- State of Nevada Professional Engineer No. 10715
- State of Nevada Certified Environmental Manager
- Washoe County Air Pollution Control Hearing Board, 1994-1999
- Adjunct Faculty, UNR, Students Associated with International Water Issues (SAIWI) sponsored trips to Africa to conduct clean water projects

Awards

- Regent's Fellowship (1977)
- Phi Beta Kappa, UCLA
- International Volunteer of the Year, Northern Nevada International Center (2005)

DBOH Item # 13.
10/22/09

Washoe County Health District Illegal Food Vendor Update

October 22, 2009



Jan.-June

- Food complaints-187
- Illegal food vendor -26
- 14%
- 131 permitted mobile units
 - 121 trucks
 - 10 carts

Jan.-October

- Food complaints-361
- Illegal food vendor -73
- 20%
- 142 permitted mobile units
 - 132 trucks
 - 10 carts







Food Items

- Corn 30-50 ears
- Duros 30-50 one gallon bags
- Snow cones
 - Ice chest of shaved ice
 - 4-5 ½ gallon containers of flavoring
- Cheese 1-3 lbs
- Fruit – mangos, coconuts
- Mayo ½ gallon
- Spices/lemon juice

Illegal Food Vendor Surveillance

- August - October
- Nine elementary schools
- Teams of two inspectors
- Five patrols every two weeks (days varied)
- Complaint follow-up patrols

Surveillance Results

- 15 NOV's
- 2 Citations
 - One conviction
 - One pending
- Food condemnation
- Better understanding
- Improved collaboration with other agencies

Public Outreach

- Improved communication with permitted units
- “Mobile Food Unit Guidelines” in English/Spanish
- NOV summary sheet
- Increased interaction with community

Lessons Learned

- Loosely organized
- NOV’s and food condemnation are not consistent deterrents
- Permitted mobiles working beyond capabilities
- Communication barriers
- Need sustained effort



DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

Date: October 12, 2009

To: Washoe County District Board of Health Members

From: ^{R.M.} Jeanne Rucker, REHS
Environmental Health Specialist Supervisor

Subject: Board Update on Waste Management Authorities, Solid Waste Management Plan and Solid Waste Franchise Agreements and Possible Direction to Staff

Recommendation:

Staff recommends that the Board direct resources (staffing and financial) to update the Solid Waste Management Plan as part of a commitment to increase recycling and waste to energy opportunities in Washoe County.

Background:

At the recent District Board of Health Strategic Retreat, Board members indicated a strong interest in understanding the Board's role in solid waste management in Washoe County, as well as how solid waste franchise agreements are developed and approved. Staff was directed to provide a report to the Board regarding this matter; therefore, this report will outline the authorities of the Board as defined by statute and state administrative code. It will provide information regarding franchise agreements and make recommendations to update the existing Solid Waste Management Plan.

The following outlines the authorities of the District Board of Health, as well as other pertinent statutes and codes:

Nevada Revised Statutes (NRS) 444.440 declares it is state policy to regulate the collection and disposal of solid waste that will:

- 1) protect public health and welfare
- 2) prevent water or air pollution
- 3) prevent the spread of disease and the creation of nuisances
- 4) conserve natural resources
- 5) enhance the beauty and quality of the environment

DBOH AGENDA ITEM # 14.

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

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NRS 444.495 defines the *Solid Waste Management Authority* as the district board of health in any area in which a health district has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 – 444.620, inclusive. The Nevada Division of Environmental Protection (NDEP) is the solid waste management authority in all other areas of the state.

NRS 444.510 requires development (by the health district) of a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste. The plan must be submitted to NDEP for approval prior to implementation. (NDEP has 90 days to review and approve.) The plan remains in effect until it is revised and the revision approved. The plan must not conflict with the statewide plan adopted by the State Environmental Commission (SEC).

NRS 444.580 gives the health district authority to adopt standards and regulations and to issue permits for solid waste disposal sites, solid waste management systems or any part thereof. The regulations must not conflict with regulations adopted by the SEC.

NRS 444.620 states that no plan for a solid waste management system applies to agricultural waste or activity. Mining operations can dump waste from their own operations on their own land.

NRS 444A.020 establishes a recycling goal of 25% of the total solid waste generated within a municipality.

NRS 444A.030 requires NDEP to adopt a model plan for recycling, hazardous household waste and “infectious waste”.

NRS 444A.040 requires that the Board of County Commissioners of counties with a population of 100,000 or more must provide a program for recycling, establish recycling centers, a program for disposal of hazardous household waste and encourage businesses to reduce waste and recycle via information provided when applying for or renewing business licenses.

444A.050 An annual report must be submitted to NDEP where the health district has adopted a program pursuant to NRS 444A.040.

Nevada Administrative Code (NAC) 444.644 states solid waste systems must be approved by the Solid Waste Management Authority (SWMA); this includes any operation for solid waste handling, processing, salvage or disposal.

NAC 444.658 relates to plans to manage solid waste; this requires a municipality or district board of health to develop a comprehensive solid waste management plan; each plan must be approved by NDEP prior to implementation.

NAC 444.660 The storage, collection and transportation of solid waste must generally be in accordance with pertinent regulations or ordinances set forth by the city, town or county wherein those services are performed. The provisions of NAC 444.570 - 444.7499, inclusive, do not abridge the authority of the city, town or county to establish standards that are higher than those set forth in NAC.

NAC 444.7474 defines a *Materials Recovery Facility (MRF)* as a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of these materials. This does not include a facility that receives only recyclable materials that have been separated at the source of waste generation.

NAC 444.74743 – 444.74779, inclusive, outlines the requirements for the design, operation, maintenance, closure and financial assurance of a MRF.

NAC 444A.110 The goal of NAC 444A.110 – 444A.140, inclusive, is to adopt minimum standards which provide for the recycling of at least 25% of the total solid waste generated within a municipality.

NAC 444A.120 requires a municipality to provide a program for recycling (residential and public buildings) wherever solid waste collection services are provided.

NAC 444A.130 requires that a program for disposal of at least three (3) hazardous household products must be provided. (e.g. waste oil, motor vehicle batteries, paint, antifreeze, etc.)

Currently the Regulations of the Washoe County District Board of Health Governing Solid Waste Management meet the intent of the statutes. However, staff is in the process of revising these regulations to address landfills, composting facilities and materials recovery facilities.

The current Solid Waste Management Plan was adopted by the District Board of Health in 1991. In 1996, the plan was reviewed and updates recommended by a third party consultant. The suggested changes were never formally presented to or adopted by the District Board of Health.

More recently, staff has had multiple conversations with staff from NDEP regarding the State of Nevada Solid Waste Management Plan. It was determined that it was most prudent to wait for the completion of the state plan. This was completed and adopted by the State Environmental Commission in December 2007. In February 2008, staff advised NDEP that the Solid Waste Management Plan would be updated by May 2009. Due to staffing and fiscal constraints, this project has been delayed with a proposed timeline for completion of June 2010.

