



Clark County Air Pollution Control Hearing Board

Agenda

February 5, 2015 – 1:30 P.M.
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV

Hearing Board Members **Daniel Sanders, Chair**
Karen Purves, Vice-Chair
Tom Foster, Jr., P.E.
William Kremer
Craig Schweisinger
Evan S. Wishengrad, Esq.
Melvin Zeldin

Deputy District Attorney **Ofelia Monje, Esq.**

Air Quality Staff

A handwritten signature in black ink, appearing to read "Gary Miller", is written over the printed name.

Gary Miller, Compliance & Enforcement Manager

NRS 241.020 requires that written notice of all meetings of the Clark County Air Pollution Control Hearing Board be given at least three working days before the meetings. The notice shall include the time, place, location and agenda of the meeting. BUT, a request for notice lapses six months after it is made. The Clark County Air Pollution Control Hearing Board informs each requester of this fact by this notation on this copy of the notice mailed to you.

- Items on the agenda may be taken out of order.
- The Air Pollution Control Hearing Board may combine two or more agenda items for consideration.
- The Air Pollution Control Hearing Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
- To request a copy of the supporting materials for an agenda item, please contact Araceli Pruett at araceli.pruett@clarkcountynv.gov or (702) 455-3206. Supporting materials are available for inspection at the Clark County Department of Air Quality office located at 4701 West Russell Road, Las Vegas, NV 89118 or on our website at: http://www.clarkcountynv.gov/depts/AirQuality/Pages/Compliance_EnforcementNotices.aspx

ITEM	ACTION REQUESTED
I. CALL TO ORDER	
II. PUBLIC COMMENT No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.	
III. OATH OF OFFICE 1. William Kremer (Citizen Member) (Term of Office – 10/7/14 – 10/6/17) 2. Melvin Zeldin (Citizen Member) (Term of Office – 10/7/14 – 10/6/17) 3. Karen Purves (Citizen Member) (Term of Office – 11/16/14 – 11/15/17)	
IV. ELECTION OF VICE-CHAIR (New term- 2/5/15 – end of term) Air Quality Regulations Subsection 7.1 states, “The Air Pollution Control Hearing Board shall select a Chairman and Vice-Chairman and such other officers as it deems necessary.”	
V. APPROVE MINUTES OF JUNE 12, 2014 MEETING	<i>For possible action</i>
VI. OVERVIEW OF NEVADA OPEN MEETING LAW Presented by Ofelia Monje, Deputy District Attorney	

ITEM	ACTION REQUESTED
VII. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION	GRANT/DENY/TAKE OTHER APPROPRIATE ACTION
A. <u>APPEALS</u>	
<p>1. BIG DADDY 1, LLC (Source: 9409) – NOV #8479. On May 28, 2014, the Hearing Officer found Big Daddy 1, LLC in violation of Air Quality Regulations Subsections 12.8.1, 52.4(a)(1), 52.5(a)(1), 52.6(a)(1), and 52.7(b)(1) (Permit Conditions IV-B-1-e, IV-B-2-f, IV-B-2-g, IV-F-1-b, IV-F-1-I, IV-F-3-a, IV-E-1, IV-E-2, IV-G-2, and IV-G-4) for failing to maintain all Phase I and Phase II vapor recovery equipment in a leak free, vapor tight condition, and in good working order; for installing a Venturi hose in the reverse direction recommended by the manufacturer; for failing to notify Air Quality and conduct annual performance testing prior to the anniversary date of the previous performance test that the source passed; and for failing to provide records of Phase I and Phase II vapor recovery equipment inspections for review, identified during a full compliance evaluation conducted on September 23, 2013 at the Big Daddy’s Lamb Gas & Mini Mart Gasoline Dispensing Operation, located at 551 North Lamb Boulevard in Clark County, Nevada.. A \$9,000 penalty was assessed. Big Daddy 1, LLC appealed the Air Pollution Control Hearing Officer’s Order.</p>	<p>1. <i>For possible action</i></p> <p><i>Present Settlement Agreement for Hearing Board’s approval.</i></p>
<p>2. 24-SEVEN GAS AND FOOD MART, LLC (Source: 17232) – NOV #8609. On November 19, 2014, the Hearing Officer found 24-Seven Gas and Food Mart, LLC in violation of Air Quality Regulations Subsections 12.1.3.1, 12.1.4.1(d), 12.1.4.1(f), 40 CFR 63.11115(a), 40 CFR 63.11118(b)(1), and 40 CFR 63.7(a)(2) (Permit Conditions IV-B-1-b-ii, IV-B-1-b-iii, IV-B-1-d-iii, and IV-D-4-a) for operating a Gasoline Dispensing Operation (GDO) from August 1 through December 25, 2012 without the authority of a Minor Source Permit issued by the Clark County Department of Air Quality; for failing to install vapor recovery and product adaptors that prevent loosening or over tightening of fittings during normal delivery options; for failing to maintain all Phase I vapor recovery equipment to be leak free and vapor tight and in good working order; and for failing to conduct initial vapor recovery system testing required by the permit and failed to conduct vapor recovery testing for 2013, identified during a full compliance evaluation conducted on April 9 and 11, 2014 of the 24-Seven Gas and Food Mart GDO, located at 2424 East Russell Road in Clark County, Nevada. 24-Seven Gas and Food Mart, LLC appealed the Air Pollution Control Hearing Officer’s Order.</p>	<p>2. <i>For possible action</i></p> <p><i>Present Settlement Agreement for Hearing Board’s approval.</i></p>

ITEM	ACTION REQUESTED
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VIII. REPORT BY DAQ STAFF 1. Programmatic Update	
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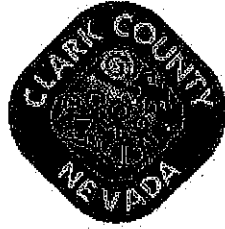
IX. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS	
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X. PUBLIC COMMENT No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.	
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XI. ADJOURNMENT	
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The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) hour advanced request, a sign language interpreter may be made available (telephone number TT/TDD: Nevada Relay toll-free (800) 326-6868) and assisted listening devices are available upon request.

- This notice and agenda was posted or caused to be posted at the following locations:
- Las Vegas City Hall, 495 S. Main Street, Las Vegas, Nevada
 - Henderson City Hall, 240 S. Water Street, Henderson, Nevada
 - North Las Vegas City Hall 2250 Las Vegas Blvd. North Las Vegas, Nevada
 - Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada
 - Mesquite City Hall, 10 E. Mesquite Boulevard, Mesquite, Nevada
 - CC Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada



Minutes of the Clark County

Air Pollution Control Hearing Board Meeting

June 12, 2014

I. CALL TO ORDER

Chair Daniel Sanders called the meeting of the Air Pollution Control Hearing Board to order at 1:30 p.m. A quorum was present and Affidavits of Posting of the agenda were provided as required by the Nevada Open Meeting Law. The Affidavits will be incorporated into the official record.

PRESENT: Daniel Sanders, Chair
Karen Purves, Vice-Chair
Tom Foster, P.E.
Herbert Inhaber
Mark Ireland
Craig Schweisinger
Evan S. Wishengrad, Esq.

LEGAL COUNSEL: Ofelia Monje, Esq., Counsel for DAQ

DAQ STAFF: Gary Miller, Compliance and Enforcement Manager
Lewis Wallenmeyer, Director
Araceli Pruett, Administrative Secretary

OTHERS

PRESENT: Nick Ceabuca, Creative Builders; Heather Mackinnon, DAQ; Shibi Paul, DAQ;
Lea Kain, DAQ; Chuck Richter, DAQ; Tony Pathyil, DAQ; Kandice Allen, DAQ

II. PUBLIC COMMENT

There were no public comments.

III. APPROVE MINUTES OF MARCH 13, 2014

Chair Sanders called for comments, changes, or corrections to the March 13, 2014 minutes. Board Member Foster suggested the alternate location of that meeting (Wetlands Park Nature Center) be noted in the minutes. Said change was noted on the record. Being no other changes, Board Member Wishengrad made a motion to approve the minutes with the noted change, which was seconded by Board Member Inhaber, and carried by the rest of the board members. The motion passed unanimously.

IV. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION

[Chair Sanders requested the board proceed to Item V, Report by DAQ Staff, since the appellant had not arrived. It was later reported by DAQ staff that the appellant had experienced transportation issues on the way to the meeting and would be tardy].

A. APPEALS

1. **CREATIVE BUILDERS – NOV #8482** – Creative Builders is appealing the Air Pollution Control Hearing Officer's Order. On March 26, 2014, the Hearing Officer found Creative Builders in violation of Air Quality Regulations Subsections 94.4.1 and 94.7.6.1 for conducting construction activities prior to obtaining a valid Dust Control Permit; and for allowing superintendents and foremen to work on site without having completed the required Air Quality Dust Control Class on September 23 and October 18, 2013 at the Chase Bank DU ATM construction site, located at 1435 West Craig Road in Clark County, Nevada. A \$1,250 penalty was assessed.

Nick Ceabuca appeared on behalf of Creative Builders, Inc. and was sworn in. It was agreed DAQ would provide a summary of the facts, and then appellant would be provided the opportunity to follow-up with questions and testimony.

DAQ Compliance and Enforcement Manager Gary Miller provided background on the case based on the information stated in NOV #8482. On September 12, 2013, a permit application was submitted for the subject project, but was not issued due to a number of deficiencies. DAQ staff repeatedly notified Creative Builders of said deficiencies and that the permit would not be issued until they were resolved. The required information was never received and the permit was never issued. On October 18, 2013, DAQ Air Quality Specialist Heather Mackinnon inspected the subject project and observed evidence of trenching activity over 100 feet in length, which would have required a dust control permit and that the project was nearly complete. Mr. Miller referred board members to the photographs and aerial map contained in the board books that Ms. Mackinnon used to document the trenching activity. Creative Builders was therefore cited for working without a permit and for not having on-site personnel complete a DAQ dust class, which was one of the deficiencies noted in the permit application that was preventing its issuance.

Board Member Purves questioned whether any direct contact was made with Mr. Ceabuca after the application was submitted. Counsel Monje pointed out staff had emailed Mr. Ceabuca, but never received response from him and eventually received a response from Chris Denzel.

Mr. Miller explained the calculation of the \$1,250 recommended penalty. The standard penalty for failure to obtain a dust control permit is \$500 and a \$500 adjustment was added for continuing to work without a permit, for a total of \$1,000. The standard penalty for not attending a dust class is \$250. AQR allow for a maximum penalty of \$10,000 per day per violation, which could have significantly increased the penalty.

Mr. Ceabuca maintained he was not aware he needed a permit, stating he took over the job from another contractor and started the job in August. Mr. Ceabuca acknowledged completing and signing the permit application contained in the board books. There were repeated inquiries on how Mr. Ceabuca learned he needed a permit. Mr. Ceabuca stated an inspector from DAQ came by and told him he needed a permit. He referred to the email exchange on bates number 0000019 between DAQ staff and Chris Denzel concerning the deficiencies in the application, stating Mr. Denzel was the electrician on the job who helped him with the permit paperwork. Board Member Purves referred to Section 4 of the permit application (bates number 000006) that listed Nick Ceabuca as the Point of Contact for dust control matters and inquired if that was his current contact information. Mr. Ceabuca agreed it was.

Board Member Wishengrad inquired whether Mr. Ceabuca thought he was done with the permit process once he submitted the application. Mr. Ceabuca concurred. Board Member Wishengrad referred to Section 5 of the permit application (bates number 000006) that addresses the DAQ Dust Class requirement for on-site supervisory personnel, noting the checked box indicated personnel had not attended dust class. Mr. Ceabuca acknowledged checking the box and understanding the 30-day dust class attendance requirement, stating he took the class in November or December. Board Member Purves asked if Mr. Ceabuca recalled any communication with DAQ about the application being incomplete. Mr. Ceabuca did not recall communication about the application incompleteness, but recalled communication about attending a dust class.

Mr. Ceabuca felt the \$1,250 penalty was excessive for a first time offense. There was testimony about the affiliation between Mr. Denzel and Mr. Ceabuca. Mr. Ceabuca reiterated that Mr. Denzel was his electrician who helped him with his paperwork. Board Member Wishengrad referred to the email dated October 31 (bates stamp 000019) from Mr. Denzel to Brenda Whitfield of DAQ that stated Mr. Ceabuca was informed he needed to take the dust class to continue his involvement as general contractor. Mr. Ceabuca explained he missed the first class, but took it in November or December. Counsel Monje asked Mr. Ceabuca to confirm the email address provided on the application (bates stamp 000005); he confirmed its validity. Referring to Ms. Whitfield's email to Creative Builders dated September 23 (bates stamp 000021) listing the deficiencies in the application, she asked Mr. Ceabuca if he responded to that email. He could not recall, stating he gave the information to Mr. Denzel to contact DAQ on his behalf.

Mr. Ceabuca acknowledged the project was completed with Creative Builders as the general contractor. There was discussion about the application and permitting process with other entities that Mr. Ceabuca works with. Mr. Ceabuca explained when he obtains a building permit, he applies for it and they notify him when it is approved and he does not pay a fee until it is approved. He did not think the dust class requirement was related to the permit issuance. He reiterated that he did not think he needed a permit, but applied for it after he learned he needed it.

Board Member Foster inquired whether the permit was ever issued. Mr. Miller responded the permit was not issued because page 2 of BMP 20 was missing. There are best management practices (BMP) for different construction activities and permittees only complete BMPs that are applicable to their project activities. BMPs are not listed in the regulations, but are adopted by reference in AQR Section 94. Mr. Miller referred to bates number 000013, which is the first page of BMP 20, Trackout Prevention, explaining it continues on to another page but Mr. Ceabuca never completed that second page. Board Member Foster questioned whether page 2 of BMP 20 was relevant to this project. Mr. Miller stated it was.

Board Member Foster referred to Ms. Whitfield's September 23 email (bates stamp 000021) that states Mr. Ceabuca needed to sign up and attend the dust class within 30 days of the permit being issued. He reasoned that because the permit was never issued, it was not a violation. Mr. Miller retorted that if Mr. Ceabuca had signed up for dust class and submitted page 2 of BMP-20, the permit would have been issued. Counsel Monje added Mr. Ceabuca did not complete the forms necessary to get the permit issued. Board Member Wishengrad understood Mr. Foster's reasoning, but pointed out that according to earlier testimony, Mr. Ceabuca felt he had a permit after submitting the application. Board Member Purves concurred.

Board Member Inhaber moved to assess the \$1,250 penalty, stating he felt the applicant was informed of the requirements at every stage of the process. Being no second, the motion did not carry.

Chair Sanders opened the matter to board discussion.

Board Members inquired about the initial site visit mentioned during Mr. Ceabuca's testimony when he learned he needed a permit. DAQ Air Quality Specialist II Heather Mackinnon was sworn in and testified she was not aware of an inspection prior to her October 18 visit, stating it was possible another officer inspected the site prior to her. She inspected the site to check the status of the project after the permit application was submitted and put on hold until further information was received. The project was 90-95% complete, with obvious signs of trenching. Her inspection was documented in the photographs included in the board books. Mr. Ceabuca acknowledged said photographs were an accurate representation of the site on October 18, 2013, and that he performed the trenching activity.

Board Member Foster questioned whether page 2 of BMP 20 could have been misplaced after the application was submitted. Mr. Miller stated it was unlikely since applications are scanned as soon as they are submitted before being turned over to the permit reviewer.

There was discussion about how permits are issued and tracked, and whether a permit might have been issued to the previous contractor. Mr. Miller explained permits are issued to the applicant who then becomes the permittee and that existing permits are typically transferred through a permit modification when there is a change in contractors. He did not believe a prior permit was issued for this job. Board Member Wishengrad referred to Mr. Ceabuca's request for appeal (bates number 000029) that states, "owner's representative gave verbal assurance to Creative Builders that all permits were in place before construction," pointing out there had been no representation that the property owner said that was untrue. Board Member Ireland recalled Mr. Ceabuca stating an inspector stopped by and said he needed a permit, adding if it was already permitted he would have just needed a transfer.

There was ongoing discussion about whether or not the property owner should be contacted and/or included in violations. Board Member Wishengrad felt AQR Section 8 could be interpreted in a way that makes property owners liable. Mr. Miller disagreed, stating AQR Section 8 applied to stationary sources and that construction activities are regulated under AQR Section 94 and the permittee assumes project responsibility under that rule. Board Member Wishengrad inquired about the use of an owner's designee as referenced in AQR Subsections 94.4.1 and 94.5.8. Mr. Miller stated an owner's designee was not submitted, adding the applicant certified he had authority to do the work and agreed to be responsible for all project activities under the certification statements on the application signature page (bates number 000006). Mr. Miller explained the owner's designee was in the initial rule, but presented several problems for contractors who had a difficulty getting the form completed in a timely manner due to multiple owners or out-of-state owners. After district attorney evaluation, the certification statements were added to the application signature page, where the applicant certifies having the owner's authority to use the property, meeting the owner's designee requirements. Board Member Ireland recalled this being an issue in the past.

Board Member Wishengrad questioned a property owner's financial liability under AQR Subsection 94.7.4.4.1, which references reimbursements by the owner and/or operator for costs incurred in remedial actions and allows for liens to be placed on the subject property. He referred to the definition for "'Owner' and/or 'Operator'" under AQR Section 0, stating it was unclear who is responsible. Although he felt the company creating the condition should be held responsible, Board Member Wishengrad felt there was ambiguity in the regulations about a property owner's responsibility. Mr. Miller reiterated that through the permit application, a permittee certifies having the property owner's authority to work on the subject property and agrees to bear responsibility for the project, including compliance with the regulations. Any penalties levied would be pursued against the permittee not the property owner. Counsel Monje explained the inclusion of "and/or Operator" in the definition for "Owner" was so that collection could be pursued against the permittee (as the operator); however, if the property owner is the permittee, a lien could be placed on the property.

Board Member Foster also felt the regulations put the onus on the owner and/or operator, stating there was no mention of the contractor. Mr. Miller responded the department views the permittee as the operator. The permittee gets the permit to do the work with the authority of the property owner and agrees to be responsible for the project, becoming a representative of the owner. Board Member Foster suggested the AQR definition of "owner and/or operator" be modified to include the permittee so that it is clear the permittee is responsible.

Chair Sanders commented on his contracting experience and that it is well-known that permittees are responsible for the project and dust control matters, stating property owners do not want the responsibility. He agreed the regulation language could be modified and made clearer. His concern was why Mr. Ceabuca failed to respond and fall through with what was needed to get the permit issued after he was notified.

Mr. Miller reported Mr. Ceabuca attended dust class in January 24, 2014.

Board Member Purves referred to Ms. Whitfield's October 21 email (bates stamp 000020) that provided the location of the necessary BMP form on the department website, asking Mr. Ceabuca if he completed or Mr. Denzel completed that page. Mr. Ceabuca stated he believed Mr.

Denzel submitted the form. She asked if DAQ had any evidence that page was ever submitted. Counsel Monje stated the department had checked its records and the form was never submitted.

Board Member Wishengrad commented that as a general contractor, Mr. Ceabuca is presumed to know his responsibilities and ignored staff's direction during the permitting process. He pointed out the project started in August, application was submitted in September, and dust class was not attended until January 2014. He concluded it was appellant's obligation to meet these requirements in a timely manner and felt the fine was lenient and could have been much higher.

Upon inquiry, Mr. Ceabuca stated the job was finished in September. Board Member Foster remarked it was not possible to take the class prior to finishing the job if the permit was applied for on September 12 and the job was completed that same month. Board Member Wishengrad responded that he did not have a permit and should have ceased work until a permit was issued. Mr. Ceabuca stated he did not have the funds to pay for the class at the time and reiterated the \$1,250 penalty was too much for a first time offense. Counsel Monje referred to Ms. Mackinnon's testimony that when she inspected the project on October 18, it was 95 percent complete not fully complete.

Board Member Foster asked that the board consider the violations separately during the motioning phase. Chair Sanders agreed.

[Board Member Inhaber left the meeting at approximately 3 p.m., before the final deciding motions were made, therefore, he did not participate in those votes.]

Chair Sanders opened the matter to board discussion. Being no further questions or comments, Chair Sanders asked for a motion. Board Member Wishengrad moved to deny the appeal on the failure to take the dust class in a timely manner, and to impose the \$250 penalty. Chair Sanders reiterated the motion was to deny the appeal on that portion of the violation and assess the \$250 penalty. Board Member Purves seconded the motion. The Chair called for a vote on the motion, which was affirmed by Board Members Purves, Wishengrad, and Chair Sanders and was opposed by Board Members Ireland and Foster. The motion carried on a majority vote.

Chair Sanders asked for a motion on the second portion of the violation concerning the failure to get a permit. Board Member Purves moved to deny the appellant's request and to assess the \$500 penalty as well as the \$500 adjustment for continued non-compliance of AQR Subsection 94.4.1. Chair Sanders reiterated the motion was to deny the appeal on the failure to get a permit and assess the \$1,000 penalty. Board Member Foster seconded the motion. The Chair called for a vote on the motion, which was affirmed by Board Members Ireland, Foster, Purves, Wishengrad, and Chair Sanders. Being no oppositions—the motion passed unanimously.

[After the board ruled on Creative Builders' appeal of the Hearing Officer's Order on NOV #8482, there was discussion about regulation improvements. Board Member Wishengrad commented earlier that the board's role is to ensure the department and appellants are in conformance with the regulations and if they are ambiguous they need to be cleaned up and consistent. Mr. Miller reported the department has been going through a process to improve and update existing regulations as many were inherited from the health district, but had not been in the position to make all the necessary changes. Section 12 was recently revised and the department hopes to get approval on those soon. It is working on revising the Section 90 series,

including Section 94, but that cannot be done until the EPA acts on the department's PM¹⁰ Maintenance Plan. Once that plan is approved and the County is back in attainment, the revision process will resume and will include workshops. Counsel Monje pointed out any affected regulations will require the applicable definitions to be reviewed and revised if needed.]

Counsel Monje reported the department was offering a payment plan to the appellant and requested that offering be included in the record. Chair Sanders instructed the department to make whatever arrangements necessary.

V. REPORT BY DAQ STAFF

[This item was moved ahead of Item IV.A, Appeals, due to appellant's late arrival].

Update on Pollutants

DAQ Director Lewis Wallenmeyer provided an update on the status of some of the criteria pollutants affecting Clark County.

- *Ozone Standards.* It is ozone season and smoke from nearby wildfires increases ozone levels, normally causing an exceedance of the ozone standard. The current standard is 75 parts per billion (ppb); however, the EPA is expected to promulgate a new standard by the end of the year, lowering it to 65-70 ppb. The matter is under independent review by the Clean Air Scientific Advisory Committee, who will provide recommendations to the EPA. It is unknown what that standard will be, but Mr. Wallenmeyer predicts it could be 68 ppb. The County currently averages 75ppb and, if were not for the Exceptional Events Rule that provides for the exclusion of data due to exceptional events (transport, wildfires, etc.), it would undoubtedly be in nonattainment. He added the County has its own exceedance challenges from cumulative effects of combustion sources and VOC emissions without the added contribution from neighboring areas.

DAQ is doubtful it will be able to meet the new standard and has joined EPA's Ozone Advance program, which is a collaborative effort between the agencies to help participants stay in attainment. This program will allow DAQ to make commitments to control some of the precursors that form ozone through transit improvements, increasing public transportation, retrofitting busses with cleaner burning technologies, increasing solar development, and public outreach efforts. DAQ will be sending a draft of its program plan to EPA by the end of the month. EPA wants to see a proactive effort to deal with these challenges by those going into nonattainment status, which will also help avert lawsuits for inaction. Mr. Wallenmeyer feels the commitments the department is making are reasonable and achievable. The department is also exploring the utilization of subsidies to help gas stations improve vapor-control technologies and replacing combustion-related energy sources with solar energy, which should help.

Mr. Wallenmeyer reported on some of the upcoming solar projects in the valley. The Reid-Gardner facility is expected to convert to natural gas and solar power in the next five years. There was discussion over concerns about the thermal solar towers south of Primm and its effects on the environment and wildlife. Most of the projects planned in the County will use a photovoltaic system, not a thermal system. Solar photovoltaic facilities are being constructed

north of Primm and on the Moapa Paiute Indian reservation. DAQ has no jurisdiction over tribal lands or coal-fired power plants. However, the department works with the tribal government and assists them with training and monitoring data. There was mention of the strict regulations on the tribal site. Under statute, coal-fired plants are overseen by the State.

- *Particular Matter*¹⁰ (*PM*¹⁰). The department is awaiting EPA's approval of its Maintenance Plan. If this plan is approved as expected, the County will be redesignated from nonattainment to attainment. To facilitate EPA's approval, the dust regulations were adjusted to include areas in attainment status since past regulations only dealt with areas in nonattainment status.
- *Sulfur Dioxide (SO₂)*. Clark County is in attainment and unclassifiable status for SO₂ and is expected to continue in this status since there are no significant sources of SO₂. It will continue to be monitored.

Upcoming Recruitments

Mr. Miller reported that the department is currently recruiting a new Air Pollution Control (APC) Hearing Officer and anticipates having this individual appointed at the July 1 Board of County Commissioners meeting. Additionally, the department will begin recruiting three citizen members for the APC Hearing Board to fill upcoming vacancies due to term expirations. The respective members are encouraged to reapply for their positions. Staff will remind these members of their term expirations and solicit letters requesting reappointment during the recruitment process. This recruitment will also be open to the public and published in the Las Vegas Review Journal to give other constituents an opportunity to apply. There was discussion about the cost of publication.

Natural Occurring Asbestos

Mr. Miller updated the board on the Natural Occurring Asbestos (NOA) issue in Southern Nevada. The Regional Transportation Commission (RTC) has drafted a report discussing the samples taken along the alignment from Railroad Pass to the bridge near the Hoover Dam. With the exception of samples taken in the mountainous area east of Boulder City, the results have shown a less than 1 percent concentration of asbestos. Asbestos regulations focus on greater than 1 percent, before it becomes a regulated material. They are seeing levels at 0.2-0.4 level, but the bulk of the samples collected are well below the 1.0 % level. Samples taken in the mountainous area (by drilling into the rock) had results in the 6-7 percent range. Mr. Miller explained one would expect to see a higher concentration in those areas if the sample was taken from a rock vein formed millions of years ago, than the alluvial area along the alignment where rock has deteriorated through time. Two sample methods were used-- polarized light microscopy (PLM) and transmission electronic microscope (TEM); both are known to be precise so he is confident in those results.

An internal task force has been created with representatives from RTC, NDOT, EPA and other health professionals. Additional air monitoring on the alignment will take place over the next few months to check the concentration in the air. They anticipate getting a bid in the next few months and having a contract in place near the end of the year so they can begin the project in the spring of 2015. DAQ feels it has the dust control regulations and systems in place to deal

with the project, and that its dust control rules are more stringent than California's dust regulations for controlling NOA from construction projects and they have made it work. Mr. Miller explained California has a similar process and they are building roads in NOA areas where they sample and then implement the appropriate control measures. He acknowledged minimizing dust during project blasting could present a challenge. A conference call with RTC is scheduled for later this month.

Other matters

- *New District Attorney.* Ofelia Monje introduced herself as the new Clark County Deputy District Attorney for DAQ.
- *Cost Containments.* Mr. Wallenmeyer briefed the board on some of the cost containment measures implemented by the department over the last several years, including migrating from a paper-based to electronic system in many operational areas and using its website to provide public access to forms, announcements, and other documents. Travel and training restrictions imposed by County Management during the economic downturn have been lifted and the department is able to resume training for staff.
- *Facility changes.* The department's office will undergo renovations that will include functional amenities, including an onsite weigh-in facility for monitoring division activities.

VI. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS

Board Member Wishengrad inquired about collaboration between the various permitting agencies. He understands when you apply for a permit in sanitation or civil works they specify whether there are other special requirements or permits needed and will not issue said permit until those are complete or an exception is made and suggested a similar approach.

The department collaborates with some of the other county agencies, most of which is informational. The building department's application materials include notification to contact DAQ for a permit for activities relating to construction and asbestos removal. DAQ explored a greater collaboration in the past when reviewing building permits for asbestos-related projects and discovered the department issues over 20,000 permits per year. This would require an additional 5-6 staff members to review those permits and DAQ does not have the systems or resources to do this. Mr. Miller pointed out the responsibility falls on the operator/permittee to determine what permits are needed. The fire department will not issue a Certificate of Occupancy for a building unless they have verification that any stationary sources are permitted by DAQ. DAQ also works with business license, reviewing business license applications for potential applicability for stationary source permit requirements.

Mr. Wallenmeyer commented on the complexity of a collaborative multi-agency approach because the dilemma becomes which department signs off first and the process becomes cumbersome and almost impossible with so many involved.

Board Member Wishengrad inquired about the process when a permit is required and had not been obtained and whether a notice to comply would be issued before any further action was taken

against a permittee. Mr. Miller responded it was usually not an issue if they came in and got a permit within a day or two, but in the subject appeal (concerning Creative Builders) the department was totally ignored.

VII. PUBLIC COMMENT


Mr. Ceabuca returned, reiterating he did not know he needed a permit and that it was a miscommunication, but he would pay the fine because he does not have a choice.

There were no further public comments.

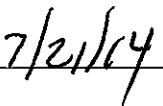
VIII. ADJOURNMENT

Being no further business, Chair Sanders adjourned the meeting at 3:52 p.m.

Submitted for approval,



Gary D. Miller, Compliance and Enforcement Manager
Department of Air Quality



Date

RE: BIG DADDY 1, LLC
 Appeal of Hearing Officer's Order on NOV #8479

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
0001-0030	Notice of Violation #8479	02/26/14
0031	Letter from Pamela Thompson, DAQ	04/03/14
0032	Email between Pamela Thompson, DAQ and Francois Alvandi, Big Daddy	04/08/14
0033	Letter from Pamela Thompson, DAQ	04/17/14
0034	Letter from Pamela Thompson, DAQ	05/13/14
0035-0036	Email between Pamela Thompson, DAQ and Francois Alvandi, Big Daddy	05/27/14
0037-0038	Hearing Officer's Order	06/15/14
0039-0040	Email between Araceli Pruett, DAQ and Francois Alvandi, Big Daddy	06/18/14
0041-0042	Appeal of Hearing Officer's Order	06/23/14
0043	Letter from Araceli Pruett, DAQ	06/23/14
0044	Email from Araceli Pruett, DAQ	06/23/14
0045	Email from Araceli Pruett, DAQ	07/29/14
0046	Letter from Lea Kain, DAQ	12/18/14
0047-0049	Settlement Agreement	01/13/15
0050	Letter from Araceli Pruett, DAQ	01/26/15



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

February 26, 2014

CERTIFIED MAIL #91 7199 9991 7032 5032 5410

Francois Alvandi
Big Daddy 1, LLC
3870 East Flamingo Road, Suite A2-352
Las Vegas, NV 89121

E-mail: francois@bigdaddysoil.com

NOTICE OF VIOLATION #8479

Clark County Department of Air Quality (Air Quality) proposes to assess a civil penalty of \$9,000 against Big Daddy 1, LLC who is the owner/operator of the source cited for the alleged violations of the Clark County Air Quality Regulations (AQRs).

FINDINGS OF FACT

I. ALLEGED VIOLATIONS

Air Quality discovered the alleged violations during a full compliance evaluation (FCE) conducted on September 23, 2013 and proposes to assess a civil penalty for these observed violations. At the time of the alleged violations, the owner/operator operated a minor stationary source identified as Big Daddy's Lamb Gas & Mini Mart (Big Daddy's Lamb), located at 551 North Lamb Boulevard, in Clark County, Nevada, and operated under authority of Authority to Construct/Operating Permit (ATC/OP), Source: 9409, issued on April 7, 2008. Transition Procedures specified in AQR Subsection 12.0.3(a) state that conditions in a permit issued before July 1, 2010 continue in effect until the permit is terminated or a new permit is issued.

Alleged Violation #1:

Permit Condition IV-B-1-e (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.4(a)(1) of the AQR, amended July 1, 2004) states the following:

“All Phase I vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

Finding: During the course of the investigation, Air Quality staff found liquid and debris in the fill adapter spill bucket; therefore, Big Daddy's Lamb failed to maintain the spill bucket in good working order (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all Phase I vapor recovery equipment will be maintained to be leak free, vapor tight, and in good working order, which includes timely and proper housekeeping for debris.

Alleged Violation #2:

Permit Condition IV-B-2-f (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.4(a)(1) of the AQR, amended July 1, 2004) states the following:

“Pursuant to AQR Section 12, all Phase II vapor recovery equipment shall be installed and operated in accordance with the manufacturer’s specifications and the current CARB EO G-70-17 series.”

Finding: Big Daddy’s Lamb installed a Venturi hose in reverse of the direction recommended by the manufacturer (Exhibit 1).

Permit Condition IV-B-2-g (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.4(a)(1) of the AQR, amended July 1, 2004) states the following:

“All Phase II vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

Finding: During the course of the investigation, Air Quality staff found a crimped coaxial hose; therefore, Big Daddy’s Lamb failed to maintain the Phase II vapor recovery equipment in good working order (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all Phase II vapor recovery equipment will be installed and operated in accordance with the manufacturer’s specifications, and the current CARB EO G-70-17 series and be maintained to be leak free, vapor tight, and in good working order.

Alleged Violation #3:

Permit Condition IV-F-1-i (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004) states the following:

“The source shall conduct performance tests listed in Table IV-F-1.”

Furthermore, the following extract from Table IV-F-1 specifies the deficient requirement:

Table IV-F-1: Required Performance Test Criterion: Balance System

Description	CARB Test Procedure	Standard
Pressure decay/leak: vapor control system including nozzles and underground tanks	TP-201.3	Initial: 2" wc Final: Referenced Value
Dynamic Back Pressure	TP-201.4	0.45" wc @ 60 SCFH, N ₂ 0.95" wc @ 100 SCFH, N ₂
Dispensing nozzle flow rate ¹	As Specified in EO	10 gpm (max.)

¹A/L minimum and maximum results by system type U.S. EPA Federal Register, Volume 58, Number 55, Page 16019.

Permit Condition IV-F-3-a (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004) states the following:

“Annual performance testing shall be accomplished prior to the anniversary date of the previous performance test that the source passed.”

Permit Condition IV-F-1-b (Authority Subsection 52.5(a)(1) of the AQR, amended July 1, 2004) states the following:

“The source shall give a 7-day written prior notice of the date of the test to the Compliance Reporting Supervisor, DAQEM.”

Finding: Big Daddy’s Lamb conducted a vapor recovery system test on September 11, 2009 (Exhibit 2). On January 11, 2010, Big Daddy’s Lamb submitted a Gasoline Dispensing Facility Certification of Performance Test Results to Air Quality, but reported conducting a Balance System Inspection in lieu of the performance tests required by the ATC/OP (Exhibit 3). The source completed subsequent vapor recovery system testing on October 3, 2011, which was more than two years after the previous test (Exhibit 4). Big Daddy’s Lamb conducted the next vapor recovery system testing on May 17, 2013, which was also more than six months beyond the required test date (Exhibit 5).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all future performance tests will be conducted as required.

Alleged Violation #4:

Permit Condition IV-E-1 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004) states the following:

“Pursuant to AQR Subsections 12.8.1, the source shall conduct daily inspections for requirements listed in AQR Subsection 52.4 that are associated with the Phase I vapor recovery system to determine if components of the system are defective.”

Permit Condition IV-E-2 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.6(a)(1) of the AQR, amended July 1, 2004) states the following:

“Pursuant to AQR Subsections 12.8.1, the source shall conduct daily inspections for requirements listed in AQR Subsections 52.4 and 52.6 that are associated with the Phase II vapor recovery system to determine if components of the system are defective.”

Permit Condition IV-G-4 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.7(b)(1)(vii) of the AQR, amended July 1, 2004) states the following:

“All records, i.e., daily self-inspection records, daily logs, etc., or a copy thereof, for both Phase I and Phase II, shall contain, at minimum, the following information: ...

f. the results of the daily inspections”.

Furthermore, Permit Condition IV-G-2 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004) states the following:

“All records, i.e., daily logs, daily inspection records, etc., or a copy thereof, shall be kept on site for a minimum of 5 years from the date the measurement, or data was entered.”

Finding: During the course of the investigation, Big Daddy’s Lamb failed to provide records of Phase I and Phase II vapor recovery equipment inspections prior to January 1, 2010. In addition, Big Daddy’s Lamb failed to record inspections of the Phase I and Phase II vapor recovery equipment on the following dates: April 25 through 30, December 14 through 31, 2011, February 21 through 29, March 19 through 31, April 1 through 3, April 24 through May 31, 2012, December 1, 2012 through April 30, 2013, May 1 through 5, May 22 through 31, September 1, and September 11 through 22, 2013, inclusive (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure the following: (1) all required inspections will be performed and documented through the completion of on-site records; and (2) all required records will be maintained on-site for a minimum of five years from the date of recordation.

II. DEFICIENCIES

Air Quality identified the following deficiencies during the September 23, 2013 FCE. Pursuant to NRS 445B.450(5), we are providing you with a warning and encourage you to correct the deficiencies as you deem appropriate. By providing you with this opportunity, Air Quality does not consider these deficiencies to be violations at this time; therefore, no civil penalties are being assessed. However, if left unattended, these deficiencies may warrant future enforcement action, as violations of the AQRs.

Deficiency #1:

Permit Condition II-3 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004) states the following:

“This ATC/OP, or a copy thereof, shall be kept on-site.”

Finding: During the course of the investigation, Big Daddy’s Lamb failed to present to Air Quality staff a visible or accessible copy of the permit (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure the permit, or a copy thereof, will be kept on-site at all times in a location which is clearly visible and accessible to the employees of the stationary source and representatives of the Control Officer.

Deficiency #2:

Permit Condition IV-F-1-d (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.5(a)(2) of the AQR, amended July 1, 2004) states the following:

“Within 7 days from the end of an initial or annual performance test, source shall submit a report containing the results of such test to the Compliance Reporting Supervisor, DAQEM.”

Finding: Big Daddy’s Lamb submitted the September 11, 2009 performance test results on October 19, 2009, which was 38 days after the test date (Exhibit 2). The source submitted the October 3, 2011 performance test results on November 21, 2011, which was 49 days after the test date (Exhibit 4).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all future test result reports will be submitted to Air Quality on or prior to the required submittal date.

Deficiency #3:

Permit Condition IV-H-2 (Authority Subsection 12.8.1 of the AQR, amended October 7, 2004, and Subsection 52.7(d)(1) of the AQR, amended July 1, 2004) states the following:

- “Each annual gasoline product throughput report shall:
- a. contain the total combined annual gasoline product throughput;
 - b. be submitted on or before January 30 of each year; and
 - c. be addressed to the attention of the Compliance Reporting Supervisor.”

Finding: On July 21, 2010, Big Daddy’s Lamb submitted the annual throughput report for calendar year 2009 to Air Quality, which was 172 days past the required due date (Exhibit 6), and on April 15, 2013 submitted the report for calendar year 2012, which was 76 days past the required due date (Exhibit 7).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all future annual throughput reports will be submitted to Air Quality on or prior to the required submittal date.

III. PROPOSED CIVIL PENALTY

Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; or any requirement by Air Quality is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation, as provided for in AQR Section 9, "Civil Penalties." Each day of violation constitutes a separate offense.

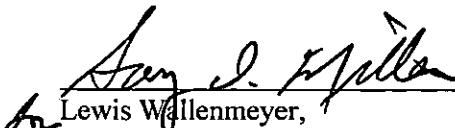
The civil penalty is calculated by applying the standard penalty for each violation of the applicable requirement, the standard adjustment for aggravating or mitigating factors and an alleged violator's past enforcement history. In consideration of the aforementioned facts, Air Quality recommends a civil penalty in the amount of \$9,000.

IV. ADMINISTRATIVE PROCEDURES

Air Quality has scheduled a hearing for **Wednesday, April 16, 2014 at 9:00 a.m.** with the Air Pollution Control Hearing Officer. At that time, the Hearing Officer will make a determination on the alleged violation(s) and levy a penalty. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road.

If Air Quality does not receive a written response (via email or letter) from you regarding this Notice of Violation providing a plea of contested (facts, penalty or both) or non-contested, your case will be placed on the Hearing Officer docket under "Action Required" for the Hearing Officer to render a ruling and assess a monetary penalty.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds the source in violation and assesses penalties, Air Quality staff will mail the Hearing Officer's order to the source along with instructions on the remittance of any penalties.


for Lewis Wallenmeyer,
Control Officer

Exhibits:

1. Air Quality Minor Stationary Source Compliance Evaluation Report dated October 14, 2013
2. Extract from Big Daddy's Lamb Test Certificate received on October 19, 2009
3. Big Daddy's Lamb Gasoline Dispensing Facility Certification of Performance Test Results received on January 11, 2010
4. Extract from Big Daddy's Lamb Test Results Submittal Form received on November 21, 2011
5. Extract from Big Daddy's Lamb Test Results Submittal Form received on May 20, 2013
6. Big Daddy's Lamb Gasoline Dispensing Operations Annual Throughput Report and Emissions Inventory Form received on July 21, 2010
7. Big Daddy's Lamb Gasoline Dispensing Operations Annual Throughput Report and Emissions Inventory Form received on April 15, 2013

cbr



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
 4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
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 Lewis Wallenmeyer Director

Minor Stationary Source Compliance Evaluation Report

1. Source Information:			
Source Name:	Big Daddy's Lamb Gas & Mini Mart		
Source Address:	551 North Lamb Boulevard, Las Vegas, Nevada 89110		
Source ID:	9409		
Applicable Permit:	Authority to Construct/Operating Permit for a Nonmajor Gasoline Dispensing Operation, Modification 4, Revision 2.		
Permit Issuance Dates*:	April 7, 2008	NA	NA
*Dates identify previous versions of the applicable permit that were used for this evaluation.			
SIC Code/Description:	5541: Gasoline Service Stations		
NAICS Code/Description:	447110: Gasoline Station with Convenience Store		
2. Company Information:			
Company Name:	Big Daddy 1, LLC		
Company Address:	3870 East Flamingo Road, Suite A2-352, Las Vegas, Nevada 89121		
3. Contact Information:			
Responsible Official (RO):	Francois Alvandi	Title:	Owner
Mailing Address:	3870 East Flamingo Road, Suite A2-352, Las Vegas, Nevada 89121		
Telephone Number:	702-454-7895	Email:	francois@bigdaddysoil.com
Source Contact:	Hedris Hamidaleh	Title:	Store Manager
Telephone Number:	702-454-7895	Email:	None
4. Evaluation Information:			
Evaluation type:	Full Compliance Evaluation		
Evaluation Period:	October 20, 2009 through September 23, 2013		
Evaluation Performed by:	Scott Rowsell	Title:	Air Quality Specialist I
Evaluation Site Inspection			
Inspection Date:	September 23, 2013		
Inspection Start Time:	1106 hrs.		
Inspection End Time:	1216 hrs.		
Previous Evaluation Date:	October 19, 2009		
5. Report Preparation, Review and Approval:			
Report Action:	Name:	Completed:	
Prepared By:	Scott Rowsell	September 30, 2013	
Peer/Senior AQS Review:	Paul Durr	September 30, 2013	
Supervisor Review:	Shibi Paul	October 9, 2013	
Manager Approval:	Gary Miller	October 14, 2013	

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Summary: I conducted a Full Compliance Evaluation (FCE) of Big Daddy's Lamb Gas & Mini Mart (BDLMM) for the period of October 20, 2009 through September 23, 2013. This is a gasoline dispensing facility that operates 27 emission units (EUs): one 12,000 gallon premium unleaded gasoline underground storage tank (EU A01), one 12,000 gallon midgrade unleaded gasoline underground storage tank (EU A02), one 12,000 gallon regular unleaded gasoline underground storage tank (EU A03), 12 single hose, single product nozzles (EUs A04-A15), and 12 multiproduct nozzles (EUs A16-A27) that are permitted in Authority to Construct/Operating Permit for a Nonmajor Gasoline Dispensing Operation, Modification 4, Revision 2, Source ID 9409, issued on April 7, 2008 (ATC/OP 9409).

Unless otherwise specified, references to the permit and permit conditions are to ATC/OP 9409 and permit conditions contained therein.

During the FCE, I observed the following deficiencies:

1. BDLMM did not maintain a copy of ATC/OP 9409 on-site; therefore, BDLMM was *not compliant* with permit condition II.3 which states that a copy of the operating permit shall be kept on-site.
2. BDLMM did not maintain the fill adapter spill bucket of EU: A03 in good working order. I observed debris and liquid in the spill bucket; therefore, BDLMM was *not compliant* with permit condition IV.B.1.e which states all Phase I vapor recovery equipment shall be maintained in good working order.
3. BDLMM did not correctly install the phase II vapor recovery hose on nozzle # 20; therefore, BDLMM was *not compliant* with permit condition IV.B.2.f which states all Phase II vapor recovery equipment shall be installed and operated in accordance with the manufacture's specifications and CARB EO G-70-17 series.
4. BDLMM did not maintain the coaxial hose on nozzle # 8 in good working order. I observed the hose was crimped; therefore, BDLMM was *not compliant* with permit condition IV.B.2.g which states all Phase II vapor recovery equipment shall be maintained to be in good working order.
5. BDLMM conducted the 2009, 2011, and 2013 annual vapor recovery system tests; however, the 2009 and 2011 annual vapor recovery system test results were not submitted to the Compliance Reporting Supervisor within 7 days from the end of the initial test (permit condition) or within 30 days (Department of Air Quality Policy) with all pertinent information. The 2009 test was conducted on September 11, 2009 and submitted to Air Quality on October 19, 2009 and the 2011 test was conducted on October 3, 2011 and submitted to Air Quality on November 21, 2011; therefore, BDLMM was *not compliant* with permit condition IV.F.1.d which states that within 7 days from the end of an initial or annual performance test the results of such test shall be submitted to the Compliance Reporting Supervisor.
6. BDLMM conducted a 2010 annual balance inspection; however, the inspection conducted was not in compliance with permit conditions specifying the performance test criteria for permitted EUs; therefore, BDLMM was *not compliant* with permit condition IV.F.1.i which states that the source shall conduct performance tests listed in Table IV-F-1.
7. BDLMM conducted the 2009, 2011, and 2013 annual vapor recovery system tests; however, the 2011 and 2013 annual vapor recovery system tests were not conducted prior to the anniversary date of the previous performance test that passed. The 2011 test was conducted on October 3, 2011 and previous passing performance test was conducted on September 11, 2009 and the 2013 test was conducted on May 17, 2013 and previous passing performance test was conducted on October 3, 2011. The 2012 annual vapor recovery system test was never conducted; therefore, BDLMM was *not compliant* with permit condition IV.F.3.a which states that annual performance

testing shall be accomplished prior to the anniversary date of the previous performance test that the source passed.