With respect to *franchise agreements*, each municipality (City of Reno, City of Sparks, Washoe County, Incline Village, Sun Valley and Gerlach) has authority to adopt ordinances that address garbage collection and disposal. Therefore, there are currently four (4) separate franchise agreements. (Note: The Sun Valley GID chose to fall under the Washoe County franchise.) The ordinances are adopted by the governing boards or councils of each jurisdiction. The franchise agreements are negotiated by the staff of each municipality. The Health District has not been included in those negotiations. However, WCHD staff made strong recommendations to the Sparks City Council and staff during the most recent franchise negotiations for that city. The franchise agreements are for varying amounts of time, but none are less than ten (10) years in duration, and they frequently contain automatic renewal language.

The city and county ordinances with respect to the garbage franchise agreements are very similar. Each requires the franchisee to provide a transfer station and a landfill for use by citizens within the respective municipality. The issue that is somewhat unique in Washoe County is that the transfer stations, collection services and landfill are all privately owned and operated. The municipalities **do not own** any of the solid waste management infrastructure. In most communities, the municipalities own the physical facilities (e.g. transfer stations, landfill, recycling collection centers, etc.) and have contractual agreements for private companies to operate them.

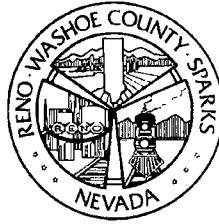
In summary, the District Board of Health has the authority and the responsibility to adopt a solid waste management plan for Washoe County. It further has the authority to adopt regulations to support the direction and goals of the plan. The current plan was adopted in 1991; with the many options now available for waste disposal, recycling, fuel derivation, etc. the plan should be updated to reflect these new and emerging opportunities.

Fiscal Impact:

It is unknown at this time what the cost of updating the plan will be. The cost in 1991 was approximately \$25,000. Since the basic framework exists for the plan, it is estimated that the present cost to update the plan would be between \$15,000 – \$30,000. This does not include staff time.

Alternatives:

1. The Board could direct staff to update the Solid Waste Management Plan and to include in the plan options that will address increasing the recycling rate of Washoe County, as well as potential waste to energy considerations, by June 2010.
2. The Board could direct staff to update the Solid Waste Management Plan within some other time frame and to include options as determined by the Board.



Washoe County Health District

October 16, 2009

TO: Board of Health Members
FROM: Mary A. Anderson, MD, MPH, FACPM
Re: Strategic Planning Updates

During the Strategic Planning meeting the Board members discussed the Strategic Priorities, Goals and Operational Objectives for the Health District. Copies of the Strategic Priorities and an update to the Goals and Operational Objectives with the revisions highlighted in bold text are enclosed for your review.

Respectfully,


District Health Officer

**DISTRICT BOARD OF HEALTH
STRATEGIC PRIORITIES
OCTOBER 22, 2009**

1. Monitor health status and understand health issues facing the community.
2. Protect population from health problems and health hazards.
3. Give people information they need to make healthy choices.
4. Enforce public health laws and regulations.
5. Develop our workforce.
6. Promote financial accountability and stability.

DISTRICT BOARD OF HEALTH

GOALS

The Health District will assist the citizens to realize the **strategic** priorities by achieving the following goals:

- ◆ Educate the community about public health and the services provided by the Health District
- ◆ Serve the public through enhanced use of technology
- ◆ Enhance collaborations with community groups and constituents
- ◆ Recruit, retain and develop a competent public health workforce
- ◆ **Ensure fiscal sustainability and good stewardship of our resources**
- ◆ Seek funding and resource development opportunities
- ◆ Promote planning and activities to support a sustainable healthy community

Operational Objectives

1. Assuring fiscal responsibility for the Health District.
2. Prioritizing programs and services such that the greatest weight is given to those that represent a core function of public health and/or an essential public health service as defined by CDC, NACCHO, ASTHO, and others, followed by those programs and services that accomplish a strategic goal established by this Board.
3. Assuring that the **performance** of all programs and/or services of the Health District are periodically evaluated for **cost effectiveness and quality outcomes**.

WASHOE COUNTY DISTRICT HEALTH WEBSITES
DBOH AGENDA ITEM #
OCTOBER 22, 2009

MAIN SITE:

<http://www.washoecounty.us/health>

CONTRACTED SITES:

CCHS -

Attract – <http://www.attracttruth.com/>

Get Healthy Washoe – <http://www.gethealthywashoe.com/>

EPHP -

Washoe County Medical Reserve Corps – <http://www.mrcwashoe.org>

FREE SITES:

CCHS -

Facebook site for Get Healthy Washoe -

<http://www.facebook.com/group.php?gid=36099079914>

MySpace site for Attract – <http://www.myspace.com/attracttruth>

MySpace site for “The Hook- Up” – <http://www.myspace.com/thehookupreno>

Washoe County Health District as a whole –

Washoe County's Twitter account** – <http://twitter.com/washoecounty>

Washoe County's Facebook account** - <http://www.facebook.com/washoecounty>

WCHD's Twitter account*** - <http://twitter.com/WashoeCoHealth>

*- This site has not been in use for two years. CCHS is in the process of trying to remove it, but a sexual health intern created it and they do not have the login and password to get into the account to delete it.

** - Press releases and announcements made through the County's Content Management System (CMS) are automatically posted onto the County's Twitter and Facebook accounts. Additionally, press releases and announcements are set up as separate Really Simple Syndication (RSS) feeds.

*** - This Twitter account is currently not in use and was created to reserve a name for potential future use.

(This list does not include applications on the Internet such as WebEOC, which is used for events by the WCHD and partners involved in the event.)

DBOH AGENDA ITEM 10.

OCTOBER 8 2009

WASHOE COUNTY MANAGEMENT PERFORMANCE APPRAISAL PROCESS

Instructions

Purpose: The Management Performance Appraisal process helps managers to achieve better results on their present job and prepares them for future responsibilities. It also encourages better communication between managers and customers. Beyond the fundamental purpose of clearly defining expectations and carefully evaluating performance, information gathered by the process is used for professional and personal growth and development.

Process: At least once every two years, the County Manager completes the Management Performance Appraisal Form, evaluates the manager's performance in writing and discusses it with him/her. The County Manager will have an initial discussion with the manager to be evaluated and decide on the additional raters to appraise the manager's performance. No more than five raters will be selected to provide additional feedback. The County Manager will provide the rating forms to the individuals identified for participation in the performance review. Upon receiving the feedback from the additional raters, the County Manager will schedule a meeting with the manager to discuss the performance feedback and appraisal.

During this evaluation, performance will be appraised as follows:

1. **Results** – what has been achieved during the year. What was supposed to have been achieved? Have expectations (goals and objectives) been met, been exceeded, or did the manager fail to meet them? If the manager failed to meet expectations, who or what is responsible? The County Manager will make judgments on these questions before discussing them with the manager. Through discussion, the manager will have an opportunity to review his/her performance and ask questions about how he/she might improve. The County Manager can then provide helpful suggestions for the coming year.
2. **Performance factors** – what the manager does that affects results. The performance factors describe day-to-day work relationships and actions that affect results. Often, performance patterns emerge when one looks back on the ways one attained results. For example, when you have problems, do you try to solve them yourself or do you utilize a team approach? Do you share information with your staff? Is your work completed on time? Are you well-organized?

The Management Performance Appraisal Form consists of fourteen job categories. Each job category contains individual elements to be rated numerically as either: 5 = "Outstanding," 4 = "Very Good," 3 = "Standard," 2 = "Fair," or 1 = "Unsatisfactory."

A discussion on performance factors typically includes examples of how the manager went about doing his/her job throughout the evaluation period. Regardless of the factor rating, development opportunities may also be identified in any area where the manager or the rater feels that improvement is achievable and would strengthen current job performance or the potential to assume increased responsibilities.

Because development is one of the performance appraisal's goals, the manager and the County Manager establish goals and objectives for 1-2 years. The manager can also discuss his/her own ideas for self-improvement. The goals and objectives usually include work assignments, projects, training or other experiences that support the Department Strategic Plan and help the manager improve in his/her job.

The manager and the County Manager will plan the results expected during the next 12-24 months. These objectives become the base against which work can be reviewed throughout the next 1-2 years.

To establish future goals and objectives, the manager and the County Manager consider the department's strategic plan, the position's responsibilities (outlined in the position description), and the manager's areas of interest and concern. The manager and the County Manager will discuss the expected results and how those results will be measured.

A copy of the Management Performance Appraisal, as completed by the County Manager, including goals and objectives established for the next evaluation period, will be maintained in the Human Resources Department and becomes part of the manager's permanent file.

**WASHOE COUNTY
GUIDELINES FOR RATING
JOB PERFORMANCE FACTORS**

Check the statement that *most accurately* describes the employee's performance since the last evaluation. Keep in mind that not all comments in each statement category need apply.

1. **Unsatisfactory.** Has not successfully performed tasks of the job. On balance, has not achieved established performance objectives. Nature of skill and/or motivation is such that improvement is unlikely. Employee clearly not qualified for this position.
2. **Fair.** Has adequately performed most responsibilities. Has not completely or consistently met performance objectives. Met most objectives, but has not completely reached agreed-upon manners of performance. Needs to improve skills. Likely that performance will improve within the next year.
3. **Standard.** Has successfully achieved performance objectives. In a few instances, may have exceeded some objectives and missed others, but, on balance, has competently performed the duties of the job. Demonstrates the motivation to improve performance.
4. **Very good.** Has exceeded overall performance objectives. Overall performance clearly better than most individuals at this level. Highly skilled in relation to the technical and managerial requirements of the job. Has skill to be consistently successful in meeting difficult challenges.
5. **Outstanding.** Has far exceeded all performance objectives. Highly skilled in relation to the technical and managerial requirements of this job. Has skill to be consistently successful in meeting difficult challenges. Has made exceptional contributions (e.g., cost control, new procedures, improvement in financial results against budget, etc.).

**WASHOE COUNTY
MANAGEMENT PERFORMANCE APPRAISAL FORM**

NAME _____ TITLE _____ DATE _____

RATING SCALE: 5=Outstanding, 4=Very Good, 3=Standard, 2=Fair, 1=Unsatisfactory
Please provide examples to support your ratings.

Circle appropriate rating for each category.

RESPONSIBILITY FOR RESULTS

- Demonstrates measurable results and achievements that are in alignment with County objectives. 5---4---3---2---1

Example: _____

- Recognizes and accepts responsibility for the authority and utilization of the resources entrusted to him/her (fiscal, time, property, fuel, capital, equipment, etc.) 5---4---3---2---1

Example: _____

- Fosters teamwork through cooperative efforts and support for shared resources. 5---4---3---2---1

Example: _____

- Invests in employees through ongoing training and development that is aligned with department goals and objectives. 5---4---3---2---1

Example: _____

CUSTOMER ORIENTATION

- Provides the best possible service to all customers, from those on whose behalf we exercise regulatory powers to those who receive direct service. 5---4---3---2---1

Example: _____

- Balances the needs of customers and community with the resources available to provide essential services in a quality manner. 5---4---3---2---1

Example: _____

- Proactively seeks customers' input to identify needs. 5---4---3---2---1

Example: _____

- Always seeks a better way to provide services (efficiency and effectiveness). 5---4---3---2---1

Example: _____

FOSTERS A CLIMATE OF OPENNESS:

- Supports and stimulates constructive criticism, forthright appraisal of department problems, and tolerance of disagreement in the interests of improving organizational performance. 5---4---3---2---1

Example: _____

- Expresses ideas clearly, concisely and effectively both verbally and in writing. 5---4---3---2---1

Example: _____

- Practices active listening skills when communicating with others. 5---4---3---2---1

Example: _____

- Faces disagreements, misunderstandings and performance problems forthrightly and with sensitivity. 5---4---3---2---1

Example: _____

- Acknowledges others accomplishments and gives credit where credit is due. 5---4---3---2---1

Example: _____

- Keeps staff up-to-date on issues impacting the department or the organization; shares appropriate information. 5---4---3---2---1

Example: _____

LEADERSHIP SKILLS:

- Communicates department vision to others and encourages motivated and inspired performance. 5---4---3---2---1

Example: _____

- Facilitates individual and group development through ongoing coaching and performance monitoring. 5---4---3---2---1

Example: _____

- Continually improves professional knowledge through reading professional journals, attending conferences, and maintaining professional contacts. 5---4---3---2---1

Example: _____

PLANNING AND STRATEGIC THINKING

- Develops strategies for improvement and converts strategies into effective action. 5---4---3---2---1

Example: _____

- Focuses on how to use allocated resources to best advantage. 5---4---3---2---1

Example: _____

- Anticipates change and is proactive in addressing it; takes appropriate action to resolve problems. 5---4---3---2---1

Example: _____

- Analyzes problems and applies project management methodology to establish appropriate plans of action (prioritization, resource analysis, tracking, etc.) 5---4---3---2---1

Example: _____

MANAGEMENT SKILLS

- Exercises effective problem solving skills by analyzing sufficient information, developing alternative solutions to problems, and anticipating consequences of various alternatives. 5-----4-----3-----2-----1

Example: _____

- Sets priorities, coordinates or schedules tasks or events in a logical manner so as to maximize staff and material resources. 5-----4-----3-----2-----1

Example: _____

- Establishes appropriate procedures to monitor (or regulate) processes, tasks, or the activities of subordinates. 5-----4-----3-----2-----1

Example: _____

- Effectively delegates, insuring that responsibilities are defined to staff and adequate support provided. 5-----4-----3-----2-----1

Example: _____

TARGETS AND GOALS FOR UPCOMING YEAR:

PERSONAL DEVELOPMENT GOALS:

COMMENTS

OVERALL RATING: _____

Evaluator signature

Date

Employee signature

Date



DISTRICT HEALTH DEPARTMENT

October 15, 2009

MEMORANDUM

To: Members, Washoe County District Board of Health

From: Randall L. Todd, DrPH
Epidemiology and Public Health Preparedness (EPHP) Director

Subject: Report to the District Board of Health, October 2009

Communicable Disease –

For the week ending October 10 (week 40) six of seven participating sentinel healthcare providers in Washoe County saw 331 patients presenting with influenza-like-illness (ILI) out of 4,431 total patients. This yields a total ILI percentage of 7.5%. It is very unusual to see such a sharp rise from baseline this early in the season. By comparison the ILI percentage for U.S. sentinel providers during the previous week (39) was 5.1%. Regionally the ILI levels ranged from 0.3 to 2.6%.