8. BDLMM did not maintain daily logs of Phase I and Phase II inspections for 2009 and May 2012. Those records were missing and not available for review; therefore, BDLMM was ***not compliant*** with permit condition IV.G.2 which states that all records shall be kept on site for a minimum of 5 years.
9. BDLMM did not record daily Phase I and Phase II inspection records for April 2011, December 2011, February 2012 through April 2012, December 2012, January 2013 through May 2013, and September 2013. There were days without an entry, therefore, BDLMM was ***not compliant*** with permit condition IV.G.4.a-f which states the daily self-inspection records shall contain the results of the daily inspection.
10. BDLMM submitted 2009, 2010, 2011, and 2012 annual gasoline product throughput reports; however, reports for 2009 and 2012 were not submitted on or before January 30 (permit condition) or before March 31 (Department of Air Quality Policy) with all pertinent information. The report for 2009 was submitted on July 21, 2010 and the 2012 report was submitted on April 16, 2013; therefore, BDLMM was ***not compliant*** with permit condition IV.H.2.a-c which states each annual gasoline product throughput report shall be submitted on or before January 30 of each year to the Compliance Reporting Supervisor.

Narrative: On September 23, 2013, at approximately 1106 hours, I met with Mr. Hedris Hamidaleh, Store Manager, BDLMM and conducted the FCE and identified several deficiencies.

The following are details of that FCE.

Permit Review

During the FCE on-site inspection, I observed that a copy of ATC/OP 9409 was not available for review; therefore, BDLMM was ***not compliant*** with permit condition II.3.

Emission Units Review

During the FCE on-site inspection, I observed that all EUs were on site and operational.

Emission Limitations Review

During the FCE records review, I observed that BDLMM reported emissions of 4.77 tons of Volatile Organic Compound (VOC) for 2009, 3.89 tons of VOC for 2010, 4.34 tons of VOC for 2011, and 4.23 tons of VOC for 2012 which were below the 6.01 tons per year as specified by permit condition III.B, Table III-B-1.

Production Limitations Review

During the FCE records review, I observed that BDLMM reported gasoline throughput of 3,538,248 gallons for 2009, 2,885,844 for 2010, 3,220,597 for 2011, and 3,133,758 for 2012 which were below the limit of 3,640,000 gallons per year as specified by permit condition IV.A.2.

Control Requirements Review

During the FCE on-site inspection, I observed the following:

BDLMM did not maintain the fill adapter spill bucket of EU A03 in good working order. I observed debris and liquid in the spill bucket (Attachment 1, Photograph 1); therefore, BDLMM was **not compliant** with permit condition IV.B.1.e which states the following:

“All Phase I vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

BDLMM installed Phase I product adapters that prevented loosening or over tightening; therefore, BDLMM was compliant with permit condition IV.B.1.f.

BDLMM installed a Phase I pressure/vacuum vent valve; therefore, BDLMM was compliant with permit condition IV.B.1.g.

BDLMM did not correctly install the Phase II vapor recovery hose on nozzle # 20 (Attachment 1, Photographs 2 and 3); therefore, BDLMM was **not compliant** with permit condition IV.B.2.f which states the following:

“Pursuant to AQR Section 12, all Phase II vapor recovery equipment shall be installed and operated in accordance with the manufacture’s specifications and the current CARB EO G-70-17 series.”

BDLMM did not maintain the coaxial hose on nozzle # 8 in good working order (Attachment 1, Photograph 4). I observed the hose was crimped; therefore, BDLMM was **not compliant** with permit condition IV.B.2.g which states the following:

“All Phase II vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

BDLMM adequately complied with the control requirements of 40 CFR 63, Subpart CCCCCC.

Compliance Demonstration Review

BDLMM did not maintain records of daily inspections for Phase I and Phase II vapor recovery systems. This deficiency is addressed in the Record Keeping Review Section.

Performance Testing Review

During the FCE records review, I observed the following:

BDLMM conducted the 2009, 2011, and 2013 annual vapor recovery system tests; however, the 2009 and 2011 annual vapor recovery system test results were not submitted to the Compliance Reporting Supervisor within 7 days from the end of the initial test (permit condition) or within 30 days (Department of Air Quality Policy) with all pertinent information. The 2009 test was conducted on September 11, 2009 and submitted to Air Quality on October 19, 2009 and the 2011 test was conducted on October 3, 2011 and submitted to Air Quality on November 21, 2011; therefore, BDLMM was **not compliant** with permit condition IV.F.1.d which states the following:

“Within 7 days from the end of an initial or annual performance test, source shall submit a report containing the results of such test to the Compliance Reporting Supervisor, DAQEM.”

BDLMM conducted a 2010 annual balance inspection; however, the inspection conducted was not in compliance with permit conditions specifying the performance test criteria for permitted EUs; therefore, BDLMM was **not compliant** with permit condition IV.F.1.i which states the following:

“The source shall conduct performance tests listed in Table IV-F-1:”

BDLMM conducted the 2009, 2011, and 2013 annual vapor recovery system tests; however, the 2011 and 2013 annual vapor recovery system tests were not conducted prior to the anniversary date of the previous performance test that passed. The 2011 test was conducted on October 3, 2011 and previous passing performance test was conducted on September 11, 2009 and the 2013 test was conducted on May 17, 2013 and previous passing performance test was conducted on October 3, 2011. The 2012 annual vapor recovery system test was never conducted; therefore, BDLMM was *not compliant* with permit condition IV.F.3.a which states the following:

“Annual Performance Test: Vapor Recovery System

- a. Annual performance testing shall be accomplished prior to the anniversary date of the previous performance test that the source passed.”

Record Keeping Review

During the FCE on-site records review, I observed the following:

BDLMM did not maintain daily logs of Phase I and Phase II inspections for 2009 and May 2012. Those records were missing and not available for review; therefore, BDLMM was *not compliant* with permit condition IV.G.2 which states the following:

“All records, i.e., daily logs, daily inspection records, etc., or a copy thereof, shall be kept on site for a minimum of 5 years from the date the measurement, or data was entered.”

BDLMM did not record daily Phase I and Phase II inspection records for April 2011 (Attachment 1, Photograph 5), December 2011 (Attachment 1, Photograph 6), February 2012 through April 2012 (Attachment 1, Photographs 7 through 9), December 2012 (Attachment 1, Photograph 10), January 2013 through May 2013 (Attachment 1, Photographs 11 through 15) and September 2013 (Attachment 1, Photograph 16). There were days without an entry, therefore, BDLMM was *not compliant* with permit condition IV.G.4.a-f which states:

“All records, i.e., daily self-inspection records, daily logs, etc., or a copy thereof, for both Phase I and Phase II, shall contain, at minimum, the following information:

- a. a record of any maintenance on any part of the Phase I or Phase II equipment, including a general description of the maintenance;
- b. the date and time the equipment was taken out-of-service;
- c. the date of repair or replacement;
- d. a general description of the part location (e.g., pump, tank, nozzle number, etc.);
- e. a description of the problem; and
- f. the results of the daily inspections pursuant to AQR Subsection 52.6.”

Reports and Reporting Review

During the FCE records review, I observed that BDLMM submitted 2009, 2010, 2011, and 2012 annual gasoline product throughput reports; however, reports for 2009 and 2012 were not submitted on or before January 30 (permit condition) or before March 31 (Department of Air Quality Policy) with all pertinent information. The report for 2009 was submitted on July 21, 2010 and the 2012 report was submitted on April 16, 2013; therefore, BDLMM was *not compliant* with permit condition IV.H.2.a-c which states the following:

“Each annual gasoline product throughput report shall:

- a. contain the total combined annual gasoline product throughput;
- b. be submitted on or before January 30 of each year; and
- c. be addressed to the attention of the Compliance Reporting Supervisor.”

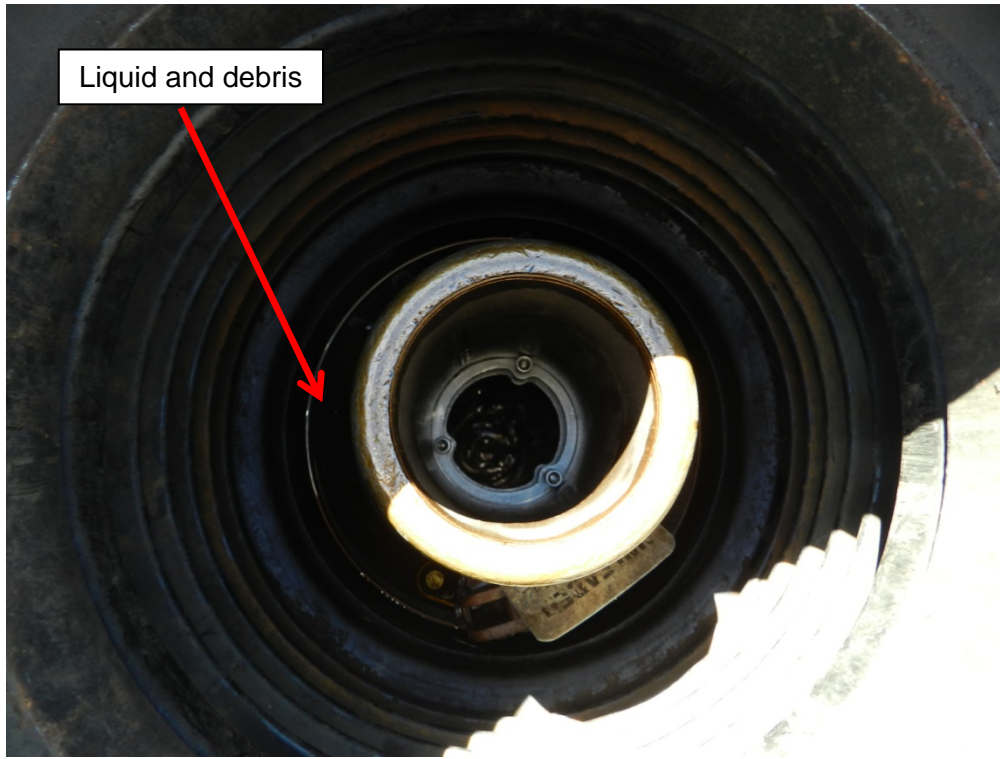
Enforcement History

None

Attachments

Attachment 1: Photographs one through sixteen

Attachment 1



Photograph # 1: Liquid and debris in EU A03 spillbucket.



Photograph # 2: Nozzle # 20 hose showing venturi line as installed during inspection.



Photograph # 3: Nozzle # 20 hose with nozzle end connection attached to the breakaway coupler.



Photograph # 4: Nozzle # 8 hose crimped.

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P. 2

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AIR QUALITY & ENV. MGMT

Oct. 08 - 2009 07:22 AM
... Oct 12 PM07 12:50

AAA APRIL 2011

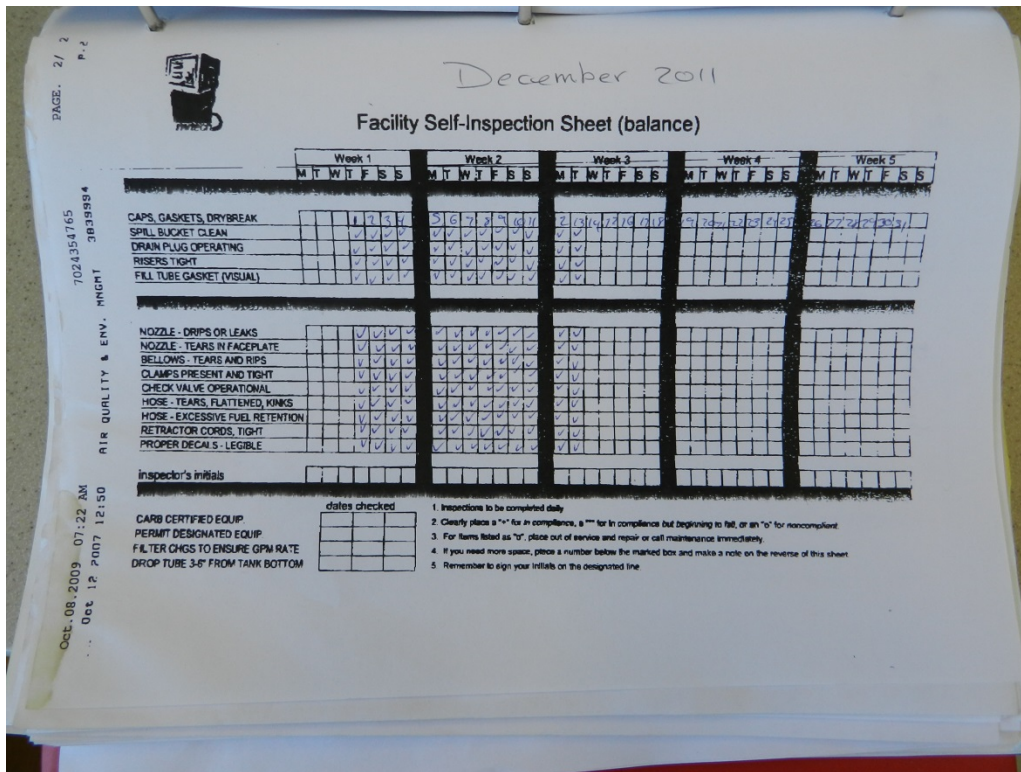
Facility Self-Inspection Sheet (balance)

	Week 1					Week 2					Week 3					Week 4					Week 5									
	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S
CAPS, GASKETS, DRY/BREAK																														
SPILL BUCKET CLEAN																														
DRAIN PLUG OPERATING																														
RISERS TIGHT																														
FILL TUBE GASKET (VISUAL)																														
NOZZLE - DRIPS OR LEAKS																														
NOZZLE - TEARS IN FACEPLATE																														
BELLOWS - TEARS AND RIPS																														
CLAMPS PRESENT AND TIGHT																														
CHECK VALVE OPERATIONAL																														
HOSE - TEARS, FLATTENED, KINKS																														
HOSE - EXCESSIVE FUEL RETENTION																														
RETRACTOR CORDS, TIGHT																														
PROPER DECALS - LEGIBLE																														
inspector's initials																														
CARB CERTIFIED EQUIP																														
PERMIT DESIGNATED EQUIP																														
FILTER CHGS TO ENSURE GPM RATE																														
DROP TUBE 3-8" FROM TANK BOTTOM																														

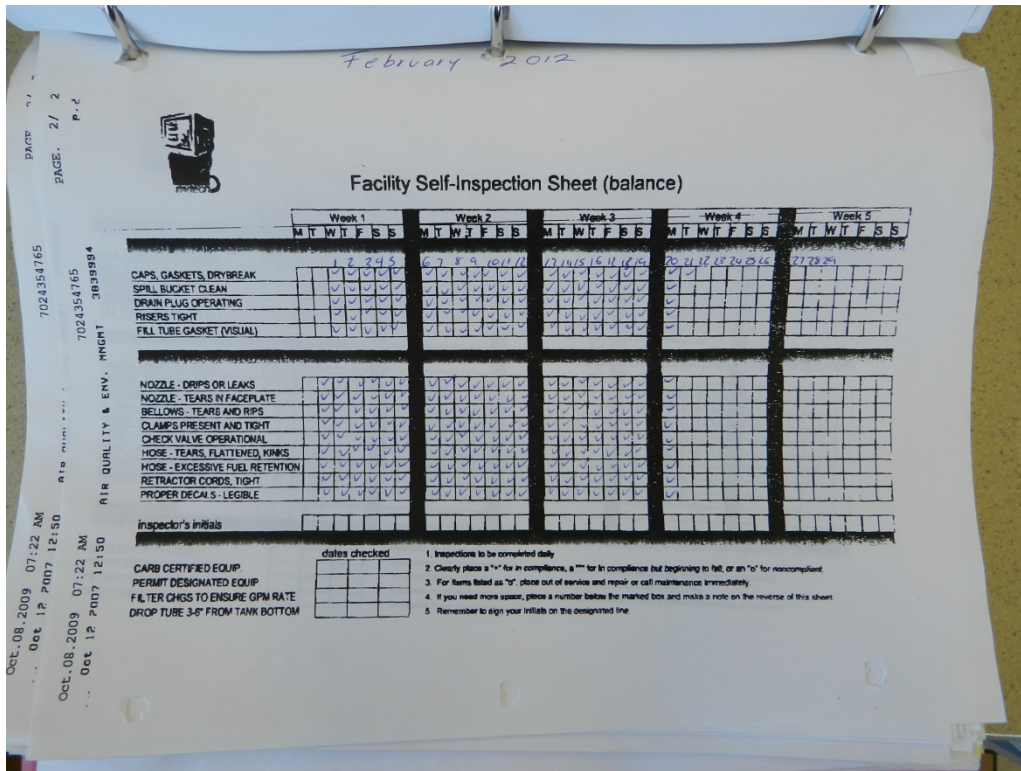
dates checked

1. Inspections to be completed daily.
2. Clearly place a "✓" for in compliance, a "✗" for in compliance but beginning to fail, or an "N" for noncompliant.
3. For items listed as "N", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet.
5. Remember to sign your initials on the designated line.

Photograph # 5: April 2011 daily logs with missing inspection dates.



Photograph # 6: December 2011 daily logs with missing inspection dates.



Photograph # 7: February 2012 daily logs with missing inspection dates.

MARCH 2012

Facility Self-Inspection Sheet (balance)

PAGE: 2/2
P.2
7024354765
3839994
AIR QUALITY & ENV. MGMT

	Week 1							Week 2							Week 3							Week 4							Week 5						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
CAPS, GASKETS, DRYBREAK																																			
SPILL BUCKET CLEAN																																			
DRAIN PLUG OPERATING																																			
RISERS TIGHT																																			
FILL TUBE GASKET (VISUAL)																																			
NOZZLE - DRIPS OR LEAKS																																			
NOZZLE - TEARS IN FACEPLATE																																			
BELLOWS - TEARS AND RIPS																																			
CLAMPS PRESENT AND TIGHT																																			
CHECK VALVE OPERATIONAL																																			
HOSE - TEARS, FLATTENED, KINKS																																			
HOSE - EXCESSIVE FUEL RETENTION																																			
RETRACTOR CORDS, TIGHT																																			
PROPER DECALS - LEGIBLE																																			
Inspector's initials																																			

CARB CERTIFIED EQUIP
 PERMIT DESIGNATED EQUIP
 FILTER CHGS TO ENSURE GPM RATE
 DROP TUBE 3'-6" FROM TANK BOTTOM

dates checked:

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- Inspections to be completed daily
- Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant
- For items listed as "o", place out of service and repair or call maintenance immediately
- If you need more space, place a number below the marked box and make a note on the reverse of this sheet
- Remember to sign your initials on the designated line

Oct. 08. 2009 07:22 AM
 Oct 12. 2007 12:50

Photograph # 8: March 2012 daily logs with missing inspection dates.

APRIL 2012

Facility Self-Inspection Sheet (balance)

PAGE: 2/2
P.2
7024354765
3839994
AIR QUALITY & ENV. MGMT

	Week 1							Week 2							Week 3							Week 4							Week 5						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
CAPS, GASKETS, DRYBREAK																																			
SPILL BUCKET CLEAN																																			
DRAIN PLUG OPERATING																																			
RISERS TIGHT																																			
FILL TUBE GASKET (VISUAL)																																			
NOZZLE - DRIPS OR LEAKS																																			
NOZZLE - TEARS IN FACEPLATE																																			
BELLOWS - TEARS AND RIPS																																			
CLAMPS PRESENT AND TIGHT																																			
CHECK VALVE OPERATIONAL																																			
HOSE - TEARS, FLATTENED, KINKS																																			
HOSE - EXCESSIVE FUEL RETENTION																																			
RETRACTOR CORDS, TIGHT																																			
PROPER DECALS - LEGIBLE																																			
Inspector's initials																																			

CARB CERTIFIED EQUIP
 PERMIT DESIGNATED EQUIP
 FILTER CHGS TO ENSURE GPM RATE
 DROP TUBE 3'-6" FROM TANK BOTTOM

dates checked:


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- Inspections to be completed daily
- Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant
- For items listed as "o", place out of service and repair or call maintenance immediately
- If you need more space, place a number below the marked box and make a note on the reverse of this sheet
- Remember to sign your initials on the designated line

Oct. 08. 2009 07:22 AM
 Oct 12. 2007 12:50

Photograph # 9: April 2012 daily logs with missing inspection dates.

December 2012



Facility Self-Inspection Sheet (balance)

	Week 1							Week 2							Week 3							Week 4							Week 5						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
MS - GASKETS, DRYBREAK																																			
LL - BUCKET CLEAN																																			
UN - PLUG OPERATING																																			
ERS - TIGHT																																			
TUBE GASKET (VISUAL)																																			
ZLE - DRIPS OR LEAKS																																			
ZLE - TEARS IN FACEPLATE																																			
LOWS - TEARS AND RIPS																																			
MPS PRESENT AND TIGHT																																			
CK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
RACTOR CORDS, TIGHT																																			
IPER DECALS - LEGIBLE																																			
Director's initials																																			

IB CERTIFIED EQUIP

MIT DESIGNATED EQUIP

ER CHGS TO ENSURE GPM RATE


IP TUBE 3-6" FROM TANK BOTTOM

dates checked

1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant.
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet.
5. Remember to sign your initials on the designated line.

Photograph #10: December 2012 daily logs with missing inspection dates.

January 2013



Facility Self-Inspection Sheet (balance)

	Week 1							Week 2							Week 3							Week 4							Week 5						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
MS - GASKETS, DRYBREAK																																			
LL - BUCKET CLEAN																																			
UN - PLUG OPERATING																																			
ERS - TIGHT																																			
TUBE GASKET (VISUAL)																																			
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ZLE - TEARS IN FACEPLATE																																			
LOWS - TEARS AND RIPS																																			
MPS PRESENT AND TIGHT																																			
CK VALVE OPERATIONAL																																			
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IE - EXCESSIVE FUEL RETENTION																																			
RACTOR CORDS, TIGHT																																			
IPER DECALS - LEGIBLE																																			
Director's initials																																			

IB CERTIFIED EQUIP

MIT DESIGNATED EQUIP

ER CHGS TO ENSURE GPM RATE


IP TUBE 3-6" FROM TANK BOTTOM

dates checked

1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant.
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet.
5. Remember to sign your initials on the designated line.

Photograph # 11: January 2013 daily logs with missing inspection dates.

February 2013



Facility Self-Inspection Sheet (balance)

	Week 1							Week 2							Week 3							Week 4							Week 5										
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S				
M.S. GASKETS, DRYBREAK																																							
L.BUCKET CLEAN																																							
UN PLUG OPERATING																																							
ERS TIGHT																																							
TUBE GASKET (VISUAL)																																							
ZLE - DRIPS OR LEAKS																																							
ZLE - TEARS IN FACEPLATE																																							
LOWS - TEARS AND RIPS																																							
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CK VALVE OPERATIONAL																																							
IE - TEARS, FLATTENED, KINKS																																							
IE - EXCESSIVE FUEL RETENTION																																							
TRACTOR CORDS, TIGHT																																							
OPER DECALS - LEGIBLE																																							
operator's initials																																							

18 CERTIFIED EQUIP

MIT DESIGNATED EQUIP

ER CHGS TO ENSURE GPM RATE


IP TUBE 3-6" FROM TANK BOTTOM

dates checked

1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet
5. Remember to sign your initials on the designated line

Photograph # 12: February 2013 daily logs with missing inspection dates.