Public Health Preparedness (PHP) Activities –

All PHP activities have been devoted to preparations for the seasonal influenza POD exercise on October 17. The walk-through location will be at Billingshurst Middle School. A drive-through POD will be held at the Washoe County Roads Division. Both sites will begin providing seasonal flu shots at 9:00 am and will continue through 1:00 pm while supplies last.

Initial receipt of H1N1 vaccine has taken place. The first doses of the intranasal vaccine were provided to hospitals and other large healthcare providers for protection of their own staff. The injectable vaccine has also started to arrive here at the Health District and in private healthcare provider offices. Dispensing by the Health District will begin shortly through mini-PODS that may escalate to full sized POD operations depending on vaccine supply and public demand.

Randall L. Todd

Randall L. Todd, DrPH, Epidemiology and Public Health Preparedness Director



DISTRICT HEALTH DEPARTMENT

October 14, 2009

TO: District Board of Health Members

FROM: Mary-Ann Brown, R.N., M.S.N. *MA*
Division Director, Community and Clinical Health Services

SUBJECT: Report for August 2009 District Board of Health Meeting

- Current Use of Social Media in CCHS Programs
- Permanent Decrease in Position Control # 70004104 (M. Washington)

Current Use of Social Media in CCHS Programs

As defined by Washoe County Community Relations, "social media" (also known as "social networking") "refers to technologies that help people create connections for social and business purposes" on the internet. Common examples include Facebook, Flickr, LinkedIn, MySpace, Twitter, and Wikipedia. In general, social networking sites allow the public to use publishing tools such as blogs, video logs, and photo sharing, at no cost, to create virtual communities. Account holders typically design accounts on the sites and then identify "friends," become "fans," and form "groups" with other account holders, resulting in virtual social networks.

CCHS was an early adopter of social networking as an avenue for health promotion messages. Currently, CCHS administers two social networking sites and track "friend" numbers as part of grant reporting. (screen shots of each are provided below):

- MySpace. The Attract social marketing campaign to prevent tobacco use in 18 – 24 year-olds has included a MySpace site since the beginning of the campaign (2004). At that time, MySpace was a leading source of information for the young adult demographic.
- Facebook. In 2009, CCHS launched a Facebook page for *Get Healthy Washoe* to further promote chronic disease prevention messages to a general audience.

Staff have used MySpace and Facebook for other one-time health education events in the past, such as the Adolescent Sexual Health Forum and National Public Health Association (NPHA) Annual Public Health Conference.

DBOH AGENDA ITEM # 17.B.

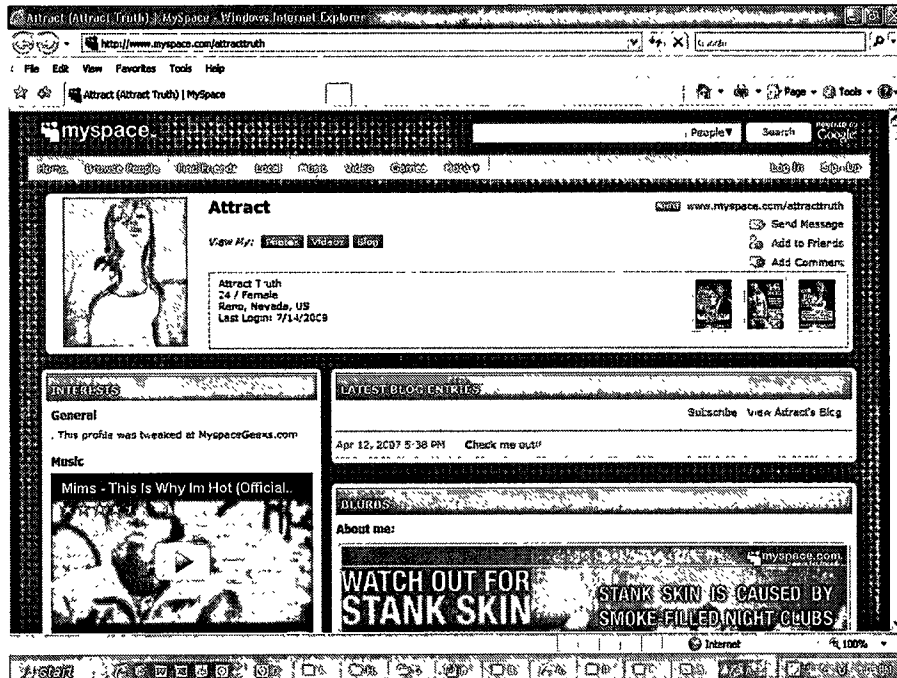
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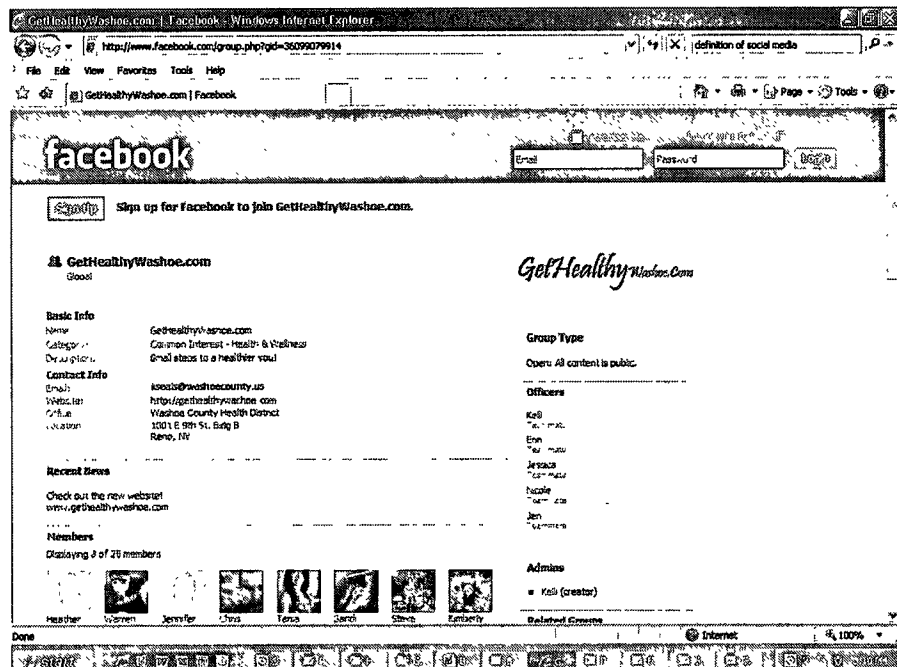
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Though program staff continue to explore the use of social networking as an effective health promotion method, usage among CCHS programs has been slow and contemplative.