March 2013



Facility Self-Inspection Sheet (balance)

	Week 1							Week 2							Week 3							Week 4							Week 5										
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S				
M.S. GASKETS, DRYBREAK																																							
L.BUCKET CLEAN																																							
UN PLUG OPERATING																																							
ERS TIGHT																																							
TUBE GASKET (VISUAL)																																							
ZLE - DRIPS OR LEAKS																																							
ZLE - TEARS IN FACEPLATE																																							
LOWS - TEARS AND RIPS																																							
MPS PRESENT AND TIGHT																																							
CK VALVE OPERATIONAL																																							
IE - TEARS, FLATTENED, KINKS																																							
IE - EXCESSIVE FUEL RETENTION																																							
TRACTOR CORDS, TIGHT																																							
OPER DECALS - LEGIBLE																																							
operator's initials																																							

18 CERTIFIED EQUIP

MIT DESIGNATED EQUIP

ER CHGS TO ENSURE GPM RATE


IP TUBE 3-6" FROM TANK BOTTOM

dates checked

1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet
5. Remember to sign your initials on the designated line

Photograph # 13: March 2013 daily logs with missing inspection dates.

April 2013



Facility Self-Inspection Sheet (balance)

	Week 1					Week 2					Week 3					Week 4					Week 5									
	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S
MS - GASKETS, DRYBREAK																														
LL - BUCKET CLEAN																														
UN - PLUG OPERATING																														
ERS - TIGHT																														
TUBE GASKET (VISUAL)																														
ZLE - DRIPS OR LEAKS																														
ZLE - TEARS IN FACEPLATE																														
LOWS - TEARS AND RIPS																														
MPS PRESENT AND TIGHT																														
OK VALVE OPERATIONAL																														
IE - TEARS, FLATTENED, KINKS																														
IE - EXCESSIVE FUEL RETENTION																														
TRACTOR CORDS, TIGHT																														
OPER DECAL 5 - LEGIBLE																														
operator's initials																														

B CERTIFIED EQUIP
 MIT DESIGNATED EQUIP
 ER CHGS TO ENSURE GPM RATE
 IP TUBE 3-6" FROM TANK BOTTOM


dates checked:

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1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant.
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet.
5. Remember to sign your initials on the designated line.

Photograph # 14: April 2013 daily logs with missing inspection dates.

May 2013



Facility Self-Inspection Sheet (balance)

	Week 1					Week 2					Week 3					Week 4					Week 5									
	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S	M	T	W	T	F	S
MS - GASKETS, DRYBREAK																														
LL - BUCKET CLEAN																														
UN - PLUG OPERATING																														
ERS - TIGHT																														
TUBE GASKET (VISUAL)																														
ZLE - DRIPS OR LEAKS																														
ZLE - TEARS IN FACEPLATE																														
LOWS - TEARS AND RIPS																														
MPS PRESENT AND TIGHT																														
OK VALVE OPERATIONAL																														
IE - TEARS, FLATTENED, KINKS																														
IE - EXCESSIVE FUEL RETENTION																														
TRACTOR CORDS, TIGHT																														
OPER DECAL 5 - LEGIBLE																														
operator's initials																														

B CERTIFIED EQUIP
 MIT DESIGNATED EQUIP
 ER CHGS TO ENSURE GPM RATE
 IP TUBE 3-6" FROM TANK BOTTOM

dates checked:

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1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "-" for in compliance but beginning to fail, or an "o" for noncompliant.
3. For items listed as "o", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet.
5. Remember to sign your initials on the designated line.

Photograph # 15: May 2013 daily logs with missing inspection dates.



September 2013

Facility Self-Inspection Sheet (balance)

	Week 1					Week 2					Week 3					Week 4					Week 5														
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
PS. GASKETS, DRYBREAK	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
LL BUCKET CLEAN	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
UN PLUG OPERATING	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
ERS TIGHT	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
TUBE GASKET (VISUAL)	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
ZLE - DRIPS OR LEAKS	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
ZLE - TEARS IN FACEPLATE	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
LOWS - TEARS AND RIPS	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
MPS PRESENT AND TIGHT	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
CK VALVE OPERATIONAL	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
IE - TEARS, FLATTENED, KINKS	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
IE - EXCESSIVE FUEL RETENTION	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
TRACTOR CORDS, TIGHT	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
BER DECALS - LEGIBLE	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
ECID'S INITIALS	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/

BY CERTIFIED EQUIP.
 MIT DESIGNATED EQUIP.
 ER CHGS TO ENSURE GPM RATE
 IP TUBE 3-6" FROM TANK BOTTOM

date checked		

1. Inspections to be completed daily
2. Clearly place a "+" for in compliance, a "" for in compliance but beginning to fail, or an "o" for noncompliant.
3. For items listed as "0", place out of service and repair or call maintenance immediately.
4. If you need more space, place a number below the marked box and make a note on the reverse of this sheet
5. Remember to sign your initials on the designated line

Photograph # 16: September 2013 daily logs with missing inspection dates.

10/19/2009 00:05 782
FROM Big Daddy's

BIG DADDYS PAGE 10
(MON)OCT 19 2009 11:27/ST. 11:22/No. 0003603930 r 1

Exhibit 2



RECEIVED
CC-DAQM

2009 OCT 19 P 12:20

TEST CERTIFICATE

CONTRACTOR Big Daddy's Fuel

CONTACT PERSON Accounts Payable

ADDRESS 3230 E Flamingo Rd Suite 8-352

CITY, STATE Las Vegas, NV 89121

TELEPHONE 702-454-7895

TANK ADDRESS Arco AMPM - 551 N Lamb

CITY, STATE Las Vegas, NV

TEST METHOD Estabrook EZY 3 Tank & Line Test / Red Jacket F.T.A.

TEST DATE 9/11/09

<u>TANK</u>	<u>CAPACITY</u>	<u>PRODUCT</u>	<u>TANK TEST</u>	<u>LINE TEST</u>
#1	12,000 Gallons	Unleaded	Passed	-0.0000 GPH
#2	12,000 Gallons	Premium	Passed	-0.0000 GPH
#3	12,000 Gallons	Plus	Passed	-0.0074 GPH

REMARKS

The UST/AST system(s) including pressure piping was (were) tested with Estabrook Ezy 3 equipment, which meets State and Federal regulations. Criteria require test methods which have a performance standard of +/- .1 gph. leak rate detection. Estabrook Ezy 3 test results will reflect as a pass/fail status. Estabrook Ezy 3 Line Tightness Test results will reflect in gph. leak rates. The full system tightness test(s) passed, and is (are) in compliance with regulations. The isolated, pressurized product line tightness test(s) passed, registering below .05 gph. leak rate, and is (are) in compliance with regulations. The affiliated line leak detector test results are attached.

SIGNATURE

James N. Groft
JAMES N. GROFT

P.O. BOX 11727 PHOENIX, ARIZONA 85081 (602) 841-2550 FAX (602) 841-2497

0023

ENTERED
1-12-2010
WJ

RECEIVED
CC-DAQM

Exhibit 1

2010 JAN 11 A 10:57

**GASOLINE DISPENSING FACILITY
CERTIFICATION of PERFORMANCE TEST RESULTS**

Date of Test 11/7/10 Permit Number VR# 9409

Test	Pass	Fall
Static Pressure Decay Test (CC-TP-95-1)	N/A	
Dynamic Back-pressure Test (CC-TP-95-4)		
Blockage Test		
Air to Liquid Ratio Test (CC-TP-95-2)		
Flow Test		
Healy 400 or 600 Stage II VAPOR Recovery systems: VAPOR return line CC-TP 95-3.		

Annual Balance INSP Pass

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of the law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information including the possibility of fine and/or imprisonment.

Paul Rosch

Signature of Responsible Official

Paul Rosch, Tester, SSCT

Printed or Typed Name, and Title

11/7/10
Date

AIR POLLUTION CONTROL DIVISION BALANCE VAPOR RECOVERY INSPECTION SHEET

Results are to be reported to:

Compliance Supervisor, Air Pollution Control Division, Clark County Health District
P. O. Box 3902, Las Vegas, NV 89127 TEL: 702-363-1276 FAX: 702-389-1449

THIS FORM IS FOR REPORTING PURPOSES ONLY. USE OF THIS FORM DOES NOT IMPLY
EMPLOYMENT by the Air Pollution Control Division of the Clark County Health District.

DATE: 1/2/10
 STATION: Big Daddy Lamb Am/PM ADDRESS: 551 N. Lamb Bl.
 CITY: LV ZIP: 89110 CONTACT: Hedris I Jackie TEL: _____
 OWNER: Big Daddy Oil SYSTEM TYPE: Gilb Balance # NOZZLES: 24
(GASOLINE ONLY)
 Single-hose Multi Product? 87 No / 89/91/95 HOSE TYPE: Good Year NOZZLE TYPE: Edco 9005

Stage II Defects Checklist APCD Sec. 52

Nozzle #	1	2	3	4	5	6	7	8	9	10	11	12
Gas Grade	87	87	89/91	89/91	89/91	87	87	87	87	89/91	89/91	89/91
A. Bellows	Good				R							
B. Face Seal	R	Good										
C. Clamps	Good											
D. Incorrect Type	No											
E. Leaking	No											
F. Vapor Check Valve	Good				R							
G. Hose Length	Good											
H. Cut or Torn	No		R									
I. Venturi	Good											
J. Overhead Retractor	N/A											

MAJOR DEFECT = MA

MINOR DEFECT = M (Repair & Report within 7 days)*

Stage I Defects Checklist APCD Sec. 52

	Tank #1	Tank #2	Tank #3	Tank #4	Tank #5
A. Product Grade	87	87	91		
B. Vapor Cap Missing	No				
C. Vapor Cap Defective	No				
D. Vapor Cap Seal	Good				
E. Vapor Cap not Engaged	No				
F. Vapor Adapter Loose	No				
G. Vapor Adapter Seal	Good				
H. Fill Cap Missing	No				
I. Fill Cap Defective	No				
J. Fill Cap Seal	Good				
K. Fill Cap Not Engaged	No				
L. Fill Adapter Loose	No				
M. Fill Tube Short or Missing	3"	2 1/2"	3"		
N. Fill Tube Seal	Good				

System Type: (Poppeted Coaxial or Two-Phase) Circle One! opw EUR

Paul Roach S.S.C.T.
Print Certified Tester's Name

[Signature]
Certified Tester's Signature

On-Site Representative Signature
(e.g. Store Manager)

Date

SEE REVERSE FOR INSTRUCTIONS

AIR POLLUTION CONTROL DIVISION BALANCE VAPOR RECOVERY INSPECTION SHEET

Results are to be reported to:

Compliance Supervisor, Air Pollution Control Division, Clark County Health District
P. O. Box 3902, Las Vegas, NV 89127 TEL: 702-383-1276 FAX: 702-383-1449

THIS FORM IS FOR REPORTING PURPOSES ONLY. USE OF THIS FORM DOES NOT IMPLY
EMPLOYMENT by the Air Pollution Control Division of the Clark County Health District.

DATE: 11/11/10
 STATION: Big Daddy Lamb Ampm ADDRESS: 551 N. Lamb Bl.
 CITY: LV ZIP: 89110 CONTACT: Hedris / Jackie TEL: _____
 OWNER: Big Daddy Oil SYSTEM TYPE: Gilb. Balance # NOZZLES: 24
(GASOLINE ONLY)
 Single-hose Multi Product? 87 NO HOSE TYPE: Good Year NOZZLE TYPE: RDG 4005

Stage 2 Defects Checklist APCD Sec. 52

Nozzle #	13	14	15	16	17	18	19	20	21	22	23	24
Gas Grade	87/91	87	87	87	87	87/91	87/91	87/91	87	87	87	87
A. Bellows	Good	_____	_____	_____	_____	R	_____	R	_____	_____	_____	_____
B. Face Seal	Good	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
C. Clamps	Good	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
D. Incorrect Type	NO	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
E. Leaking	NO	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
F. Vapor Check Valve	Good	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
G. Hose Length	Good	_____	_____	_____	_____	_____	_____	_____	_____	_____	R	_____
H. Cut or Torn	NO	R	R	_____	_____	_____	_____	_____	_____	_____	_____	_____
I. Venturi	Good	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
J. Overhead Retractor	N/A	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

MAJOR DEFECT = MA

MINOR DEFECT = M (Repair & Report within 7 days)

Stage 1 Defects Checklist APCD Sec. 52

	Tank #1	Tank #2	Tank #3	Tank #4	Tank #5
A. Product Grade					
B. Vapor Cap Missing					
C. Vapor Cap Defective					
D. Vapor Cap Seal					
E. Vapor Cap not Engaged					
F. Vapor Adapter Loose					
G. Vapor Adapter Seal					
H. Fill Cap Missing					
I. Fill Cap Defective					
J. Fill Cap Seal					
K. Fill Cap Not Engaged					
L. Fill Adapter Loose					
M. Fill Tube Short or Missing					
N. Fill Tube Seal					

System Type: (Poppeted Coaxial or Two-Point) (Circle One)

On-Site Representative Signature
(e.g. Store Manager)

Paul Rosch S.S.C.T.
Print Certified Tester's Name

Paul Rosch
Certified Tester's Signature

Date

SEE REVERSE FOR INSTRUCTIONS



DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT
 500 S Grand Central Parkway • Box 555210 • Las Vegas, NV 89155-5210
 (702) 455-5942 • Fax (702) 383-9994

RECEIVED
 CC-DASH
 For DAQEM Use Only
 2011 NOV 21 P 2:57

TEST RESULTS SUBMITTAL FORM
 FOR A GASOLINE DISPENSING OPERATION

Source Name: Big Daddys Lamb Sxt Mini Mart Source ID: 9409
 Source Address: 551 N. Lamb Bl. LV 89110
 (address) (city) (zip)
 Test Date: 10/3/11 Time of Test: 3 AM

Testing Company Information


Testing Company Performing the Test: SSCT
 Name of Tester: Paul Rouch Tester's Email: ssctprb@cox.net
 Tester's Phone: 452-4704 Tester's Fax: 452-4464

Stage II System Design, if applicable (Assist, Balance, Healy, other): Balance

What tests were performed (Attach all DAQEM Test Forms)?

Tests Performed	Test	Test Procedure	Pass	Fail
<input checked="" type="checkbox"/>	Static Pressure Decay	TP-201.3	<input checked="" type="radio"/>	<input type="radio"/>
<input checked="" type="checkbox"/>	PV Vent Valve	TP-201.1E	<input checked="" type="radio"/>	<input type="radio"/>
<input type="checkbox"/>	Air to Liquid Ratio		<input type="radio"/>	<input type="radio"/>
<input checked="" type="checkbox"/>	Dynamic Back-Pressure	TP-201.4	<input checked="" type="radio"/>	<input type="radio"/>
<input checked="" type="checkbox"/>	Flow Rate	TP-201.5	<input checked="" type="radio"/>	<input type="radio"/>
<input type="checkbox"/>	Healy 400 or 600 Phase II Vapor Recovery Systems: Vapor Return Line		<input type="radio"/>	<input type="radio"/>
<input type="checkbox"/>	Other		<input type="radio"/>	<input type="radio"/>

I certify that, based on information and beliefs formed after reasonable inquiry, the statements in this document are true, accurate and complete.


 Signature of Responsible Official
Franois Alvandi
 Printed or Typed Name and Title
falvandi@bigdaddysoil.com
 Responsible Official's Email

10/3/11
 Date

Protecting the Air We Breathe
Air Quality

CLARK COUNTY • DEPARTMENT OF AIR QUALITY
 4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
 (702) 455-6342 • Fax (702) 383-0894

RECEIVED
 CC-DAQ
 2013 MAY 20 P 12:55

**TEST RESULTS SUBMITTAL FORM
 FOR A GASOLINE DISPENSING OPERATION**

Source Name: Big Daddy's Lamb Gas/MiniMart Source ID: 9409
 Source Address: 551 N Lamb Las Vegas 89110
(address) (city) (zip)
 Test Date: May 17, 2013 Time of Test: 9:00am

Testing Company Information

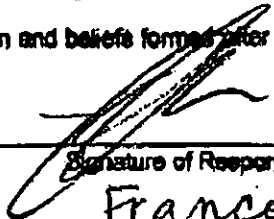
Testing Company Performing the Test: Silver State Petroleum Service
 Name of Tester: Johnny Beecher Tester's Email: silver.state@hotmail.com
 Tester's Phone: (702) 384-0268 Tester's Fax: (702) 384-9497

Stage II System Design, if applicable (Assist, Balance, Healy, other): Balance

What tests were performed? (Attach all DAQ test forms)

Tests Performed	Test	Test Procedure	Pass	Fail
✓	Static Pressure Decay	TP-201.3	✓	
✓	Fill-pipe Measurement	TP-201.3	✓	
	PV Vent Valve			
	Air to Liquid Ratio			
✓	Dynamic Back-Pressure	TP-201.4	✓	
✓	Flow Rate	CC-V RTP-1	✓	
	Healy 400 or 800 Phase II Vapor Recovery Systems; Vapor Return Line			
	Other			

I certify that, based on information and beliefs formed after reasonable inquiry, the statements in this document are true, accurate and complete.


 Signature of Responsible Official
Francio's Alvandi - President
 Printed or Typed Name and Title
alvandi@bigdaddysol.com
 Responsible Official's Email
5/20/13
 Date

**GASOLINE DISPENSING OPERATIONS
ANNUAL THROUGHPUT REPORT AND EMISSIONS INVENTORY FORM
CC-DAQM**

DAQEM Source (Facility) Identification Number: 9409

2010 III 21 A 11:08

Company Name BIG DADDY'S OIL
 Source (Facility) Name BIG DADDY'S OIL Am/pm
 Source (Facility) Street Address 551 N. LAMB Blvd.
 Source (Facility) City, State, and Zip Code Las Vegas NV 89110
 Phone: 702 459-9243
 Calendar year being reported 2009

Please enter the calendar year of your report in the blank line above. Please complete this form to the best of your knowledge and submit to the Department of Air Quality and Environmental Management (DAQEM) by mail or in person to the following location:

DAQEM, Compliance Stationary Source Supervisor
 500 South Grand Central Parkway
 Box 555210
 Las Vegas, Nevada 89155-5210

Annual through-put for all grades of gasoline (gallons) 3,538,248.48
 (Do not include diesel or jet fuel)

Actual VOC Emissions (tons/year) 4.77
 (Actual throughput in gallons multiplied by 0.0000135 if the facility has both Phase I and II controls; throughput multiplied by 0.0000082 if the facility has only Phase I control).

Actual HAP emissions (tons/year) .24
 (5.2% of the actual VOC emissions from above)

I certify that, based on information and belief formed after reasonable inquiry, the information contained in this document is true, accurate and complete.

Rosalba
 Signature of Responsible Official

7/19/10
 Signature Date

Responsible Official Name and Title: Rosalba Cabrera Mgr.
 Company Name: BIG DADDY'S OIL
 Responsible Official Email Address: Charita.Cabrera@yahoo

**GASOLINE DISPENSING OPERATIONS
ANNUAL THROUGHPUT REPORT AND EMISSIONS INVENTORY FORM**

DAQEM Source (Facility) Identification Number:

Company Name Big Daddy's oil co

Source (Facility) Name _____

Source (Facility) Street Address 551 N LAMB

Source (Facility) City, State, and Zip Code Las Vegas NV 89110

Phone: 702-459-9243

Calendar year being reported 2012

7/17 APR 2012
 RECEIVED
 2:05

Please enter the calendar year of your report in the blank line above. Please complete this form to the best of your knowledge and submit to the Department of Air Quality and Environmental Management (DAQEM) by mail or in person to the following location:

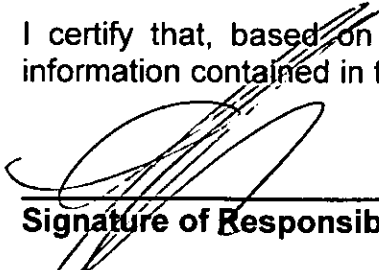
DAQEM, Compliance Stationary Source Supervisor
500 South Grand Central Parkway
Box 555210
Las Vegas, Nevada 89155-5210

Annual through-put for all grades of gasoline (gallons) 3133758.35
(Do not include diesel or jet fuel)

Actual VOC Emissions (tons/year) 4.2305737725
(Actual throughput in gallons multiplied by 0.00000135 if the facility has both Phase I and II controls; throughput multiplied by 0.0000082 if the facility has only Phase I control).

Actual HAP emissions (tons/year) 0.2199893617
(5.2% of the actual VOC emissions from above)

I certify that, based on information and belief formed after reasonable inquiry, the information contained in this document is true, accurate and complete.



Signature of Responsible Official

4/15/13

Signature Date

Responsible Official Name and Title: President

Company Name: Big Daddy I, LLC

Responsible Official Email Address: falvandi@bigdaddysoil.com



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

April 3, 2014

Francois Alvandi
Big Daddy 1, LLC
3870 East Flamingo Road, Suite A2-352
Las Vegas, NV 89121

E-mail: francois@bigdaddysoil.com

Re: Notice of Violation (NOV) #8479
Source: 9409

Dear Mr. Alvandi:

We have scheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on April 16, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.)

This case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket. Prior to the hearing, a docket will be sent via certified mail.

If you have any questions, please contact me at 702-455-3126, or e-mail me at Pamela.Thompson@clarkcountynv.gov.

Sincerely,

Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • **Larry Brown**, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnette, County Manager

0031

Pamela Thompson

From: Pamela Thompson
Sent: Tuesday, April 08, 2014 12:53 PM
To: francois@bigdaddysoil.com
Subject: FW: Reminder - 4/16/14 Hearing Officer Meeting

Yes Mr. Alvandi Air Quality has accepted your request for continuance. NOV #8479, BIG DADDY 1, LLC (Source: 9409) will be added to the May 28, 2014 Hearing Officer docket. You will receive correspondence closer to that date reminding you of the hearing.

Thank you,
Pamela Thompson

From: Francois Alvandi [<mailto:falvandi@bigdaddysoil.com>]
Sent: Tuesday, April 08, 2014 10:38 AM
To: Pamela Thompson
Cc: Mark Lewis
Subject: RE: Reminder - 4/16/14 Hearing Officer Meeting

Dear Pamela,
I will not be able to attend the April 16th hearing.
My son has a small medical procedure that morning after months of waiting for the insurance company's approval.
Can you *please* post pone this hearing for me to next month?
Thanks so much
Francois

From: Pamela Thompson [<mailto:Pamela.Thompson@clarkcountynv.gov>]
Sent: Tuesday, April 08, 2014 9:49 AM
To: Francois Alvandi
Subject: Reminder - 4/16/14 Hearing Officer Meeting

Please see attachment, which was also sent certified mail (91 7199 9991 7032 5032 5311).

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Air Quality (DAQ)
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126
Fax #: 702.383.9994
E-mail: Pamela.Thompson@clarkcountynv.gov



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

April 17, 2014

Francois Alvandi
Big Daddy 1, LLC
3870 East Flamingo Road, Suite A2-352
Las Vegas, NV 89121

E-mail: francois@bigdaddysoil.com

Re: Request for Continuance Granted - Notice of Violation (NOV) #8479
Source: 9409

Dear Mr. Alvandi:

Per your request we have rescheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on May 28, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.) Prior to the hearing, a docket will be sent via certified mail.

Sincerely,

Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • **Larry Brown**, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnette, County Manager

0033



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

May 13, 2014

Francois Alvandi
Big Daddy 1, LLC
3870 East Flamingo Road, Suite A2-352
Las Vegas, NV 89121

E-mail: francois@bigdaddysoil.com

Re: Notice of Violation (NOV) #8479
Source: 9409

Dear Mr. Alvandi:

We have rescheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on May 28, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.)

This case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket. Prior to the hearing, a docket will be sent via certified mail.