- Attract (tobacco prevention campaign for 18 – 24 year-olds) <http://www.myspace.com/attracttruth>



- Get Healthy Washoe (chronic disease prevention campaign for the general public) <http://www.facebook.com/group.php?gid=36099079914>

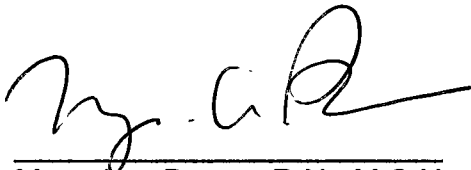


Permanent Decrease in Position Control # 70004104 (M. Washington)

On September 22, 2009, the Board of County Commissioners approved an employee request for a voluntary permanent decrease in Position Control #70004104 from full-time, benefits eligible (1.0 FTE) to part-time, benefits eligible (0.53 FTE) in the Comprehensive Tobacco Prevention Grant Program (IO 10418). The incumbent is Michelle Washington in the position of a Health Educator II.

The Health Educator II is a highly-specialized professional classification unique to the Health District with no analogous class specification in the Washoe County recruitment system. The grant-funded program to which this position is assigned is narrow in focus, with the job responsibility of coordinating countywide tobacco prevention campaigns for two pre-determined high-risk and hard-to-reach populations. The incumbent has coordinated these two campaigns since their inception in 2004; each year, the campaigns have exceeded their reach and recall goals and, in the process, received national-level recognition as "model programs."

We recognized that recruitment for this position at a comparable knowledge, skill and ability (KSA) level would be prohibitive. Moreover, due to Michelle's program history and established community partnerships, her campaign productivity at 0.53 FTE would exceed that of a 1.0 FTE Health Educator I new to the program. Therefore, granting the employee's request for a voluntary reduction allows the Health District to retain a competent and diverse member of its public health workforce and to ensure continued success of these two campaigns.



Mary-Ann Brown, R.N., M.S.N.
Division Director
Community and Clinical Health Services



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: October 15, 2009
TO: District Board of Health Members
FROM: Robert Sack, Division Director of E.H.S.
SUBJECT: Division Director's Report – Environmental Health Services
AGENDA ITEM NO. 17.C.

SPECIAL EVENTS PROGRAM

The number of permits and inspections for the Special Events Program continue to increase, despite economic issues. Please see attached chart.

PUBLIC INFORMATION AND OUTREACH/RECYCLING PROGRAM

Public Information staff attended the annual meeting for the National Public Health Information Coalition (NPHIC) which was held in Miami, FL. Public Information Officer and Awards Chairman, Tracie Douglas, is on the planning committee for the Annual Meeting. Topics included updates from CDC on H1N1 flu; Risk Communications and using social media effectively.

The Haws Corporation became the first business to officially become iRefill Program Partners. All Haws employees signed pledge forms during the iRefill day, which was October 14th. Haws Corp. is the leading manufacturer of drinking fountains and is the only maker of the HydrationStation, which is used to fill refillable bottles and glasses.

Robert O. Sack
Division Director
Environmental Health Services Division
ROS:sn

DBOH AGENDA ITEM # 17.C.

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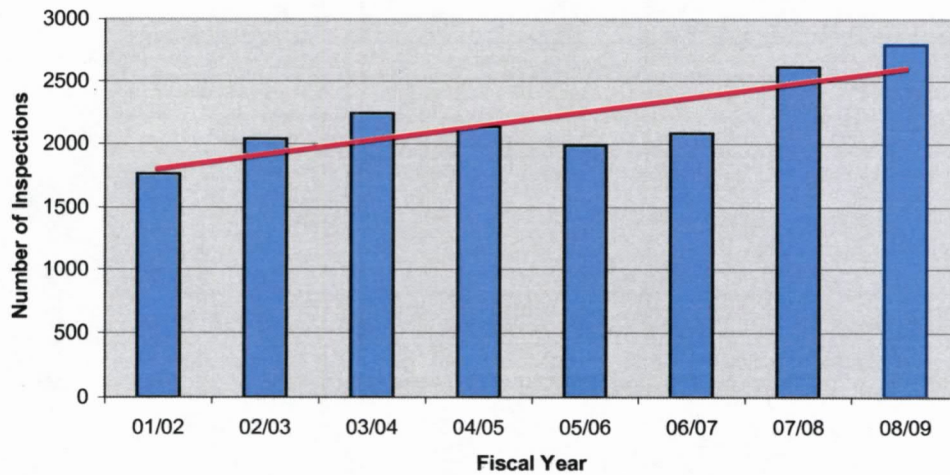
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Washoe County District Health Department Special Events Program Inspections

Month

| FY | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total |
|-------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| 01/02 | 152 | 597 | 274 | 90 | 77 | 12 | 19 | 25 | 39 | 31 | 130 | 312 | 1758 |
| 02/03 | 237 | 609 | 219 | 136 | 56 | 27 | 30 | 33 | 79 | 68 | 151 | 393 | 2038 |
| 03/04 | 342 | 633 | 399 | 209 | 56 | 12 | 24 | 37 | 55 | 75 | 69 | 327 | 2238 |
| 04/05 | 314 | 416 | 535 | 147 | 49 | 11 | 56 | 24 | 34 | 83 | 74 | 391 | 2134 |
| 05/06 | 275 | 448 | 609 | 104 | 45 | 7 | 45 | 19 | 44 | 30 | 49 | 310 | 1985 |
| 06/07 | 153 | 517 | 546 | 71 | 43 | 7 | 35 | 53 | 60 | 62 | 185 | 351 | 2083 |
| 07/08 | 222 | 643 | 802 | 145 | 16 | 12 | 37 | 38 | 58 | 105 | 127 | 405 | 2610 |
| 08/09 | 251 | 1037 | 424 | 170 | 28 | 13 | 50 | 35 | 21 | 146 | 151 | 472 | 2798 |
| 09/10 | 316 | 545 | | | | | | | | | | | 861 |

Special Events and Temporary Food Permits in Washoe County





WASHOE COUNTY HEALTH DISTRICT

AIR QUALITY MANAGEMENT DIVISION



Public Health
Prevent. Promote. Protect.

Date: October 22, 2009
To: District Board of Health
From: Andrew Goodrich, Director, Air Quality Management
Re: Monthly Report for Air Quality Management
Agenda Item: 17.D.

A handwritten signature in black ink, appearing to be "AG".