If you have any questions, please contact me at 702-455-3126, or e-mail me at Pamela.Thompson@clarkcountynv.gov.

Sincerely,

Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • **Larry Brown**, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnette, County Manager

0034

Pamela Thompson

From: Pamela Thompson
Sent: Tuesday, May 27, 2014 1:26 PM
To: 'Francois Alvandi'
Subject: RE: Reminder - 5/28/14 Hearing Officer Meeting - NOV #8479

Hello Mr. Alvandi,

I have been advise that DAQ staff will present your request for continuance to the Hearing Officer; however, the decision will be up to the Hearing Officer to either grant the continuance or proceed with hearing the case (NOV #8479). If you have any further questions, or concerns please let me know.

Thank you,
Pam

From: Pamela Thompson
Sent: Tuesday, May 27, 2014 11:51 AM
To: 'Francois Alvandi'
Subject: RE: Reminder - 5/28/14 Hearing Officer Meeting - NOV #8479
Importance: High

I'm not sure if I can grant another continuance. My manager is in a meeting so I will ask and get back with you before I leave today at 4:30 p.m. Are you able to send a representative in your behalf?

Pam

From: Francois Alvandi [<mailto:falvandi@bigdaddysoil.com>]
Sent: Tuesday, May 27, 2014 11:20 AM
To: Pamela Thompson
Subject: RE: Reminder - 5/28/14 Hearing Officer Meeting - NOV #8479

Pamela

I am so sorry .we came down to the Newport Dunes with a RV and the RV has broken down. The slide will not go in . we are waiting for someone to repair it today but it won't be till tomorrow so we can get out of here. I apologize again but I'm stuck. We thought it was going to be fixed this morning but obviously the parts are not here yet. may I reschedule till next month.

thank you for your understanding

Francois

Sent from Samsung Mobil

----- Original message -----

From: Pamela Thompson <Pamela.Thompson@clarkcountynv.gov>
Date: 05/27/2014 9:36 AM (GMT-08:00)
To: Francois Alvandi <falvandi@bigdaddysoil.com>
Subject: Reminder - 5/28/14 Hearing Officer Meeting - NOV #8479

This is a reminder that the case referenced above will be heard before the Air Pollution Control Hearing Officer scheduled tomorrow May 28, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas**, which starts at approximately 9:00 a.m. (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.) Attached is the 5/28/14 Hearing Officer docket.

If you have any further questions please contact me at the phone number, or email listed below.

Please confirm receipt by replying to this email stating you received the e-mail and attachment.

Thank you,

Pamela R. Thompson

Pamela Thompson, Senior Secretary
Department of Air Quality (DAQ)
4701 West Russell Road, Suite 200
Las Vegas, NV 89118

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

1
2 BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
3 CLARK COUNTY, NEVADA
4

5 In the Matter of the Notice of Violation) ORDER
6 Issued to) Notice of Violation #8479
7 BIG DADDY 1, LLC.)
8 _____)

9
10 The above-entitled matter having come on for a hearing on May 28, 2014; BIG
11 DADDY 1, LLC on the Action Required and Contested Docket being charged for failing to
12 maintain all Phase I and Phase II vapor recovery equipment in a leak free, vapor tight
13 condition, and in good working order; for installing a Venturi hose in the reverse direction
14 recommended by the manufacturer; for failing to notify Air Quality and conduct annual
15 performance testing prior to the anniversary date of the previous performance test that the
16 source passed; and for failing to provide records of Phase I and Phase II vapor recovery
17 equipment inspections for review, identified during a full compliance evaluation conducted
18 on September 23, 2013 at the Big Daddy's Lamb Gas & Mini Mart Gasoline Dispensing
19 Operation, Source: 9409, located at 551 North Lamb Boulevard, in Clark County, Nevada;
20 and the Hearing Officer having heard the representation of the parties; and good cause
21 appearing;
22
23

24 IT IS HEREBY ORDERED that BIG DADDY 1, LLC's request for second
25 continuance be denied and BIG DADDY 1, LLC be assessed a penalty of Nine Thousand
26 Dollars (\$9,000.00) for violation of Clark County Air Quality Regulations Subsections
27
28

1 12.8.1, 52.4(a)(1), 52.5(a)(1), 52.6(a)(1), and 52.7(b)(1) (Permit Conditions IV-B-1-e, IV-B-
2 2-f, IV-B-2-g, IV-F-1-b, IV-F-1-I, IV-F-3-a, IV-E-1, IV-E-2, IV-G-2, and IV-G-4) on
3 September 23, 2013, as charged in Notice of Violation #8479.

4 A check or money order is to be made payable to the Clark County DAQ, and
5 submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118. Payment
6 is to be made on or before the 15 day of July, 2014.

8 You have the right to appeal this order to the Hearing Board within 10 days of receipt
9 hereof upon the payment of a \$140.00 filing fee.

10 DATED this 15 day of June, 2014.

11
12
13 

14 SANDRA REED BOTTINO

15 Hearing Officer
16
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0038

Araceli Pruett

From: Mark Lewis <mlewis@bigdaddysoil.com>
Sent: Wednesday, June 18, 2014 7:48 AM
To: Araceli Pruett
Cc: Francois Alvandi
Subject: RE: DAQ Source: 9409, NOV #8479
Attachments: doc20140618065508.pdf

Araceli,

Thanks for your direction on completing the form.

The appeal form has been completed and attached to this email. See attached.

Sincerely,

Mark Lewis

Big Daddy's Oil

3300 E Flamingo Road Suite 15

Las Vegas, NV 89121

702-454-7895

From: Araceli Pruett [<mailto:Araceli.Pruett@clarkcountynv.gov>]
Sent: Tuesday, June 17, 2014 1:43 PM
To: Mark Lewis
Cc: Francois Alvandi
Subject: RE: DAQ Source: 9409, NOV #8479

It should be the date you complete the form.

From: Mark Lewis [<mailto:mlewis@bigdaddysoil.com>]
Sent: Tuesday, June 17, 2014 12:25 PM
To: Araceli Pruett
Cc: Francois Alvandi
Subject: RE: DAQ Source: 9409, NOV #8479

Araceli,

Thank you for emailing me the appeal form. I have filled it out, with the exception of the first blank. What should I insert for the date of the appeal?

Sincerely,

Mark Lewis

Big Daddy's Oil

3300 E Flamingo Road Suite 15
Las Vegas, NV 89121
702-454-7895

From: Araceli Pruett [<mailto:Araceli.Pruett@clarkcountynv.gov>]

Sent: Tuesday, June 17, 2014 11:50 AM

To: Mark Lewis

Subject: DAQ Source: 9409, NOV #8479

This will confirm our conversation of this morning where you inquired about appealing the Order in the above-described matter that was heard at the May 28, 2014 Hearing Officer meeting.

Attached is a Request for Hearing Before the Air Pollution Control Hearing Board. In order to proceed with your appeal, we need you to complete this form and return it with your \$140.00 filing fee within ten (10) days of receipt of the Hearing Officer's Order. As I stated during our conversation, the Order has not yet been mailed out, but you will have ten days from the time you receive it to submit your appeal. **Please note, the appeal must be signed by the Responsible Official on file for this source, who is currently listed as Francois Alvandi.**

If you have any questions or need anything further, please let me know.

Thank you,

Araceli Pruett
Clark County Department of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, Nevada 89118
Direct Line: (702) 455-3206
Main Number: (702) 455-5942/Fax: (702) 383-9994



REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

6359

RECEIVED
CC-DAQ

2014 JUN 23 P 12: 52

Appeal of Hearing Officer's Order

1. Date of Appeal: June 17, 2014
(Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 8479 Hearing Date: May 28, 2014

Hearing Officer: Sandra Reed Bottino

2. Name, address, telephone number of Appellant:

Name: Big Daddy 1, LLC
(Please print)

Address: 3300 E Flamingo Road, Suite 15 Las Vegas NV 89121

Telephone: 702-454-7895 Fax: 702-454-7287

Email: falvandi@bigdaddysoil.com

3. Other person or persons authorized to receive service of notice:

Name:
(Please print)

Address:

Telephone: Fax:

Email:

4. Type of business or activity and location of activity involved in the request:

Gas Station and Convenience Store

5. Reason for appeal: [] Facts alleged [x] Penalty assessed [] Both

Provide a detailed explanation of the reason for your appeal:
The violations represent problems that have been corrected at the other locations owned by Mr. Francois Alvandi.


Each of these violations occurred during the same period at various gas stations

owned and operated by Francois Alvandi. All of these violations have been promptly remedied. It is believed that because these problems have been corrected and no further violations have occurred that the magnitude of the penalties is excessive.

6. **An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.**

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. **Please include any supporting documentation with this form for distribution to the respective board members.**

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: June 17, 2014
Printed Name: Francois Alvandi
Title: President

FOR OFFICE USE ONLY

Application Received on _____
Application Fee \$140.00 - Check /Cash _____ Received Date: _____



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

June 23, 2014

Certified Mail #91 7199 9991 7032 4122 6832

Francois Alvandi
Big Daddy 1, LLC
3300 East Flamingo Road, Suite 15
Las Vegas, NV 89121

Email: francois@bigdaddysoil.com

Re: Notice of Violation #8479
Source: 9409

Dear Mr. Alvandi:

Enclosed please find a copy of the Order generated by the Air Pollution Control Hearing Officer at the May 28, 2014 meeting. We have received your Request for Hearing before the Air Pollution Control Hearing Board, wherein you are appealing this Order. **In order to proceed with your appeal, we must receive your \$140.00 filing fee within ten days of your receipt of this Order.**

This matter has been *tentatively* scheduled for hearing before the Air Pollution Control Hearing Board on August 14, 2014, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas. Prior to the hearing, an agenda will be sent to you. It is imperative that you be present at this meeting to give testimony and answer questions by the Hearing Board members.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by Monday, July 28, 2014, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, *along with ten copies* for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruet, Administrative Secretary
Enforcement Division

AMP:ap

Attachments: Hearing Officer Order

cc: Susan Bankosz, Big Daddy 1, sbankosz@bigdaddysoil.com

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • Larry Brown, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnett, County Manager

0043

Araceli Pruett

From: Araceli Pruett
Sent: Monday, June 23, 2014 1:38 PM
To: Francois Alvandi
Subject: FW: DAQ Source: 9409, NOV #8479
Attachments: 09409_20140623_LET.pdf; 09409_20140528_HOO.pdf

Good Afternoon Mr. Alvandi,

I just wanted to confirm we received your payment for the \$140.00 appeal filing fee this afternoon. If you have any questions, please let me know.

Thank you,

Araceli Pruett

From: Araceli Pruett
Sent: Monday, June 23, 2014 10:31 AM
To: 'francois@bigdaddysoil.com'
Cc: 'sbankosz@bigdaddysoil.com'
Subject: DAQ Source: 9409, NOV #8479

Please see attached correspondence regarding the above-described source.

Araceli Pruett
Clark County Department of Air Quality
4701 W. Russell Road, Suite 200
Las Vegas, Nevada 89118
Direct Line: (702) 455-3206
Main Number: (702) 455-5942/Fax: (702) 383-9994

July 29, 2014

Francois Alvandi
Big Daddy 1, LLC
3300 East Flamingo Road, Suite 15
Las Vegas, NV 89121

Email: francois@bigdaddysoil.com

Re: Notice of Violation #8479
Source: 9409

Dear Mr. Alvandi:

We are in receipt of your Request for Hearing before the Air Pollution Control Hearing Board, wherein you are appealing the Hearing Officer's Order on Notice of Violation #8479.

This will confirm that this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on August 14, 2014, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas. It is imperative that you be present at this meeting to give testimony and answer questions by the Hearing Board members.

Please be advised we did not receive any additional support documentation from you by the July 28, 2014 deadline. If you intend to present any additional documentation at the meeting, you must bring ten copies for distribution to staff, board members, and members of the public. Failure to do so may preclude you from presenting these documents to the board at the meeting.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruet

Araceli Pruet, Administrative Secretary
Enforcement Division

AMP:ap

Attachments: Hearing Officer Order

cc: Susan Bankosz, Big Daddy, sbankosz@bigdaddysoil.com
Mark Lewis, Big Daddy, mlewis@bigdaddysoil.com



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

December 18, 2014

CERTIFIED MAIL #91 7199 9991 7032 4121 9216

Francois Alvandi
Big Daddy 1, LLC
3300 East Flamingo Road, Suite 15
Las Vegas, NV 89121

E-mail: francois@bigdaddysoil.com

Re: Settlement Agreement for Notice of Violation #8479 – Big Daddy 1, LLC
Source: 9409

Dear Mr. Alvandi:

Clark County Air Quality requires a written response as to whether you still have an interest in finalizing the attached Settlement Agreement for Notice of Violation #8479 issued to Big Daddy 1, LLC. If you choose to agree to the settlement, please print and sign the attached document and return the original signed copy **no later than January 12, 2015** to the attention of Araceli Pruett at the Air Quality office located at 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

Should you agree to the settlement, you must also contact Shibi Paul, Air Quality Supervisor, to arrange a meeting to discuss the development of a training plan for your store managers and on-site personnel. Mr. Paul may be reached at 702-455-1499 or spaul@clarkcountynv.gov.

If you do not agree to the attached settlement, please notify Ms. Pruett or me in writing of your intent to present your case before the Air Pollution Control Hearing Board in February 2015. Your written response as to your intentions may be sent via email or hard copy letter via the United States Postal Service **no later than January 12, 2015**.

Please direct questions regarding the settlement to Gary Miller, Compliance & Enforcement Manager, at 702-455-5199 or me at 702-455-1668. Thank you.

Sincerely,

Lea S. Kain, Air Quality Supervisor
Clark County Department of Air Quality

LK:ap

Attachments:

1. Settlement Agreement

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • Larry Brown, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnett, Manager

0046

SETTLEMENT AGREEMENT

RECEIVED
CC-DAQ

2015 JAN 12 P 12: 38

Clark County, by and through the Department of Air Quality (“Air Quality”), and Big Daddy, LLC, (“Big Daddy”) operating a gasoline dispensary station under an Authority to Construct/Operating Permit (ATC/OP), Source 9409, agree that settlement of this matter is in the best interest of the parties and the public health and the environment, represent and state as follows:

1. Notice of Violation (NOV) #8479 was issued to Big Daddy, Source ID#9409 on September 23, 2013, for the alleged violations of Clark County Air Quality Regulations (AQR) Subsection 12.8.1 and Permit Condition IV.B.1.e failing to maintain Phase I vapor recovery equipment allowing liquid and debris in the fill adapter spill bucket (Alleged Violation #1); Permit Condition IV.B.2.f for failure to properly install and operate a Venturi hose and by failing to maintain said hose leak free, vapor tight and in good working order (Alleged Violation #2); Permit Condition IV.F.1.i for failing to conduct requisite performance tests (Alleged Violation #3); and Permit Condition IV.E.1 for failing to conduct daily inspections for requirements listed AQR 52.4 and for failing to maintain such records (Alleged Violation #4). The alleged violations occurred at Big Daddy’s station located at 551 North Lamb Boulevard, in Clark County, Nevada.
2. On May 28, 2014, the matter went before the Air Pollution Control Hearing Officer where Air Quality presented facts and testimony regarding the alleged violations. There was no parties present from Big Daddy. At the conclusion of the hearing, the Hearing Officer found Big Daddy in violation of Alleged Violations 1, 2, 3, and 4. Further, the Hearing Officer assessed a civil penalty of Nine Thousand Dollars (\$9,000.00). The Order for this decision was signed on June 15, 2014.
3. On June 17, 2014, Big Daddy appealed the June 15, 2014 Hearing Officer Order. Big Daddy took issue with the amount of the civil penalty assessed by the Hearing Officer.

4. In an effort to resolve the appeal, Air Quality approached Big Daddy, and the parties entered into discussions. As a result and for the purpose of fully resolving the appeal, the parties acknowledge and agree as follows:


a. Air Quality and Big Daddy acknowledge:

1. Big Daddy does not contest the facts as set forth in the NOV.
2. Big Daddy has since rectified all of the issues as set forth in the NOV.

b. Air Quality and Big Daddy agree to take the following actions:


1. Both parties agree that the civil penalty will be reduced from Nine Thousand Dollars (\$9,000) to Six Thousand Dollars (\$6,000);
2. Big Daddy agrees that it must develop a training plan that requires all of its store managers or on-site person(s) responsible for gas dispensing operations activities to receive training on what is required of them;
3. Big Daddy agrees that this training program will be required for all current on-site staff as well as new hires;
4. Air Quality staff agrees that it is willing to meet with Big Daddy staff to explain what is expected of this training program; and
5. Air Quality is willing to allow Big Daddy to pay the Six Thousand Dollars (\$6,000) in a payment plan of \$1,000 a month for a period of six (6) months;
6. Big Daddy agrees to waive its appeal and will consider this matter, NOV #8479, final.

5. Compliance with this Settlement Agreement will fully and finally resolve Notice of Violation #8479, Big Daddy's appeal of the Hearing Officer Order, and the requisite training plan pursuant to paragraph 4(b)(2) above.



Francois Alvandi, President
Big Daddy 1, LLC
Responsible Official for Big Daddy

1-5-15
Date



Lewis Wallenmeyer, Control Officer
Department of Air Quality

01-13-2015
Date

RECEIVED
CC-BADQ
2015 JAN 12 P 12:38



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

January 26, 2015

Certified Mail #91 7199 9991 7032 4121 9018

Francois Alvandi
Big Daddy 1, LLC
3300 East Flamingo Road, Suite 15
Las Vegas, NV 89121

Email: francois@bigdaddysoil.com

Re: Notice of Violation #8479
Source: 9409

Dear Mr. Alvandi:

This will confirm that this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on February 5, 2015, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas.

We received the signed Settlement Agreement and will recommend board approval if, and only if, the actions specified in the subject agreement have been adequately addressed (i.e., meeting with DAQ staff on the development of a training plan for store managers and on-site personnel). If this does not take place prior to the February 5 meeting, DAQ will consider the agreement null and recommend the board uphold the Hearing Officer's decision and assess the full \$9,000 penalty.

It is imperative that a representative of Big Daddy is present at this meeting to give testimony and answer questions by the Hearing Board members. Please be advised if you intend to present any additional documentation at the meeting, you must *bring ten copies* for distribution to staff, board members, and members of the public. Failure to do so may preclude you from presenting these documents to the board at the meeting.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett, Administrative Secretary
Enforcement Division

cc: Francois Alvandi, Big Daddy, falvandi@bigdaddysoil.com
Mark Lewis, Big Daddy, mlewis@bigdaddysoil.com

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • Larry Brown, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnett, **0050** Manager

RE: 24-Seven Gas and Food Mart
Appeal of Hearing Officer's Order on NOV #8609

EXHIBIT LIST

EXHIBIT #	DESCRIPTION	DATE
0001-0025	Notice of Violation #8609	08/28/14
0026	Letter from Pamela Thompson, DAQ	09/08/14
0027	Letter from Pamela Thompson, DAQ	09/15/14
0028	Letter from Maurice Abdel Messih, 24-Seven Gas	09/16/14
0029-0034	Letter from Maurice Abdel Messih, 24-Seven Gas	09/18/14
0035-0043	Testing Results from Silver State Petroleum Service	11/19/14
0044-0045	Hearing Officer's Order	11/30/14
0046-0048	Appeal of Hearing Officer's Order	11/25/14
0049	Letter from Araceli Pruet, DAQ	12/04/14
0050	Email from Lea Kain, DAQ, to Maurice Messih, 24-Seven Gas and Food Mart	12/23/14
0051-0052	Settlement Agreement	01/15/15
0053	Letter from Araceli Pruet, DAQ	01/22/15



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

August 28, 2014

CERTIFIED MAIL #91 7199 9991 7031 6381 1000

Maurice Messih, Owner
24-Seven Gas and Food Mart, LLC
2424 East Russell Road
Las Vegas, NV 89120

Email: twentyfour7gasandfoodmart@yahoo.com

NOTICE OF VIOLATION #8609

Clark County Department of Air Quality (Air Quality) proposes to assess a civil penalty of \$8,000 against 24-Seven Gas and Food Mart, LLC who is the owner/operator of the source cited for the alleged violations of the Clark County Air Quality Regulations (AQRs).

FINDINGS OF FACT

I. ALLEGED VIOLATIONS

Air Quality discovered the alleged violations during a full compliance evaluation (FCE) conducted on April 9 and 11, 2014 and proposes to assess a civil penalty for these observed violations. At the time of the alleged violations, the owner/operator operated a minor stationary source identified as 24-Seven Gas and Food Mart, located at 2424 East Russell Road, in Clark County, Nevada, and operated under authority of Minor Source Permit (MSP), Source: 17232, issued on December 26, 2012.

Alleged Violation #1:

AQR Subsection 12.1.3.1, adopted November 3, 2009, states the following:

“Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.”

Finding: During the course of the investigation, 24-Seven Gas and Food Mart stated that commercial operations commenced on August 1, 2012 (Exhibit 1). On September 26, 2012, 24-Seven Gas and Food Mart submitted an application for a MSP (Exhibit 2). After thorough review of the application and supplemental information, Air Quality issued a MSP on

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December 26, 2012. From the time period of August 1 through December 25, 2012, 24-Seven Gas and Food Mart operated without a valid MSP. Based on a summary of gasoline sales obtained during the FCE, 24-Seven Gas and Food Mart dispensed 72,310.35 gallons of gasoline during the months of August through November, 2012, inclusive (Exhibit 1).

Corrective Action Taken: 24-Seven Gas and Food Mart responded to this deficiency by obtaining a MSP on December 26, 2012. Accordingly, no further corrective action is required at this time.

Alleged Violation #2:

Permit Condition IV-B-1-b-iii (Authority Subsection 12.1.4.1(f) of the AQR, adopted November 3, 2009, and 40 CFR 63.11115(a)) states the following:

“All Phase I vapor recovery equipment shall be installed, maintained and operated in accordance with the manufacturer’s specifications and certification requirements.”

Permit Condition IV-B-1-b-vii (Authority Subsection 12.1.4.1(f) of the AQR, adopted November 3, 2009, and 40 CFR 63.11118(b)(1)) states the following:

“The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.”

Finding: During the course of the investigation, Air Quality staff found two loose product fill adaptors and liquid and debris in the spill buckets; therefore, 24-Seven Gas and Food Mart failed to maintain the Phase I vapor recovery equipment to be leak free, vapor tight, and in good working order. 24-Seven Gas and Food Mart also failed to install vapor recovery and product adaptors that prevent loosening or over tightening of fittings during normal delivery options (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all Phase I vapor recovery equipment will be maintained in accordance with the manufacturer’s specifications and certification requirements, which includes timely and proper housekeeping for liquid and debris, and that appropriate measures have been implemented to prevent over-tightening or loosening of vapor recovery fittings during normal delivery operations.

Alleged Violation #3:

Permit Condition IV-B-1-d-iii (Authority Subsection 12.1.4.1(f) of the AQR, adopted November 3, 2009, and 40 CFR 63.11115(a)) states the following:

“All Phase II vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

Finding: During the course of the investigation, Air Quality staff found eight damaged faceplates; therefore, 24-Seven Gas and Food Mart failed to maintain the Phase II vapor recovery equipment in good working order (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all Phase II vapor recovery equipment will be maintained to be leak free, vapor tight, and in good working order.

Alleged Violation #4:

Permit Condition IV-D-4-a (Authority Subsection 12.1.4.1(d) of the AQR, adopted November 3, 2009) states the following:

“The Permittee shall conduct and pass an initial vapor recovery system test within 30 days of startup of new equipment, or when the integrity of the vapor recovery system has been affected by a modification or repair. Routine maintenance, including the replacement of hoses, nozzles, and Environmental Control Device (ECD), does not require an initial vapor recovery system test.”

40 CFR 63.7(a)(2) (Authority Subsection 13.2 of the AQR, amended April 3, 2012) states the following:

“Except as provided in paragraph (a)(4) of this section, if required to do performance testing by a relevant standard, and unless a waiver of performance testing is obtained under this section or the conditions of paragraph (c)(3)(ii)(B) of this section apply, the owner or operator of the affected source must perform such tests within 180 days of the compliance date for the source.”

Finding: 24-Seven Gas and Food Mart commenced operations on August 1, 2012 and, according to 40 CFR 63.7(a)(2), was required to conduct initial vapor recovery system testing no later than January 28, 2013. The source received an MSP on December 26, 2012 and, according to the above referenced permit condition, was required to conduct such testing no later than January 25, 2013. Based on the FCE records review, 24-Seven Gas and Food Mart failed to conduct initial vapor recovery system testing required by the permit and 40 CFR 63.11120(a) for 2012 and failed to conduct vapor recovery testing for 2013 (Exhibit 3).

Recommended Corrective Action: Unless already conducted, within 30 calendar days of receipt of this notice the alleged violator shall conduct the required vapor recovery system testing in accordance with permit condition IV-D to demonstrate compliance with the standards required in the permit and 40 CFR Part 63.11120(a). Test results shall be submitted to Air Quality within 60 days of completing the tests; however, subsequent testing does not negate the fact that the source failed to conduct testing for more than one year, as the source cannot make up for missed tests. Additionally, within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all future tests are conducted as required.

II. DEFICIENCIES

Air Quality identified the following deficiency during the April 9 and 11, 2014 FCE. Pursuant to NRS 445B.450(5), we are providing you with a warning and encourage you to correct the deficiency as you deem appropriate. By providing you with this opportunity, Air Quality does not consider this deficiency to be a violation at this time; therefore, no civil penalty is being assessed. However, if left unattended, this deficiency may warrant future enforcement action, as a violation of the AQRs.

Deficiency #1:

Permit Condition II-C-3 (Authority Subsection 12.1.4.1(d)(3)(A) of the AQR, adopted November 3, 2009, and Subsection 18.6.1.1 of the AQR, amended February 10, 2012) states the following:

“The Permittee shall be required to submit an annual report to the Control Officer in accordance with the following:

- a. Each annual report shall be:
 - i. based on the preceding calendar year;
 - ii. submitted on or before March 31 each year, even if there was no activity;
and
 - iii. addressed to the attention of the Control Officer, Compliance Division.”

Finding: Based on Air Quality source records, 24-Seven Gas and Food Mart failed to submit annual reports for calendar years 2012 and 2013 (Exhibit 1).

Recommended Corrective Action: Within 30 calendar days of receipt of this notice, the alleged violator shall submit written proof to Air Quality that appropriate measures have been implemented to ensure all future annual reports will be submitted to Air Quality on or prior to the required submittal date. In addition, 24-Seven Gas and Food Mart shall submit the 2012 and 2013 annual reports to Air Quality, if not already submitted.

III. PROPOSED CIVIL PENALTY

Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; or any requirement by Air Quality is guilty of a civil offense and shall pay a civil penalty not to exceed \$10,000 per violation, as provided for in AQR Section 9, “Civil Penalties.” Each day of violation constitutes a separate offense.

The civil penalty is calculated by applying the standard penalty for each violation of the applicable requirement, the standard adjustment for aggravating or mitigating factors and an alleged violator’s past enforcement history. In consideration of the aforementioned facts, Air Quality recommends a civil penalty in the amount of \$8,000.

IV. ADMINISTRATIVE PROCEDURES

Air Quality has scheduled a hearing for **Wednesday, September 24, 2014 at 9:00 a.m.** with the Air Pollution Control Hearing Officer. At that time, the Hearing Officer will make a determination on the alleged violation(s) and levy a penalty. The hearing will be held at the Clark County Building Services Presentation Room, located at 4701 West Russell Road.

If Air Quality does not receive a written response (via email or letter) from you regarding this Notice of Violation providing a plea of contested (facts, penalty or both) or non-contested, your case will be placed on the Hearing Officer docket under "Action Required" for the Hearing Officer to render a ruling and assess a monetary penalty.

Although it is not mandatory, you are encouraged to attend. If the Hearing Officer finds the source in violation and assesses penalties, Air Quality staff will mail the Hearing Officer's order to the source along with instructions on the remittance of any penalties.



Lewis Wallenmeyer,
Control Officer

Exhibits:

1. Air Quality Minor Stationary Source Compliance Evaluation Report dated April 17, 2014
2. Extract from 24-Seven Gas and Food Mart Minor Source Permit submitted on September 26, 2012

cbr



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
 4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
 (702) 455-5942 • Fax (702) 383-9994
 Lewis Wallenmeyer Director

Minor Stationary Source Compliance Evaluation Report

1. Source Information:				
Source Name:	24-Seven Gas and Food Mart			
Source Address:	2424 East Russell Road, Las Vegas, Nevada 89120			
Source ID:	17232			
Applicable Permit:	Minor Source Permit			
Permit Issuance Dates*:	December 26, 2012	N/A	N/A	N/A
*Dates identify previous versions of the applicable permit that were used for this evaluation.				
SIC Code/Description:	5541: Gasoline Service Stations			
NAICS Code/Description:	447110: Gasoline Station with Convenience Store			
2. Company Information:				
Company Name:	24-Seven Gas and Food Mart, LLC			
Company Address:	2424 East Russell Road, Las Vegas, Nevada 89120			
3. Contact Information:				
Responsible Official (RO):	Maurice Messih	Title:	Owner	
Mailing Address:	2424 East Russell Road, Las Vegas, Nevada 89120			
Telephone Number:	702-202-3311	Email:	twentyfour7gasandfoodmart@yahoo.com	
Source Contact:	1. Adam Harris 2. Kat Dolce	Title:	Assistant Manager Manager	
Telephone Number:	702-202-3311	Email:	None	
4. Evaluation Information:				
Evaluation type:	Full Compliance Evaluation			
Evaluation Period:	December 26, 2012 through April 9, 2014			
Evaluation Performed by:	Scott Rowsell	Title:	Air Quality Specialist I	
Evaluation Site Inspection				
Inspection Date:	April 9, 2014	April 11, 2014		
Inspection Start Time:	0950 hrs.	1004 hrs.		
Inspection End Time:	1022 hrs.	1118 hrs.		
Previous Evaluation Date:	None			
5. Report Preparation, Review and Approval:				
Report Action:	Name:		Completed:	
Prepared By:	Scott Rowsell		April 11, 2014	
Senior AQS Review:	Mike Doyle		April 11, 2014	
Supervisor Review	Shibi Paul		April 17, 2014	
Manager Approval	Gary Miller		April 17, 2014	

BOARD OF COUNTY COMMISSIONERS
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 Susan Brager • Tom Collins • Chris Giunchigliani
 Mary Beth Scow • Lawrence Weekly
 Don Burnette, County Manager

Summary: Scott Rowsell, Air Quality Specialist I (staff), conducted a Full Compliance Evaluation (FCE) of 24-Seven Gas and Food Mart (SGFM) for the period of December 26, 2012 through April 9, 2014. This is a gasoline dispensing facility that operates two emission units (EUs): one 12,000 gallon premium unleaded gasoline underground storage tank (EU A01), and one 15,000 gallon regular unleaded gasoline underground storage tank (EU A02) that are permitted in the following permit:

- Minor Source Permit, Source ID: 17232, issued on December 26, 2012 (MSP 17232).

During the FCE, staff observed the following deficiencies:

1. SGFM was operating without a valid Clark County Department of Air Quality permit from August 1, 2012 to December 25, 2012. Ms. Dolce stated that SGFM began to sell gasoline on approximately August 1, 2012 and MSP 17232 was not issued until December 26, 2012. Ms. Dolce provided a copy of the 2012 gasoline throughput records for review (Attachment 1); therefore, SGFM was **not compliant** with Clark County Air Quality Regulation (AQR) Section 12.1.3.1 which states that except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.
2. SGFM did not maintain and operate Phase I vapor recovery equipment in accordance with manufacturer's specifications and certification requirements. The premium gasoline fill adaptor (EU A01) and the regular gasoline vapor adaptor (EU A02) were loose. Additionally, the premium gasoline vapor adaptor spill bucket contained liquid and debris (Attachment 2, Photograph 1) and the regular gasoline vapor adaptor spill bucket contained debris (Attachment 2, Photograph 2); therefore, SGFM was **not compliant** with permit condition IV.B.1.b.iii which states that all Phase I vapor recovery equipment shall be installed, maintained, and operated in accordance with the manufacturer's specifications and certification requirements.
3. SGFM did not install vapor recovery and product adaptors that prevent the over-tightening or loosening of fittings during normal delivery operations; therefore, SGFM was **not compliant** with permit condition IV.B.1.b.vii which states that the vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.
4. SGFM did not maintain the Phase II vapor recovery equipment in good working order. The faceplates of nozzle #1, #2, #3, #5, #6, #7, #8, and #9 were damaged (Attachment 2, Photographs 3 through 12); therefore, SGFM was **not compliant** with permit condition IV.B.1.d.iii which states that all Phase II vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.
5. SGFM did not conduct and pass an initial vapor recovery system test within 30 days of startup of new equipment (permit condition) or within 180 days (Department of Air Quality Guideline). Ms. Dolce stated that no performance testing was conducted for 2012 and 2013; therefore, SGFM was **not compliant** with permit condition IV.D.4.a which states that the Permittee shall conduct and pass an initial vapor recovery system test within 30 days of startup of new equipment, or when the integrity of the vapor recovery system has been affected by a modification or repair.
6. SGFM did not submit the 2012 and 2013 annual emission inventory reports (EIRs) on or before March 31 to the Control Officer. These reports were never submitted to Air Quality; therefore, SGFM is **not complaint** with permit condition II.C.3.a.ii which states that each annual report shall be submitted on or before March 31 each year, even if there was no activity.

Narrative: On April 9, 2014, at approximately 0950 hours, I met with Mr. Adam Harris, Assistant Manager, SGFM and conducted the FCE and identified several deficiencies.

On April 11, 2014, at approximately 1004 hours, I met with Ms. Kat Dolce, Manager, SGFM to review daily inspection, annual gasoline throughput, and performance testing records.

Unless otherwise specified, references to the permit and permit conditions are to MSP 17232 and permit conditions contained therein.

The following are details of that FCE.

Permit Review

During the FCE records review, I observed that SGFM was operating without a valid Clark County Department of Air Quality permit from August 1, 2012 to December 25, 2012. Ms. Dolce stated that SGFM began to sell gasoline on approximately August 1, 2012 and MSP 17232 was not issued until December 26, 2012. Ms. Dolce provided a copy of the 2012 gasoline throughput records for review (Attachment 1); therefore, SGFM was **not compliant** with Clark County Air Quality Regulation (AQR) Section 12.1.3.1 which states the following:

“Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.”

During the FCE on-site inspection, I observed that a copy of MSP 17232 was posted and available for review; therefore, SGFM was compliant with permit condition II.A.6.

Emission Units Review

During the FCE on-site inspection, I observed that EUs A01 and A02 were on site and operating during the inspection.

Emission Limitations Review

During the FCE on-site inspection, I did not observe any discharge into the atmosphere, from any emission unit, any air contaminant in excess of 20 percent opacity for a period of more than 6 consecutive minutes; therefore, SGFM is compliant with permit condition IV.A.2.a.

Operational Limitations Review

SGFM did not submit the annual emission inventory reports (EIRs) for 2012 and 2013 to the Control Officer on or before March 31. These reports were never submitted. This deficiency is further addressed in the Reports and Reporting section below.

During the FCE records on-site inspection on April 11, 2014, Ms. Dolce provided a copy of the 2012 and 2013 annual gasoline throughput records for review. Those reports indicated that the annual throughput for 2012 was 104,568 gallons and 350,333 gallons for 2013; therefore, SGFM is compliant with permit condition IV.A.3.a.

Control Requirements Review

During the FCE on-site inspection, I observed the following:

SGFM installed a dual-point Phase I vapor balance system on EUs A01 and A02; therefore, SGFM was compliant with permit condition IV.B.1.b.ii.

SGFM did not maintain and operate Phase I vapor recovery equipment in accordance with manufacturer's specifications and certification requirements. The premium gasoline fill adaptor (EU A01) and the regular gasoline vapor adaptor (EU A02) were loose. Additionally, the premium gasoline vapor adaptor spill bucket contained liquid and debris (Attachment 2, Photograph 1) and the regular gasoline vapor adaptor spill bucket contained debris (Attachment 2, Photograph 2); therefore, SGFM was **not compliant** with permit condition IV.B.1.b.iii which states the following:

“All Phase I vapor recovery equipment shall be installed, maintained, and operated in accordance with the manufacturer’s specifications and certification requirements.”

SGFM installed vapor connections that seal upon disconnect on EUs A01 and A02; therefore, SGFM was compliant with permit condition IV.B.1.b.iv.

SGFM did not install vapor recovery and product adaptors that prevent the over-tightening or loosening of fittings during normal delivery operations; therefore, SGFM was **not compliant** with permit condition IV.B.1.b.vii which states the following:

“The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.”

SGFM installed vapor-tight caps on liquid fill connections of EUs A01 and A02; therefore, SGFM was compliant with permit condition IV.B.1.b.ix.

SGFM installed a pressure/vacuum vent valve; therefore, SGFM was compliant with permit condition IV.B.1.b.x.

SGFM did not maintain the Phase II vapor recovery equipment in good working order. The faceplates of nozzle #1, #2, #3, #5, #6, #7, #8, and #9 were damaged (Attachment 2, Photographs 3 through 12); therefore, SGFM was **not compliant** with permit condition IV.B.1.d.iii which states the following:

“All Phase II vapor recovery equipment shall be maintained to be leak free, vapor tight, and in good working order.”

Monitoring Review

During the FCE on-site records review, I observed the following:

SGFM conducted daily inspections of the Phase I vapor recovery system to determine if the components of the system are in compliance; therefore, SGFM is compliant with permit condition IV.C.3.a-g.

SGFM conducted daily inspections of the Phase II vapor recovery system to determine if the components of the system are in compliance; therefore, SGFM is compliant with permit condition IV.C.4.a-i.

Testing Review

During the FCE records review, I observed the following:

SGFM did not conduct and pass an initial vapor recovery system test within 30 days of startup of new equipment (permit condition) or within 180 days (Department of Air Quality Guideline). Ms. Dolce stated that no performance testing was conducted for 2012 and 2013; therefore, SGFM was **not compliant** with permit condition IV.D.4.a which states the following:

“The Permittee shall conduct and pass an initial vapor recovery system test within 30 days of startup of new equipment, or when the integrity of the vapor recovery system has been affected by a modification or repair. Routine maintenance, including the replacement of hoses, nozzles and ECD, does not require an initial vapor recovery system test.”

Record Keeping Review

During the FCE on-site records review, I observed the following:

SGFM maintained daily records of Phase I and Phase II inspections for 2012, 2013, and 2014; therefore, SGFM is compliant with permit conditions IV.E.2.a-k.

Reports and Reporting Review

During the FCE records review, I observed the following:

SGFM did not submit the 2012 and 2013 annual emission inventory reports (EIRs) on or before March 31 to the Control Officer. These reports were never submitted to Air Quality; therefore, SGFM is *not compliant* with permit condition II.C.3.a.ii which states the following:

“Each annual report shall be:

ii. submitted on or before March 31 each year, even if there was no activity; and”

Enforcement History

None during the FCE period.

Attachments

Attachment 1: August 2012 through December 2012 gasoline throughput records provided by Ms. Dolce on April 11, 2014.

Attachment 2: Photographs one through twelve

Attachment 1

Store Sales Summary Report

24 SEVEN GAS & FOOD MART
 702-202-3311
 2424 E RUSSELL RD
 LAS VEGAS

STORE #
 NV 89120

OPERATOR NAME kat Dolce
 OPERATOR ID 11
 SOFTWARE VERSION 8.03.24.02M CONOCOPHILLIPS

PERIOD FROM Aug 1 2012 12:00AM TO Aug 31 2012 11:59PM
 REPORT PRINTED 04/11/2014 10:47:01AM

Store Sales Summary Report

Grand Total Store Sales Reading **\$10,193.73**

Fuel Sales

Grade	Grade Name	Volume	Sales	% of Total Fuel Sales
Grade 01	REGULAR	1,834.680	\$6,793.06	76.69%
Grade 02	PLUS	285.300	\$1,087.59	12.28%
Grade 03	PREMIUM	248.790	\$976.92	11.03%
Total Fuel Sales		2,368.760	\$8,857.57	
Fuel Discounts			-\$17.76	
Total Non Fuel Sales			\$1,296.00	
Other Discounts			\$0.00	
Total Taxes Collected			\$57.92	
Total Sales			\$10,193.73	

Store Tender Reading

Method of Payment Totals	Count	\$ Sales
Aux. NW Credit	0	\$0.00
Aux. NW CRIND Credit	0	\$0.00
Cash		\$4,738.98
Cash Acceptor Cash	0	\$0.00
Cash Accept Chg Due	0	\$0.00
Cash Accept Ref Due	0	\$0.00
Check	0	\$0.00
Credit	26	\$306.76
Crind CREDIT	115	\$4,001.58
Crind DEBIT	7	\$267.74
Debit	74	\$863.67
Imprinter	0	\$0.00
Loyalty	0	\$0.00
Other	0	\$0.00
Overruns	0	\$0.00
Rounding	0	\$0.00
Test Fuel	0	\$0.00
Total Revenue		\$10,178.73
Network Revenue		\$5,439.75

Store Sales Summary Report

24 SEVEN GAS & FOOD MART
702-202-3311
2424 E RUSSELL RD
LAS VEGAS

STORE #
NV 89120

OPERATOR NAME kat Dolce
OPERATOR ID 11
SOFTWARE VERSION 8.03.24.02M CONOCOPHILLIPS

PERIOD FROM Sep 1 2012 12:00AM TO Sep 30 2012 11:59PM
REPORT PRINTED 04/11/2014 10:47:25AM

Store Sales Summary Report

Grand Total Store Sales Reading \$79,579.56

Fuel Sales

Grade	Grade Name	Volume	Sales	% of Total Fuel Sales
Grade 01	REGULAR	14,333.790	\$53,983.94	78.75%
Grade 02	PLUS	2,027.150	\$7,819.61	11.41%
Grade 03	PREMIUM	1,699.180	\$6,746.59	9.84%
Total Fuel Sales		18,060.120	\$68,550.14	
Fuel Discounts			-\$148.85	
Total Non Fuel Sales			\$10,663.51	
Other Discounts			\$0.00	
Total Taxes Collected			\$513.63	
Total Sales			\$79,578.43	

Store Tender Reading

Method of Payment Totals	Count	\$ Sales
Aux. NW Credit	0	\$0.00
Aux. NW CRIND Credit	0	\$0.00
Cash		\$34,786.74
Cash Acceptor Cash	0	\$0.00
Cash Accept Chg Due	0	\$0.00
Cash Accept Ref Due	0	\$0.00
Check	0	\$0.00
Credit	216	\$3,457.94
Crind CREDIT	956	\$34,421.28
Crind DEBIT	28	\$894.20
Debit	522	\$6,025.38
Imprinter	0	\$0.00
Loyalty	0	\$0.00
Other	0	\$0.00
Overruns	0	\$0.00
Rounding	0	\$0.00
Test Fuel	0	\$0.00

Total Revenue **\$79,585.54**

Network Revenue **\$44,798.80**

Store Sales Summary Report

24 SEVEN GAS & FOOD MART
702-202-3311
2424 E RUSSELL RD
LAS VEGAS

STORE #
NV 89120

OPERATOR NAME kat Dolce
OPERATOR ID 11
SOFTWARE VERSION 8.03.24.02M CONOCOPHILLIPS

PERIOD FROM Oct 1 2012 12:00AM TO Oct 31 2012 11:59PM
REPORT PRINTED 04/11/2014 10:47:44AM

Store Sales Summary Report

Grand Total Store Sales Reading \$110,920.10

Fuel Sales

Grade	Grade Name	Volume	Sales	% of Total Fuel Sales
Grade 01	REGULAR	21,093.450	\$80,033.20	82.13%
Grade 02	PLUS	2,091.190	\$8,161.54	8.37%
Grade 03	PREMIUM	2,305.060	\$9,258.00	9.50%
Total Fuel Sales		25,489.700	\$97,452.74	
Fuel Discounts			-\$129.81	
Total Non Fuel Sales			\$12,926.08	
Other Discounts			-\$3.08	
Total Taxes Collected			\$672.17	
Total Sales			\$110,918.10	

Store Tender Reading

Method of Payment Totals	Count	\$ Sales
Aux. NW Credit	0	\$0.00
Aux. NW CRIND Credit	0	\$0.00
Cash		\$52,843.72
Cash Acceptor Cash	0	\$0.00
Cash Accept Chg Due	0	\$0.00
Cash Accept Ref Due	0	\$0.00
Check	0	\$0.00
Credit	306	\$4,371.35
Crind CREDIT	1,282	\$44,435.47
Crind DEBIT	40	\$1,339.45
Debit	558	\$7,951.10
Imprinter	0	\$0.00
Loyalty	0	\$0.00
Other	0	\$0.00
Overruns	0	\$0.00
Rounding	0	\$0.00
Test Fuel	0	\$0.00

Total Revenue **\$110,941.09**

Network Revenue **\$58,097.37**

Store Sales Summary Report

24 SEVEN GAS & FOOD MART
702-202-3311
2424 E RUSSELL RD
LAS VEGAS

STORE #
NV 89120

OPERATOR NAME kat Dolce
OPERATOR ID 11
SOFTWARE VERSION 8.03.24.02M CONOCOPHILLIPS

PERIOD FROM Nov 1 2012 12:00AM TO Nov 30 2012 11:59PM
REPORT PRINTED 04/11/2014 10:48:00AM

Store Sales Summary Report

Grand Total Store Sales Reading \$109,454.89

Fuel Sales

Grade	Grade Name	Volume	Sales	% of Total Fuel Sales
Grade 01	REGULAR	21,689.500	\$78,663.14	81.58%
Grade 02	PLUS	2,389.730	\$8,917.12	9.25%
Grade 03	PREMIUM	2,312.530	\$8,849.59	9.18%
Total Fuel Sales		26,391.770	\$96,429.85	
Fuel Discounts			-\$166.48	
Total Non Fuel Sales			\$12,526.20	
Other Discounts			-\$6.16	
Total Taxes Collected			\$670.99	
Total Sales			\$109,454.40	

Store Tender Reading

Method of Payment Totals	Count	\$ Sales
Aux. NW Credit	0	\$0.00
Aux. NW CRIND Credit	0	\$0.00
Cash		\$50,977.27
Cash Acceptor Cash	0	\$0.00
Cash Accept Chg Due	0	\$0.00
Cash Accept Ref Due	0	\$0.00
Check	0	\$0.00
Credit	289	\$3,563.77
Crind CREDIT	1,320	\$46,395.14
Crind DEBIT	25	\$739.22
Debit	539	\$7,848.05
Imprinter	1	\$3.49
Loyalty	0	\$0.00
Other	2	\$19.73
Overruns	0	\$0.00
Rounding	0	\$0.00
Test Fuel	0	\$0.00