The enclosed Air Quality Management Division Report is for the month of September 2009 and includes the following sections:

- Air Quality**
- Monitoring Activity**
- Planning Activity**
- Permitting Activity**
- Compliance/Inspection Activity**
- Enforcement Activity**



Director's Report September 2009

RTC Bus Rapid Transit

Kudos to the Regional Transportation Commission (RTC) for introducing the new Bus Rapid Transit (BRT) system this month. At the unveiling ceremony a wonderful quote was delivered; "Great cities have great transportation systems." I see the BRT as the next step in the development of a great transportation system. I'm certainly not a transportation planner, but I understand the critical importance of a good transportation system, its air quality benefits, and its overall contribution to the community. Some other thoughts I had regarding regional transportation. First, diesel-hybrid technology is well proven and utilized in many metropolitan bus fleets. The RTC has just two of these buses and has realized fuel savings and lower emissions. I am told that the new BRT buses will be hybrids, however it's time we look at replacing all of the fleet with this technology. My second thought is improved coordination of signal synchronization. I know that the RTC has allocated significant resources on this goal, but with different equipment and controllers being used by different jurisdictions we will never achieve optimal synchronization until all systems are regionalized. And finally, while the BRT is a great step, ultimately light rail is the ticket. I appreciate that light rail is expensive, but I believe the payback is many-fold. Light rail attracts new business and mixed use development all-along its pedestrian-friendly corridor, just look at Portland, Denver, Seattle, and Sacramento – the story is the same regardless. I understand planners at the City of Reno are advocating for light-rail; I wish them success.

Andy Goodrich, Director

AIR QUALITY COMPARISON FOR AUGUST

| Air Quality Index Range | | # OF DAYS SEPT 2009 | # OF DAYS SEPT 2008 |
|--------------------------------|------------|------------------------|------------------------|
| GOOD | 0 to 50 | 26 | 30 |
| MODERATE | 51 to 100 | 4 | 0 |
| UNHEALTHY FOR SENSITIVE GROUPS | 101 to 150 | 0 | 0 |
| UNHEALTHY | 151 to 200 | 0 | 0 |
| VERY UNHEALTHY | 201 to 300 | 0 | 0 |
| TOTAL | | 30 | 30 |

Air Quality

HIGHEST AQI NUMBER BY POLLUTANT

| POLLUTANT | SEPTEMBER 2009 | Highest for 2009 | SEPTEMBER 2008 | Highest for 2008 |
|-----------------------------------|----------------|------------------|----------------|------------------|
| CARBON MONOXIDE (CO) | 15 | 37 | 19 | 32 |
| OZONE 8 hour (O3) | 61 | 74 | 48 | 140 |
| PARTICULATES (PM _{2.5}) | 33 | 48 | 32 | 211 |
| PARTICULATES (PM ₁₀) | 78 | 94 | 49 | 167 |

For the month of September, there were no exceedances of Carbon Monoxide, Particulate Matter, or Ozone standards at any of the monitoring stations. The highest Air Quality Index (AQI) value reported for the month of September was seventy-eight (78) for PM₁₀. There were twenty-six (26) days in the month of September where the Air Quality was in the good range, and four (4) days the Air Quality fell into the moderate range.

Duane Sikorski, Air Quality Supervisor

Monitoring Activity

Daily monitoring operational, quality assurance, data submission and network upgrade activities continued throughout the month. Preparation of the 2008 Northern California Wildfires Exceptional Events petition continued during the month of September.

Duane Sikorski, Air Quality Supervisor

Planning Activity

The process of researching, developing and preparing a county-wide greenhouse gas emissions inventory continues while staff is developing the next (2008) triennial emissions inventory for submission to EPA by June of 2010.

Duane Sikorski, Air Quality Supervisor

Permitting Activity

| TYPE OF PERMIT | 2009 | | 2008 | |
|---------------------------------|------------------|---------------------|-------------------|---------------------|
| | SEPTEMBER | YTD | SEPTEMBER | ANNUAL TOTAL |
| Renewal of Existing Air Permits | 94 | 1011 | 106 | 1302 |
| New Authorities to Construct | 5 | 54 | 12 | 81 |
| Dust Control Permits | 10 (62 acres) | 101 (1167 acres) | 18 (203 acres) | 195 (3012 acres) |

| | | | | |
|------------------------------|---------------------------|------------------------------|----------------------------|------------------------------|
| Wood Stove Certificates | 20 | 161 | 16 | 170 |
| WS Dealers Affidavit of Sale | 10 (6 replacements) | 86 (58 replacements) | 26 (17 replacements) | 250 (145 replacements) |
| WS Notice of Exemptions | 308 (0 stoves removed) | 3600 (134 stoves removed) | 398 (15 stoves removed) | 3729 (139 stoves removed) |

| | | | | |
|--------------------------------|----|-----|----|-----|
| Asbestos Assessments | 73 | 613 | 58 | 856 |
| Asbestos Removal Notifications | 20 | 219 | 19 | 322 |

Compliance/Inspection Activity

Staff reviewed thirty-nine (39) sets of plans submitted to the Reno, Sparks or Washoe County Building Departments to assure the activities complied with Air Quality requirements.

Staff conducted fifty (50) stationary source renewal inspections. Staff also conducted inspections on asbestos removal and construction/dust projects.

**Permitting/Enforcement
Activity**

The former Gills Casino located at 143 West 3rd Street, along with the adjoining Town View Motel, was demolished during the week of October 5th. Interestingly enough, Mayor Bob Cashill actually operated the excavator during part of the demolition! He did a good job!

The windstorm on October 3rd did not result in many dust violations. As previously reported to the DBOH, staff has been contacting all the "new" owners of vacant properties to make certain they are aware of the local dust control requirements. This effort has apparently paid off due to the re-application of dust palliatives on many of these sites. Staff will continue to be in contact with the new owners for ongoing dust controls.

Finally, the permitting and enforcement staff is looking forward to our move to Building A at 9th & Wells. We hope that the DBOH members will drop by after November 2nd to see the new AQMD offices.

Noel Bonderson, Air Quality Supervisor

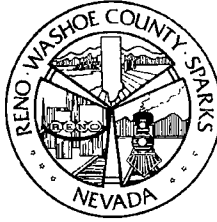
Enforcement Activity

| COMPLAINTS | 2009* | | 2008 | | |
|---------------------------|-----------|------------|-----------|------------|--------------|
| | SEPTEMBER | YTD | SEPTEMBER | YTD | Annual Total |
| Asbestos | 2 | 17 | 3 | 18 | 21 |
| Burning/Smoke | 2 | 7 | 0 | 8 | 12 |
| Dust | 31 | 113 | 22 | 208 | 229 |
| Gas Station/Oxy Fuel | 0 | 0 | 0 | 1 | 0 |
| Miscellaneous | 0 | 6 | 0 | 8 | 12 |
| Odor | 0 | 26 | 2 | 24 | 31 |
| Painting (spray painting) | 0 | 5 | 2 | 7 | 8 |
| Permit Violation | 2 | 7 | 5 | 14 | 20 |
| TOTAL | 37 | 181 | 34 | 288 | 334 |
| NOV'S | SEPTEMBER | YTD | SEPTEMBER | YTD | Annual Total |
| Warnings | 3 | 8 | 1 | 12 | 16 |
| Citations | 0 | 5 | 6 | 25 | 27 |
| TOTAL | 0 | 13 | 7 | 37 | 43 |

* Discrepancies in totals between Monthly Reports can occur because of data entry delays.