Total Revenue **\$109,546.68**

Network Revenue **\$58,549.68**

Store Sales Summary Report

24 SEVEN GAS & FOOD MART
 702-202-3311
 2424 E RUSSELL RD
 LAS VEGAS

STORE #
 NV 89120

OPERATOR NAME kat Dolce
 OPERATOR ID 11
 SOFTWARE VERSION 8.03.24.02M CONOCOPHILLIPS

PERIOD FROM Dec 1 2012 12:00AM TO Dec 31 2012 11:59PM
 REPORT PRINTED 04/11/2014 10:48:22AM

Store Sales Summary Report

Grand Total Store Sales Reading \$120,840.29

Fuel Sales

Grade	Grade Name	Volume	Sales	% of Total Fuel Sales
Grade 01	REGULAR	26,894.130	\$88,354.31	82.72%
Grade 02	PLUS	2,557.210	\$8,652.68	8.10%
Grade 03	PREMIUM	2,808.780	\$9,805.97	9.18%
Total Fuel Sales		32,260.110	\$106,812.96	
Fuel Discounts			-\$148.30	
Total Non Fuel Sales			\$13,437.13	
Other Discounts			-\$11.23	
Total Taxes Collected			\$749.10	
Total Sales			\$120,839.66	

Store Tender Reading

Method of Payment Totals	Count	\$ Sales
Aux. NW Credit	0	\$0.00
Aux. NW CRIND Credit	0	\$0.00
Cash		\$54,794.81
Cash Acceptor Cash	0	\$0.00
Cash Accept Chg Due	0	\$0.00
Cash Accept Ref Duc	0	\$0.00
Check	0	\$0.00
Credit	319	\$4,135.06
Crind CREDIT	1,522	\$51,153.34
Crind DEBIT	43	\$1,253.44
Debit	581	\$9,459.85
Imprinter	0	\$0.00
Loyalty	0	\$0.00
Other	0	\$0.00
Overruns	0	\$0.00
Rounding	0	\$0.00
Test Fuel	0	\$0.00
Total Revenue		\$120,796.50

Network Revenue \$66,001.69

Attachment 2



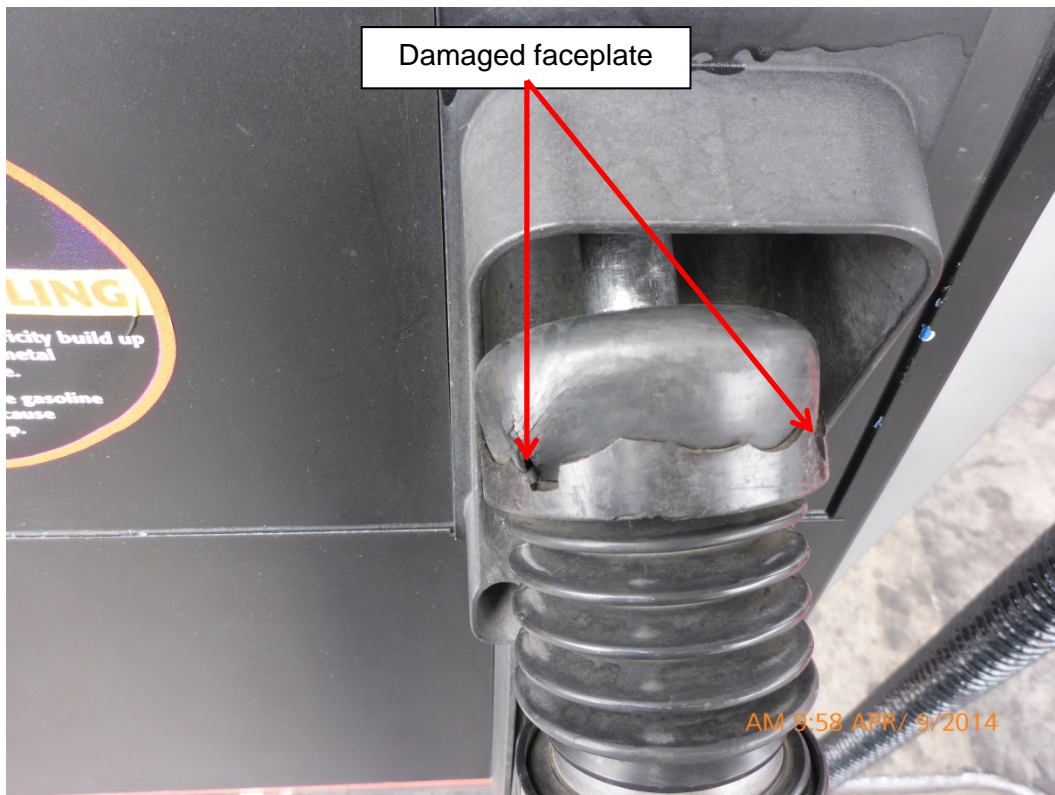
Photograph # 1: Liquid and debris in the vapor adaptor spill bucket of EU A01.



Photograph # 2: Debris in the vapor adaptor spill bucket of EU A02.



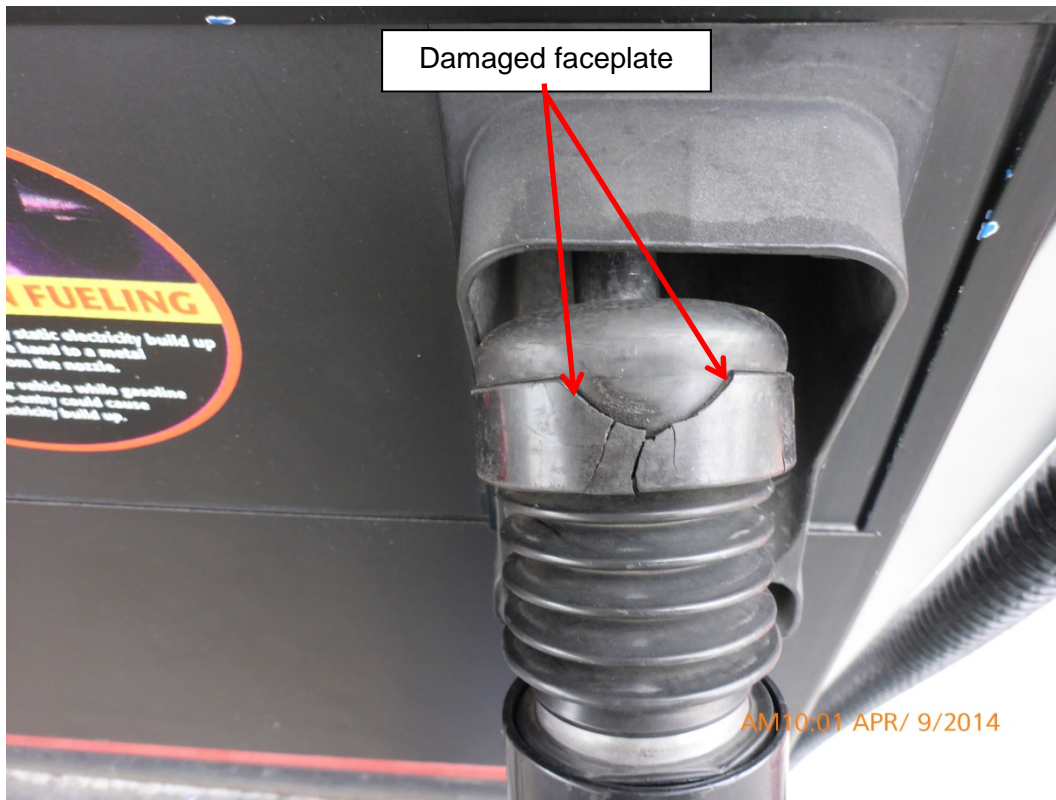
Photograph # 3: Photograph one of damaged faceplate on nozzle # 1.



Photograph # 4: Photograph two of damaged faceplate on nozzle # 1.



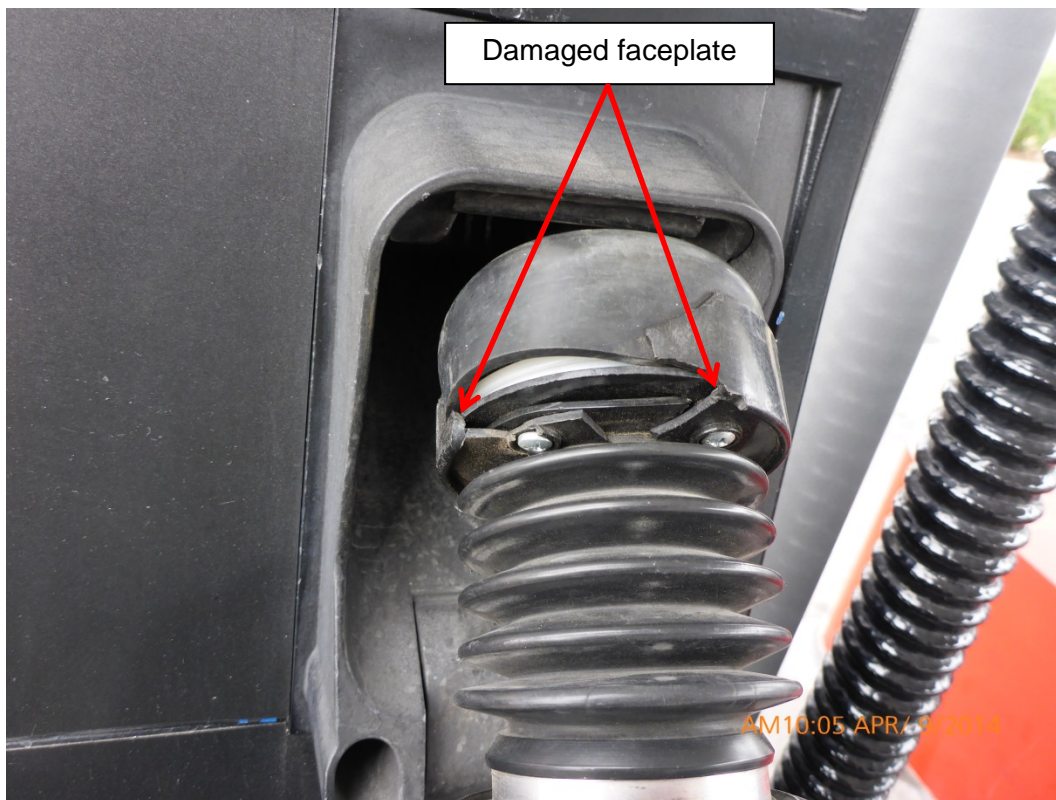
Photograph # 5: Photograph three of damaged faceplate on nozzle # 1.



Photograph # 6: Damaged faceplate on nozzle # 2.



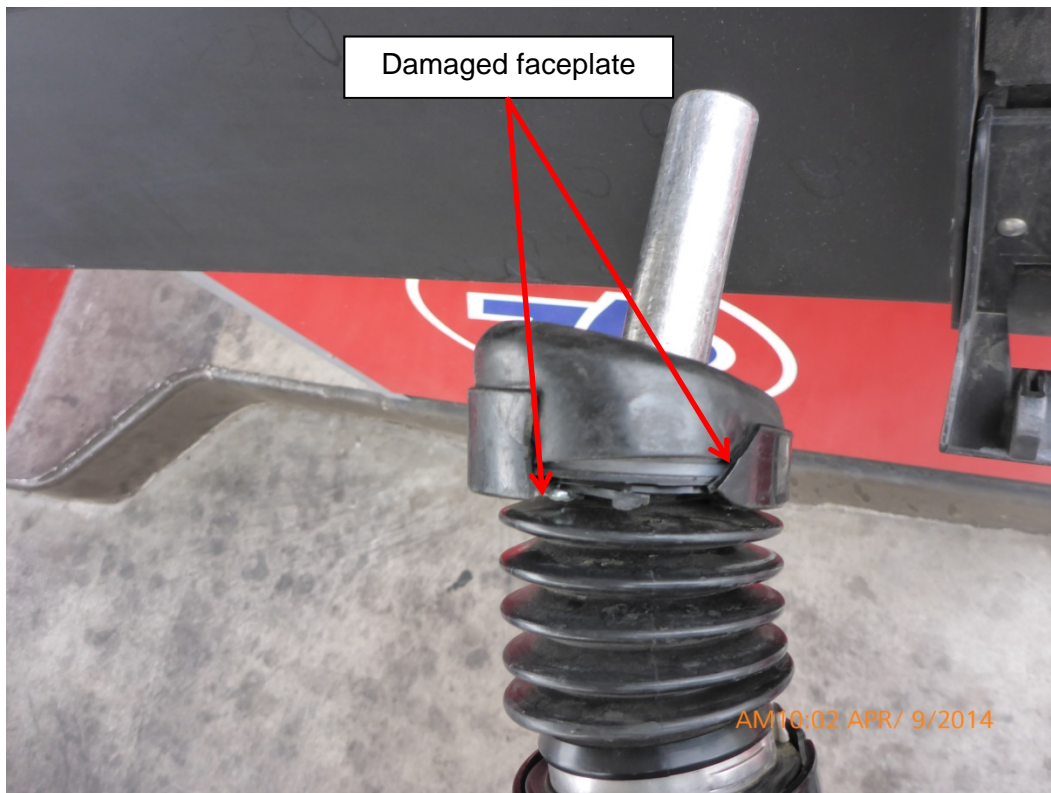
Photograph # 7: Damaged faceplate on nozzle # 3.



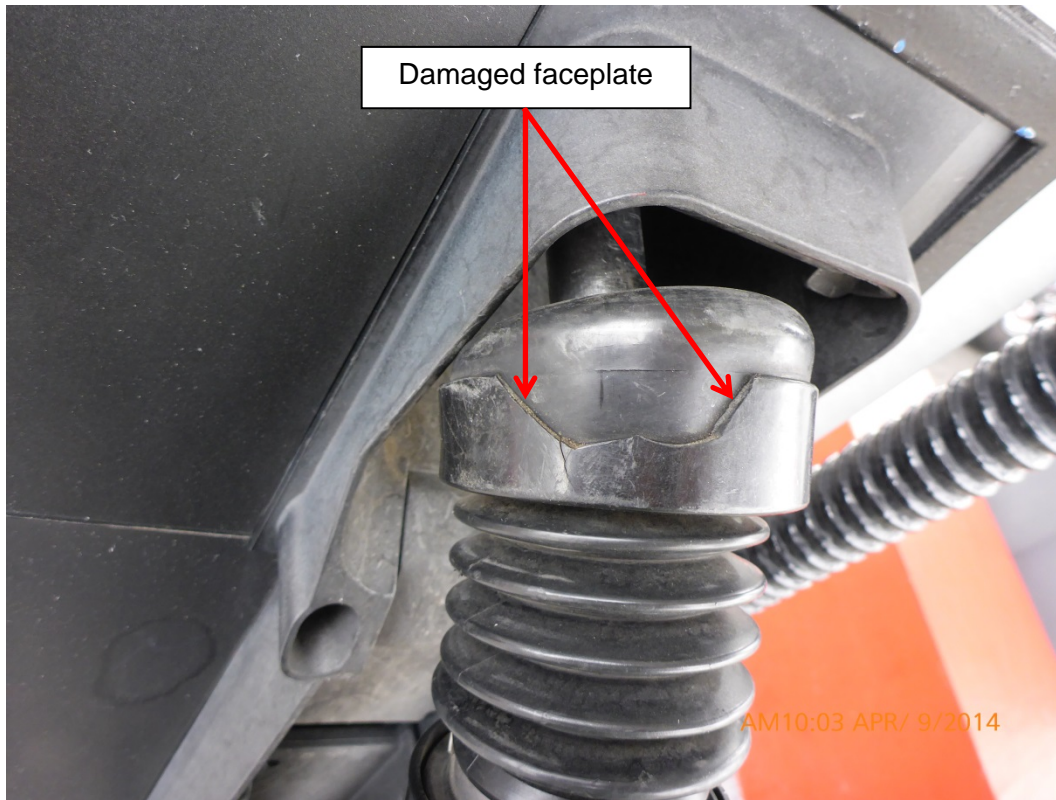
Photograph # 8: Damaged faceplate on nozzle # 5.



Photograph # 9: Damaged faceplate on nozzle # 6.



Photograph # 10: Damaged faceplate on nozzle # 7.



Photograph # 11: Damaged faceplate on nozzle # 8.



Photograph # 12: Damaged faceplate on nozzle # 9.



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994

20182707 At 20121952
For DAQ Use Only
Invoice Number:
RECEIVED
CC-DAQ
2012 SEP 26 P 3:45

Minor Source Permit Application

(Use this application to obtain a permit or exemption)

Section A: Application Type (select one)

- New Permit Renew Permit Significant Permit Revision Minor Permit Revision
- Initial AQR 12.1 Permit (Existing minor stationary source applying for first AQR 12.1 Minor Source Permit)

Section B: Source Information - MUST BE AS LISTED ON CITY/COUNTY BUSINESS LICENSE

Source ID: (enter Source ID listed in existing permit; otherwise, enter "New") NEW
Source Name: 24-SEVEN GAS & FOOD MART
Source Ownership: MAURICE ABDEL HESSIH Source Operator: MAURICE ABDEL HESSIH
City / County Business License Information: Number 2000243-740 Issued by CLARK COUNTY

Physical Address Information (Not Applicable To Portable Sources)

Number: 2424 Directional: EAST Street Name: RUSSELL Street Type: ROBE Suite: ---
City: LAS VEGAS State: NV Zip: 89120

Mailing Address Information

Number: 2424 Directional: EAST Street Name: RUSSELL Street Type: ROBE Suite: ---
PO Box: --- City: LAS VEGAS State: NV Zip: 89120
Phone Number: 702-202-3311 Fax Number: 702-202-0077

North American Industry Classification System (NAICS)

Primary NAICS: --- Additional NAICS codes: (Optional) ---

Is the source located within 1,000 feet of the outer boundary of a school, hospital or residential area? Yes No

Section C: Company Information - MUST BE AS LISTED ON THE SECRETARY OF STATES BUSINESS CERTIFICATE // FILING

Company Name: 24-SEVEN FOOD MART, LLC
Nevada Secretary of State Business ID: E0291602010-9

Mailing Address Information

Number: 2424 Directional: EAST Street Name: RUSSELL Street Type: ROBE Suite: ---
PO Box: --- City: LAS VEGAS State: NV Zip: 89120
Phone Numbers: 702-202-3311 Fax Number: 702-202-0077

Section D: Responsible Official (RO) Information

RO Name: MAURICE ABDEL HESSIH RO Title: OWNER
Number: 2424 Directional: EAST Street Name: RUSSELL Street Type: ROBE Suite: ---
PO Box: --- City: LAS VEGAS State: NV Zip: 89120

Phone Numbers & Email Information:

Office: 702-202-3311 Ext. --- City: LAS VEGAS Cell: 310 293-6070
RO Email: OTWENTYFOUR7GASANDFOODMART@YAHOO.COM Method of Communication: E Mail

Section E: Plant Manager/Environmental Representative Information (Optional)

Name: N/A
 Title: _____
 Number: _____ Directional: _____ Street Name: _____ Street Type: _____ Suite: _____
 PO Box: _____ City: _____ State: _____ Zip: _____
 Office: _____ Ext. _____ Fax: _____ Cell: _____
 Email: _____

Section F: Application Summary

Source Description: (Please describe the nature of your business, including processes and products.)

** GASOLINE DISPENSING FACILITY*

Application Description: (please describe what is being proposed (e.g., adding, removing or changing equipment; changing permit conditions; requesting a voluntary emission limit, etc.)

APPLYING FOR NEW PERMIT

Section G: Application Supplemental Documents

1. Mandatory Supplemental Documents – Required by AQR Section 12.1:

Required	Attached	Supplemental Document
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Map. A map that depicts the physical location of the stationary source, which must identify the source main entrance, source property boundaries, legal description, each Township, Range and Section (TRS) that is associated with source, and identifies all buildings and structures on the site as they relate to the source emission units.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Flow Diagram. A complete detailed flow diagram of each process that depicts all associated emission units.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Source Potential to Emit (PTE) List. For a new minor source, the list shall contain the source-wide PTE for each regulated air pollutant. For an existing source with a significant permit revision, the list shall contain the source-wide PTE for each regulated air pollutant before and after the permit revision as well as the Net Emissions Increase (NEI) associated with the permit revision. This list shall contain a description for any change to the PTE for an existing source.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Emission Units List. A complete list of each emission unit by process, which shall include the emission unit manufacturer, model, rating, serial number, and Source Classification Code (SCC). This list shall include the PTE for each regulated air pollutant emitted from each emission unit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Production Information List. A list of fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules to the extent it is needed to determine or regulate emissions.
<input type="checkbox"/>	<input type="checkbox"/>	Inherent Limitations List. Any inherent limitations, not to include self-imposed limits, on source operation affecting emissions or on any work practice standards affecting emissions.
<input type="checkbox"/>	<input type="checkbox"/>	Actual Emissions Worksheet. For an existing minor source that requires a significant permit revision, the application shall include a description and quantification all regulated air pollutants before and after the modification.

*

<input type="checkbox"/>	<input type="checkbox"/>	Air Pollution Control Equipment (APCE) List. Identification and description of air pollution control equipment, which shall include design specifications, model numbers and serial numbers. For each APCE listed, the associated emission units and processes shall be identified.
<input type="checkbox"/>	<input type="checkbox"/>	RACT Demonstration Proposal. For a new minor source that will have a PTE that is significant for any regulated air pollutant or for an existing minor source that requires a significant permit revision, a demonstration of Reasonably Available Control Technology (RACT) for the affected pollutant shall be proposed. The RACT Demonstration Proposal shall include the methodology by which RACT was determined, how compliance with RACT will be demonstrated (including material usage limits, performance testing, or continuous emissions monitoring, if applicable).
<input type="checkbox"/>	<input type="checkbox"/>	Air Pollution Monitoring List. Identification and description of air pollution compliance monitoring devices or activities, which shall include design specifications, model numbers and serial numbers.
<input type="checkbox"/>	<input type="checkbox"/>	Schedule of Compliance. For an existing minor source that requires a significant permit revision, the application shall include a schedule of compliance, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	Minor Permit Revision Specification. For a minor permit revision, the applicant shall specify all minor revisions to the permit in accordance with Section 12.1.6(b).
<input type="checkbox"/>	<input type="checkbox"/>	Applicable Requirement (AR) Supplement. In accordance with the AR, the applicant shall submit other required information that is not otherwise specified in this application. This supplemental information shall be uniquely titled for identification and review purposes. List AR Supplement document title below (which is an attachment to the application): <div style="border: 1px solid black; height: 20px; width: 100%;"></div> NOTE: If additional documents are submitted that are not specifically identified in this application, please reference the documents as an attachment to the AR Supplement and submit the documents as an attachment to the AR Supplement.
2. Calculations Worksheets – Required by Control Officer. Worksheet containing calculations for supplemental documents submitted pursuant to this application:		
<input type="checkbox"/>	<input type="checkbox"/>	Source-wide PTE and NEI Calculation Worksheet.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Emission Unit PTE Calculation Worksheet. <i>SEE CALC SHEET</i>
<input type="checkbox"/>	<input type="checkbox"/>	Actual Emissions Calculation Worksheet.
3. Mandatory Supplemental Documents – Required by Control Officer:		
Required	Attached	Supplemental Document
<input type="checkbox"/>	<input type="checkbox"/>	Stack Information List. Stack location, height above grade, diameter (I.D. or effective), exhaust gasses, flow rate [ACFM], and temperature (if applicable).
<input type="checkbox"/>	<input type="checkbox"/>	Federal Performance Standards List. A list of federal performance standards, emission limits, and requirements that is applicable to the source (e.g. NSPS, NESHAPS, and MACT).
4. Optional Supplemental Documents:		
Attached	Supplemental Document	
<input type="checkbox"/>	Voluntary Emission Limit Request. If the application contains voluntarily accepted emissions limitation, the applicant shall demonstrate that the emission limitation to be imposed to avoid an applicable requirement is more stringent than any emission limitation that would otherwise be applicable to that source, including but not limited to those in the Nevada SIP. This request shall include all associated calculations for quantification of the limitation.	
<input type="checkbox"/>	Voluntary Federal Enforceability Declaration. A voluntary declaration submitted by the application, that declares the entire permit to be federally enforceable or specifically identified permit conditions or applicable requirements to be federally enforceable. This declaration applies to the permit, permit conditions and applicable requirements that are not federally enforceable in absence of the declaration.	
<input type="checkbox"/>	Construction Schedule. For a new or modified source, a schedule of construction.	
<input type="checkbox"/>	Exempt Emission Units List. A list of emission units or activities claimed as exempt under 12.1.2(c).	
<input type="checkbox"/>	AR Exemption List. A list of requested exemptions from otherwise applicable ARs, which shall include detailed justification for each requested exemption.	
<input type="checkbox"/>	AR Exemptions List. A list of requested exemptions from otherwise applicable ARs, which shall include detailed justification for each requested exemption.	