Notices of Violation (NOVs):

There were a total of three (3) Notice of Violations (NOVs) issued in September 2009. There were three (3) NOV Warnings issued: one for Neshap – Asbestos Removal, one for Operating without an ATC or PTO, and one for Upset Breakdown. There was no NOV Citations issued



Washoe County Health District

DBOH AGENDA ITEM NO. 17.F.

October 15, 2009

TO: Members, District Board of Health
FROM: Mary A. Anderson, MD, MPH, FACPM
SUBJECT: District Health Officer's Report

H1N1 Presentations

At the request of Commissioner Jung, I gave a brief presentation on the status of H1N1 in Washoe County to the Board of County Commissioners on October 13, 2009. The presentation was an abbreviated version of Dr. Todd's longer presentation to the District Board of Health. The Commissioners had quite a few questions on the availability of vaccine and its planned distribution among priority groups.

Another presentation was made to the Washoe County Department Heads the following day to coincide with the distribution of personnel policies on absenteeism from the Human Resources Department. The policies emphasized the need for persons with influenza-like illness to stay at home and not bring their infection to the workplace. One concern that came up was that persons might interpret the guidance to "stay home" too rigidly and fail to seek care when at risk of complications from influenza. I supplied all of the Department Heads with a copy of the CDC guidance (Enclosure 1) that helps people to determine when they should seek assistance from their healthcare provider or an emergency room.

State and Local Health Officers Meeting

The primary focus of the State and Local Health Officers was on the receipt, allocation, and distribution of Novel A H1N1 influenza vaccine. The initial supplies received were in the form of intranasal mist which is targeted for persons in the 2 through 49 age range who are healthy and not pregnant. Supplies of the injectable vaccine are beginning to arrive and are being distributed. The health authorities are working together to optimize the use of the vaccine and improve the record-keeping that accompanies such a monumental effort.

Rotary Family Flu Shot Day

Our annual Point of Distribution (POD) exercise for providing season flu vaccine to community members will be held on Saturday, October 17th at two locations. The walk-in location is at Billingham Middle School and the drive-through location is at the Washoe County Roads facility located on Longley Lane. This is the first time that we will attempt two different venues with two different modes of vaccine delivery, so the planners are anxious to see what type of throughput we can achieve. By the time of the DBOH meeting,

DBOH AGENDA ITEM # 17.F.

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we should have some figures on the numbers of persons who attended and received their seasonal flu shots at each site.

Mary A. Anderson, MD MPH
Mary A. Anderson, MD, MPH, FACPM
District Health Officer

Home Care Guidance: Physician Directions to Patient/Parent

September 24, 2009, 10:30 AM ET

This document has been updated in accordance with the CDC Recommendations for the Amount of Time Persons with Influenza-Like Illness Should be Away from Others. This document provides interim guidance and will be updated as needed.

You will probably be sick for several days with fever and respiratory symptoms.

Take Medications as Prescribed:

- Take all of the antiviral medication as directed.
- Continue to cover your cough and wash your hands often, even when taking antiviral medications, to prevent spreading influenza to others.
- Call the office if you (or your child) experience any side effects; i.e. nausea, vomiting, rash, or unusual behavior.
- Take medications for symptom relief as needed for fever and pain such as acetaminophen (Tylenol®) and ibuprofen (Advil®, Motrin®, Nuprin®), and cough medicine. These medicines do not need to be taken regularly if your symptoms improve.
- Do *not* give aspirin (acetylsalicylic acid) or products that contain aspirin (e.g. bismuth subsalicylate – Pepto Bismol) to children or teenagers 18 years old or younger.
- Children younger than 4 years of age should not be given over-the-counter cold medications without first speaking with a health care provider.

Seek Emergency Care

If your child experiences any of the following:

- Fast breathing or trouble breathing
- Bluish or gray skin color
- Not drinking enough fluids
- Severe or persistent vomiting
- Not waking up or not interacting
- Being so irritable that the child does not want to be held
- Flu-like symptoms improve but then return with fever and worse cough

In adults, emergency warning signs that need urgent medical attention include:

- Difficulty breathing or shortness of breath

- Pain or pressure in the chest or abdomen
- Sudden dizziness
- Confusion
- Severe or persistent vomiting
- Flu-like symptoms improve but then return with fever and worse cough

Follow These Home Care Recommendations:

- Stay home for at least 24 hours after your fever is gone except to get medical care or for other necessities. (Your fever should be gone without the use of fever-reducing medicine.)
- Keep away from others as much as possible. This is to keep from making others sick.
- Drink clear fluids (such as water, broth, sports drinks, electrolyte beverages for infants) to keep from being dehydrated.
- Dishes can be done in dishwasher or with hot soapy water.
- Throw away tissues and other disposable items used by the sick person in the trash. Wash your hands after touching used tissues and similar waste.
- Have everyone in the household wash hands often with soap and water, especially after coughing or sneezing. If soap and water are not available, use an alcohol-based hand rub.
*
—
- Avoid touching your eyes, nose and mouth. Germs spread this way.

For more detailed information about 2009 H1N1 home care, visit www.cdc.gov/h1n1 flu or call
1-800-CDC-INFO



This alert contains information on investigations in progress and/or diagnoses that may not yet be confirmed.

The Physician Alert is intended primarily for the use of local health care providers, should be considered privileged, and should NOT be distributed further.

Current Antiviral Recommendations for Treatment of Influenza

WHOM TO TREAT:

- ◆ Any patients with suspected or confirmed influenza requiring hospitalization.
- ◆ Any patients with influenza-like-illness associated with more severe symptoms, such as evidence of lower respiratory tract infection or clinical deterioration, regardless of previous health or age, including pneumonia, dyspnea, tachypnea or hypoxia, even in the outpatient setting.
- ◆ Any patients presenting with suspected or confirmed influenza who are at higher risk for complications, including:
 - Children below the age of 5 years;
 - Pregnant women (oseltamivir & zanamivir are Category C agents);
 - Persons with chronic lung disease, renal insufficiency, chronic heart disease, diabetes mellitus, chronic liver disease, hematologic malignancies, sickle cell disease, debilitating neurologic disorders, immunodeficiency disorders, or who are on immunosuppressive therapy;
 - Obese persons with a BMI greater than 35;
 - Smokers;
 - Persons aged 65 and older;
 - Children on chronic aspirin therapy up to age 18;
 - Patients presenting with apparent exacerbations of asthma or chronic obstructive lung disease during an influenza epidemic should be assumed to have influenza.
- ◆ Treatment should not wait for laboratory confirmation. A negative rapid test for influenza does not rule out influenza infection.*
- ◆ Treatment should be initiated for the above groups *even if more than 48 hours have lapsed since symptom onset.***
- ◆ Treatment should also be considered for persons with influenza-like-illness who live with or care for an infant less than six months of age.
- ◆ If practitioners choose to treat patients at lower risk of complications (i.e. those not listed in the groups above), treatment should not be started more than 48 hours after symptom onset.

WHAT IS THE TREATMENT?

- ◆ Oseltamivir (Tamiflu®) or zanamivir (Relenza®) are the only antivirals recommended for treatment or chemoprophylaxis of the influenza strains currently circulating. Dosage recommendations are included on the following page.

- ◆ Treatment with higher doses of antivirals (e.g., 150 mg oseltamivir BID for adults) and longer courses (e.g., >5 days) may be considered in cases of severe disease or if there is evidence of clinical progression while on treatment with standard doses. Concerns that critically ill patients may have the potential for lower oseltamivir absorption, higher viral loads, and reduced delivery of oseltamivir to damaged tissue exist. No comparative studies have assessed the effectiveness of higher doses or extended treatment, but such treatment has been suggested based upon the above concerns.
- ◆ Treatment with higher doses of antivirals (e.g., 150 mg oseltamivir twice per day for adults) should also be considered for hospitalized patients with BMI > 35 because of concerns that standard dosage recommendations may be inadequate.
- ◆ If oseltamivir resistance emerges during this epidemic, then zanamivir or a combination of oseltamivir and rimantadine may become recommended as empiric therapy for influenza in high risk or severely ill patients with influenza. This information will be updated in future editions of the Epi - News. National surveillance data on antiviral susceptibility of circulating influenza viruses is updated weekly and can be accessed at <http://www.cdc.gov/flu/weekly/>.

WHOM TO TEST:

- ◆ Only patients requiring hospitalization for suspected influenza or patients who died of an acute illness in which influenza was suspected should be tested for novel H1N1 influenza through the Nevada State Public Health Laboratory.
- ◆ Additional diagnostic tests for influenza are available through commercial labs or at point of care, including rapid antigen tests, direct and indirect immunofluorescence (DFA and IFA) and viral isolation in tissue cell culture. Although most patients with clinical illness consistent with uncomplicated influenza do not require diagnostic influenza testing for clinical management, use of these tests are up to the clinical judgment of the health care provider. **Please remember that a negative rapid flu antigen test does not rule out influenza infection.**

* Treatment may be discontinued if testing for influenza is negative by RT-PCR, but the rapid flu antigen test should not be relied upon, because it is insensitive (10-70%) in the detection of the H1N1 strain of swine-origin influenza virus currently circulating.

** Patients who are severely ill with influenza, or who are at high risk of severe or complicated influenza, may benefit from antiviral therapy initiated later than 48 hours after onset. This is thought to be because these are patients in whom active viral replication is prolonged, so that suppressing influenza viral replication, even late in the course of illness, reduces mortality. Patients who received oseltamivir more than 48 hours after onset in a Toronto study of persons hospitalized with severe influenza in the 2005-06 influenza season still experienced a mortality rate that was only 24% of the mortality among those who did not receive oseltamivir.

**Table 1. Antiviral medication dosing recommendations
for treatment or chemoprophylaxis of 2009 H1N1 infection**
(reprinted from: <http://www.cdc.gov/h1n1flu/recommendations.htm#table1>)

| Agent, group | Treatment (5 days) | Chemoprophylaxis (10 days) | |
|-------------------------------|---|---|--------------------|
| Oseltamivir (Tamiflu®) | | | |
| Adults | 75 mg capsule twice per day | 75 mg capsule once per day | |
| Children ≥ 12 months | 15 kg or less | 60 mg per day divided into 2 doses | 30 mg once per day |
| | 16-23 kg | 90 mg per day divided into 2 doses | 45 mg once per day |
| | 24-40 kg | 120 mg per day divided into 2 doses | 60 mg once per day |
| | >40 kg | 150 mg per day divided into 2 doses | 75 mg once per day |
| Zanamivir (Relenza®) | | | |
| Adults | Two 5 mg inhalations (10 mg total) twice per day | Two 5 mg inhalations (10 mg total) once per day | |
| Children | Two 5 mg inhalations (10 mg total) twice per day (age, 7 years or older) | Two 5 mg inhalations (10 mg total) once per day (age, 5 years or older) | |

Notes:

- ◆ Pregnant women are known to be at higher risk for complications from infection with seasonal influenza viruses, and severe disease among pregnant women was reported during past pandemics.
- ◆ Hospitalizations and deaths have been reported among pregnant women with 2009 H1N1 influenza virus infection, and one study estimated that the risk for hospitalization for 2009 H1N1 influenza was four times higher for pregnant women than for the general population.
- ◆ While oseltamivir and zanamivir are "Pregnancy Category C" medications, indicating that no clinical studies have been conducted to assess the safety of these medications for pregnant women, the available risk-benefit data indicate pregnant women with suspected or confirmed influenza should receive prompt antiviral therapy.
- ◆ Pregnancy should not be considered a contraindication to oseltamivir or zanamivir use. Because of its systemic activity, oseltamivir is preferred for treatment of pregnant women.
- ◆ The drug of choice for chemoprophylaxis is less clear. Zanamivir may be preferable because of its limited systemic absorption; however, respiratory complications that may be associated with zanamivir because of its inhaled route of administration need to be considered, especially in women at risk for respiratory problems.

**Table 2. Dosing recommendations for antiviral treatment or chemoprophylaxis
of children younger than 1 year using oseltamivir***

(reprinted from: <http://www.cdc.gov/h1n1flu/recommendations.htm#table2>)

| Age | Recommended treatment dose for 5 days | Recommended prophylaxis dose for 10 days |
|-----------------------|--|--|
| Younger than 3 months | 12 mg twice daily | Not recommended unless situation judged critical due to limited data on use in this age group |
| 3-5 months | 20 mg twice daily | 20 mg once daily |
| 6-11 months | 25 mg twice daily | 25 mg once daily |

*Oseltamivir is authorized for emergency use in children < 1 year of age under an Emergency Use Authorization (EUA) issued by FDA, subject to the terms and conditions of the EUA. Additional information is at: <http://www.cdc.gov/h1n1flu/eua/tamiflu.htm>.

Notes:

- ◆ Some experts prefer weight-based dosing for children aged younger than 1 year, particularly for very young or premature infants based on preliminary data from a National Institutes of Health funded Collaborative Antiviral Study Group (CASG). When using weight-based dosing for infants aged younger than 1 year for treatment, those 9 months or older should receive 3.5 mg/kg/dose BID, and those aged younger than 9 months should receive 3.0 mg/kg/dose BID. When using weight-based dosing for infants aged younger than 1 year for chemoprophylaxis, those 9 months or older should receive 3.5 mg/kg/dose QD, and those aged younger than 9 months should receive 3.0 mg/kg/dose QD (Source: D Kimberlin et al. Oseltamivir (OST) and OST Carboxylate (CBX) Pharmacokinetics (PK) in Infants: Interim Results from a Multicenter Trial. Abstract accepted to Infectious Diseases Society of America meeting, October 2009).
- ◆ Health care providers should be aware of the lack of data on safety and dosing when considering oseltamivir use in a seriously ill young infant with confirmed 2009 H1N1 influenza virus infection or who has been exposed to a confirmed 2009 H1N1 influenza case, and carefully monitor infants for adverse events when oseltamivir is used. Additional information on oseltamivir for this age group can be found at: <http://www.fda.gov/downloads/Drugs/DrugSafety/InformationbyDrugClass/UCM153547.pdf>.