Section H: Application Advisories

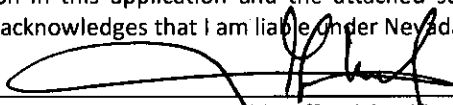
1. **Small Business Assistance Program (SBAP).** If you are a small business (100 employees or less), you can receive assistance on permitting and compliance matters from the Department of Air Quality (DAQ) through SBAP. For assistance or to schedule an appointment please contact SBAP at (702)455-3455 (for permitting assistance) or (702)455-1624 (for compliance assistance).
2. **Fees and Payments:**
Air Quality Program Fees: Section 18 (Permit and Technical Service Fees) of the AQR are available on the DAQ web site. Fees that are applicable to this application and the resulting permit are contained in these rules.
Application Fee: The invoice for the application fee must be paid in full before the application will be processed.
Permit Issuance: All invoices for the source and associated with the parent company of the source must be paid in full; otherwise, the source cannot be issued any permits, which includes the invoice for the permit fees that result from this permit application.
Payment: Invoice payments must be made by check, money order, cash or credit card. Credit card payment must be made in person at the DAQ Main Office.
3. **Permitting Forms and Worksheets.** Forms and worksheets associated with stationary source permits are available under the 'Forms & Applications' > 'Source Permitting' link of the DAQ web site.
4. The Responsible Official must meet the requirements set forth in Section 12.4.2.1 (g) of the Air Quality Regulations.

Section I: Authority Granted

I authorize DAQ to transmit all communications, permits and billing invoices by the "Method of Communication" selected in Section D of this application. I acknowledge that by selecting E-Mail, all listed items will be transmitted electronically. I further acknowledge that by selecting US Mail, additional postage fees may be incurred.

Section J: Truth and Accuracy Certification

As the Responsible Official, based upon information and belief formed after reasonable inquiry, I certify that the statements and information in this application and the attached supplemental document and worksheets are true, accurate, and complete. My signature acknowledges that I am liable under Nevada Revised Statutes (NRS) that forbid false or misleading statements.



Responsible Official Certification Signature

9/25/12

Signature Date

To be filled out by Applicant - Payment Information - (Please Print)

Check Number:	Name and Address (as it appears on check):
1152	24- SEVEN GAS & FOOD MART
Telephone #:	2424 E. RUSSELL RD. LV, NV 89120
	(702) 202-3311
Credit Card # (Last 4 Digits):	

DAQ 337⁰⁰

September 8, 2014

Maurice Messih, Owner
24-Seven Gas and Food Mart, LLC
2424 East Russell Road
Las Vegas, NV 89120

Email: twentyfour7gasandfoodmart@yahoo.com

Re: Notice of Violation (NOV) #8609
Source: 17232

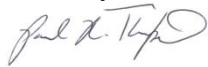
Dear Mr. Messih:

We have scheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on September 24, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.)

This case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket. Prior to the hearing, a docket will be sent via certified mail. If you do not wish to contest the Notice of Violation please notify me as soon as possible via e-mail, fax, or written letter.

Should you have any questions regarding this case, please contact me at 702-455-3126, or e-mail me at Pamela.Thompson@clarkcountynv.gov.

Sincerely,



Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

September 15, 2014

Maurice Messih, Owner
24-Seven Gas and Food Mart, LLC
2424 East Russell Road
Las Vegas, NV 89120

Email: twentyfour7gasandfoodmart@yahoo.com

Re: Continuance for Notice of Violation (NOV) #8609
Source: 17232

Dear Mr. Messih:

We have rescheduled the case referenced above to be heard before the Air Pollution Control Hearing Officer at approximately 9:00 a.m. on November 19, 2014, **in the Presentation Room at the Clark County Building Department, 4701 West Russell Road, Main Entrance, Las Vegas.** (Use the double doors at the entrance closest to Ullom Drive on the northwest side of the parking lot.)

This case will be heard on the *Action Required and Contested Notices of Violation* portion of the docket. Prior to the hearing, a docket will be sent via certified mail. If you do not wish to contest the Notice of Violation please notify me as soon as possible via e-mail, fax, or written letter.

Should you have any questions regarding this case, please contact me at 702-455-3126, or e-mail me at Pamela.Thompson@clarkcountynv.gov .

Sincerely,

Pamela R. Thompson, Sr. Secretary
Enforcement Division

prt

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • **Larry Brown**, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnette, County Manager

0027

RECEIVED
CC-DAQ

September 16, 2014

2014 SEP 16 A 10:36

Air Quality & Environmental Management
4701 W. Russell Rd. - Suite 200
Las Vegas, NV 89118-2231

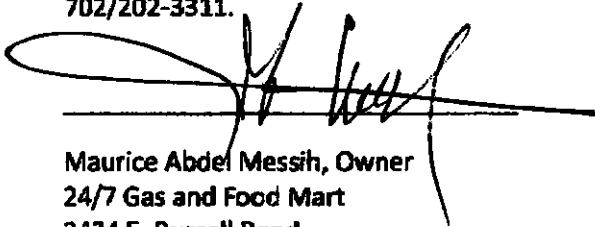
Re: NOV #8609 dated August 28, 2014

Fax: 702-383-9994

Attention: Lea S. Kain, Compliance Supervisor

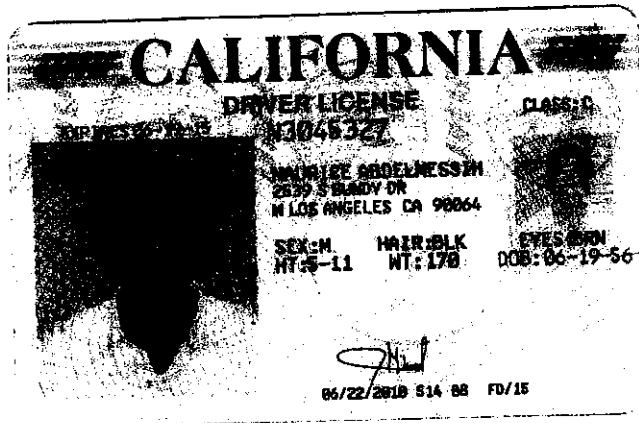
24/7 Gas and Food Mart, LLC would appreciate an extension on the above-referenced NOV #8609 to appear at the hearing of September 24, 2014 at 9:00 a.m. at the Clark County Bldg. Dept. so we can evaluate and rectify the violations stated in said document.

We appreciate your consideration regarding this matter. Any further questions, please contact me at 702/202-3311.



Maurice Abdel Messih, Owner
24/7 Gas and Food Mart
2424 E. Russell Road
Las Vegas, NV 89120

Cc: Kat Dolce, Manager for 24/7



RECEIVED
CC-DAQ

September 17, 2014

2014 SEP 18 P 2: 25

Air Quality & Environmental Management
4701 W. Russell Rd. - Suite 200
Las Vegas, NV, 89118-2231

Re: NOV #8609 dated August 28, 2014

Fax: 702-383-9994

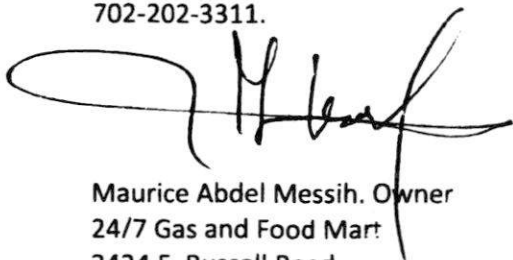
Attention: Lea S. Kain, Compliance Supervisor

24/7 Gas and Food Mart, LLC would appreciate an extension on the above-referenced NOV #8609 to appear at the hearing to be held on September 24, 2014 at 9:00 AM at the Clark County Building Department. so we can evaluate and rectify the violations stated in said document. The reasons for the request for an extension are as follows:

All corrective actions for alleged violations #2 and #3, which regard the Phase I and Phase II vapor recovery systems, were completed within the 30 days given to 24/7 Gas and Food Mart to be in compliance with all said violations. The only violation which hadn't been corrected was in reference to the Spill Buckets which, according to ANS Wholesale Petroleum Equipment, were on back-order. A letter written to 24/7 Gas and Food Mart, dated September 30, 2013, is attached to verify this statement. A receipt for all parts ordered to comply with said violations is also attached.

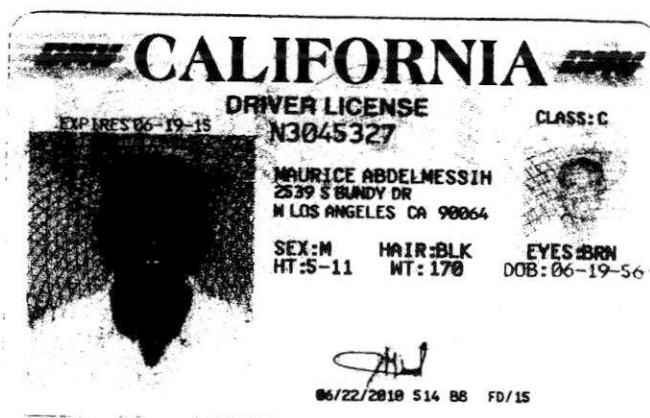
In reference to violation #4, which regards Vapor Recovery testing, it was our understanding that testing was to be done annually. We were not notified that a retest was supposed to be done after installation of new Phase I and Phase II vapor recovery parts. Testing of the new Phase I and Phase II vapor recovery systems, which is also attached, has been scheduled for October 22, 2014.

We appreciate your consideration regarding this matter. Any further questions, please contact me at 702-202-3311.



Maurice Abdel Messih, Owner
24/7 Gas and Food Mart
2424 E. Russell Road
Las Vegas, NV, 89120

Cc: Kat Dolce, Manager for 24/7 Gas and Food Mart



FAX COVER SHEET

Silver State Petroleum Service

1407 So. Western Ave.
Las Vegas, NV. 89102
Phone # 702-384-0268
Fax # 702-384-9497

SEND TO	FROM
COMPANY NAME: 24/7 Gas & Food Mart	
ATTENTION: MAURICE / Kat	DATE:
FAX # 1-310-410-2382 / 702-262-0677	

URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES 3

COMMENTS Hi MAURICE & Kat,

HERE IS YOUR AQD test notification form. Just need
 MAURICE signature on the second page and then returned to
 me so I can submit it and get it scheduled with AQD.

THANK YOU, TERRY

REF A 1501



0030

Fees and Payments:

All applicable testing fees are due at the time this form is submitted to Air Quality. Payment must be made by check, money order, cash or credit card. Credit card payment must be made in person at Air Quality's Main Office. A copy of all Air Quality program fees is available at the following link:

<http://www.clarkcountynv.gov/depts/AirQuality/pages/default.aspx>

I certify that, based on information and beliefs formed after reasonable inquiry, the statements in this document are true, accurate and complete.



Signature of Responsible Official

MAURICE ABDELMESSIH

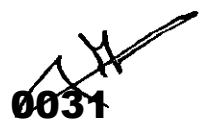
Printed or Typed Name and Title

TWENTY47 GAS AND FOOD MARKET @ YAHOO.COM

Responsible Official's Email

9/18/14

Date





CLARK COUNTY DEPARTMENT OF AIR QUALITY
 4701 W. Russell Rd., Suite 200 - 2nd Floor - Las Vegas, NV 89116-2201
 (702) 465-0942 - Fax (702) 383-9934

For DAQ Use Only Invoice Number:

**GASOLINE DISPENSING OPERATION
 TEST NOTIFICATION FORM**

****This form and the applicable fee must be submitted to Air Quality
 30 calendar days in advance of the anticipated test date****

Source Name: 24 - Seven Food Mart, LLC Source ID: 17232
 Source Address: 2424 East Russell Road Las Vegas 89120
(address) (city) (zip)
 Requested Test Date: October 22, 2014 Time of Test: 9:00 AM

Testing Company Information

Testing Company Performing the Test: Silver State Petroleum Service
 Name of Tester: Edward Beecher Tester's Email: silver.state@hotmail.com
 Tester's Phone: (702) 384-0268 Tester's Fax: (702) 384-9497

Stage II System Design, if applicable (Assist, Balance, Healy, other): Balance

Reason for Testing Request: New or Reconstructed Facility Periodic Testing Re-test Other

Explain 'Other', if checked above: _____

What is the Volatile Organic Compounds (VOC) PTE of the facility being tested (tons/year): 3.38

Note: The VOC PTE shall be taken from the applicable Air Quality permit and/or Technical Support Document (TSD) for the facility. This information is generally listed in a table in your Air Quality permit or TSD labeled as Total PTE, Source Allowable Emissions, or Facility PTE in tons/year. **Do not use the facility's actual VOC emissions reported in the GDO Annual Throughput Report and Emissions Inventory Form.**

Please check the appropriate fee category based on the tonnage listed in the VOC PTE entered above:

< (less than) 5 tons/year fee ≥ (greater than or equal to) 5 tons/year fee

What test(s) you are requesting?

Check all Applicable Tests	Test	Test Procedure Used
<input checked="" type="checkbox"/>	Static Pressure Decay / Fill-pipe measurement	TP-201.3
<input checked="" type="checkbox"/>	PV Vent Valve (NESHAP)	TP-201.1E
<input type="checkbox"/>	Air to Liquid Ratio	
<input checked="" type="checkbox"/>	Dynamic Back-Pressure	TP-201.4
<input checked="" type="checkbox"/>	Flow Rate	CC_V RTP_1
<input type="checkbox"/>	Healy Phase II Vapor Recovery Systems: Vapor Return Line	
<input type="checkbox"/>	Other	

Note: If testing procedures deviate from an approved California Air Resources Board (CARB) testing process, prior written approval must be obtained from Air Quality, and a copy of this approval must be submitted with this request. (Continued on next page)

0032



September 30, 2013

Maurice Abdelmessih
24-7 Food Mart
2424 E. Russell Rd.
Las Vegas, NV 89120

Dear Mr. Abdelmessih,

This letter is to confirm your order 8 weeks ago for the replacement spill buckets for your gas station located at 2424 E. Russell Rd., Las Vegas, NV.

Unfortunately due to delays by the manufacturer the spill buckets were in back order status until recently. We received the replacement buckets last Friday. The buckets did ship today, and should arrive tomorrow at the site.

Please accept my apologies for any problems these unforeseen delays may have caused your operation.

Call me with any questions. Again thanks for the business.

Sincerely,

Howard Smith
Territory Manager
howards@ansdistributing.com
602-315-4504

INVOICE

ANS Distributing, Inc.
 Branch: 50 Phoenix
 407 S. 107th Ave.
 Bldg. C, Ste 42
 Tolleson, AZ 85353
 USA
 602-278-3000



INVOICE	
5354622	
Invoice Date	Page
5/16/2014 11:45:11	1 of 2
ORDER NUMBER	
1303857	

Bill To:

CASH SALES - HOWARD SMITH
 PHOENIX, AZ 85353
 US

Ship To:

24-7 FOOD MART
 2424 E RUSSELL RD
 ATTN MAURICE
 LAS VEGAS, NV 89120
 US

Customer ID: 147762

PO Number	Term Description	Net Due Date	Disc Due Date	Discount Amount
MAURICE 42914	Cash Only	5/17/2014	5/17/2014	0.00

Order Date	Pick Ticket No	Primary Salesrep Name	Taker
4/29/2014 00:40:06	3358937	Howard Smith	HOWARDS

Quantities					Item ID Item Description	Pricing UOM Unit Size	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM Unit Size	Disc				

Carrier: UPS GROUND

Tracking #: 1ZA8X1920373762039

10	4	0	EA		C EW-493400 4015 BOOT & FACE KIT	EA 1.0	42.00	168.00
1	1	0	EA		EW-494652-EVR EMCO BELLOWS BAND CLAMP TOOL	EA 1.0	72.00	72.00
2	2	0	EA		EW-A76-134 4" VAPOR SWIVEL ADAPT LP -EVR	EA 1.0	154.00	308.00
12	12	0	EA		EW-1300-530 4005/4015 BELLOW CLAMP-SMALL	EA 1.0	0.86	10.32

*** REPRINT ***

*Silver State
Petroleum Service*

1407 So. Western Ave.
Las Vegas, NV. 89102
Phone # 702-384-0268
Fax # 702-384-9497

SEND TO		FROM	
COMPANY NAME <i>24-7</i>		<i>Bonnie</i>	
ATTENTION <i>MAURICE</i>		DATE <i>11-18-14</i>	
FAX # <i>702-202-0071</i>			

- URGENT
 REPLY ASAP
 PLEASE COMMENT
 PLEASE REVIEW
 FOR YOUR INFORMATION

TOTAL PAGES 9

COMMENTS

THANK YOU, _____

REV A 1501

1407 S. WESTERN AVE
LAS VEGAS, NV 89102
Phone: 384-0268
Fax: 384-9497

**SILVER STATE
PETROLEUM**

Fax

To: LYNN **From:** Terry
Co: Clark County Health District **Date:** November 18, 2014
Fax: (702) 759-1427 **Pages:** 3
Re: Test Results **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

LEAK DETECTOR TEST RESULTS FOR THE FOLLOWING SITE:

24 - Seven Food Mart, LLC

2424 East Russell

Las Vegas, NV 89120

0036

SILVER STATE PETROLEUM SERVICE, INC.

1407 So. Western Ave. Las Vegas, NV. 89102 Ph# (702) 384-0268

RECEIVED
CC-DAQ

NOV 19 P 1:41

Location 24 - Seven Food Mart, LLC
 Address 2424 East Russell Road
 City Las Vegas
 State, Zip NV. 89120

PROFESSIONAL TESTING

LDT - 890 LEAK DETECTOR TEST RECORD - RESULTS

Technician Johany Beecher Date 11-6-14

Submersible Pump Identification

<u>Manufacturer</u> <u>FE-Petro</u>	<u>Model Number</u>	<u>Serial Number</u>
--	---------------------	----------------------

Leak Detector Identification

<u>Manufacturer</u> <u>FE-Petro</u>	<u>Description</u>	<u>Other Style Leak Detector</u>
	Diaphragm Type <u>✓</u>	
	Piston Type _____	
Tamper - proof seal installed? Yes <u>✓</u>		No _____

<u>Leak Detector in Submersible Pump</u>	<u>Test Performed at Dispenser</u>
--	------------------------------------

1. Operating pump pressure 28 psi (para. 15) Product Type 91
2. Gallons per hour rate 3.0 (para. 22)
3. Line pressure with pump shut off 20 psi (para. 23)
4. Bleedback test with pump off 150 mi. (para. 26)
5. Step-through time to full flow 3 second (para. 30)
6. Leak detector stays in leak search position (para. 42) Yes ✓ No _____
7. Leak detector fits rest protocol PASS ✓ Leak detector fails protocol FAIL

JURAT: "I John Sharples, herby certify that I am responsible for the service described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances."

Sincerely



John Sharples
 President: SSPS, certification # UTH 1038, exp. 12-09-2014

SILVER STATE PETROLEUM SERVICE, INC.

1407 So. Western Ave. Las Vegas, NV. 89102 Ph# (702) 384-0268

RECEIVED
CC-DAQ

2014 NOV 19 P 1:41

Location 24 - Seven Food Mart, LLC
Address 2424 East Russell Road
City Las Vegas
State, Zip NV. 89120

PROFESSIONAL TESTING

LDT - 890 LEAK DETECTOR TEST RECORD - RESULTS

Technician Johnny Beecher Date 11-6-14

Submersible Pump Identification

Manufacturer FE Petro Model Number Serial Number

Leak Detector Identification

Manufacturer FE Petro Description Diaphragm Type Other Style Leak Detector
Piston Type
Tamper - proof seal installed? Yes No

Leak Detector in Submersible Pump

Test Performed at Dispenser

1. Operating pump pressure 19 psi (para. 15) Product Type 87
2. Gallons per hour rate 3.0 (para. 22)
3. Line pressure with pump shut off 20 psi (para. 23)
4. Bleedback test with pump off 175 mi. (para. 26)
5. Step-through time to full flow 3 second (para. 30)
6. Leak detector stays in leak search position (para. 42) Yes No
7. Leak detector fits rest protocol PASS Leak detector fails protocol FAIL

JURAT: "I John Sharples, hereby certify that I am responsible for the service described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession and to the best of my knowledge comply with all applicable federal, state and local statutes, regulations and ordinances."

Sincerely



John Sharples

President: SSPS, certification # UTH 1038, exp. 12-09-2014

0038

Dispenser #	Product Grade	Nozzle Make/Model	Flow (GPM)	Pass (P) Fail (F)	Comment
6	87	Emco 405	7.6	P	
6	89	" "	7.2	P	
6	91	" "	7.4	P	
7	87	" "	6.9	P	
7	89	" "	7.2	P	
7	91	" "	7.1	P	
8	87	" "	6.8	P	
8	89	" "	7.3	P	
8	91	" "	7.1	P	
9	87	" "	6.8	P	
9	89	" "			Out of Service
9	91	" "			Out of Service
10	87	" "	6.9	P	
10	89	" "	7.5	P	
10	91	" "	7.1	P	
9	89	" "	7.6	P	Tested AFTER REPAIR
9	91	" "	7.2	P	" " "

Additional Comments:



CLARK COUNTY - DEPARTMENT OF AIR QUALITY
 4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
 (702) 455-5942 • Fax (702) 383-9994

For DAQ Use Only

RECEIVED
 CC-DAQ

2014 NOV 19 P 1:42

BALANCE SYSTEM FLOW RATE TEST RESULTS FORM

Initial

Annual

Other

Source Name: 24 - Seven Food Mart

Source ID: 17232

Source Address: 2424 East Russell
(address)

Las Vegas
(city)

89120
(zip)

Test Date: November 6, 2014

Time of Test: 9:00 AM

of Nozzles: 10 Single Hose, Multi-Product Dispensers: Multi-Hose, Single-Product Dispensers:

Dispenser #	Product Grade	Nozzle Make/Model	Flow (GPM)	Pass (P) Fail (F)	Comment
2	87	Emco 4015	7.1	P	
2	89	" "	7.3	P	
2	91	" "	7.0	P	
1	87	" "	7.0	P	
1	89	" "	7.2	P	
1	91	" "	7.2	P	
3	87	" "	7.3	P	
3	89	" "	7.2	P	
3	91	" "	6.8	P	
4	87	" "	7.1	P	
4	89	" "	7.3	P	
4	91	" "	6.8	P	
5	87	" "	7.3	P	
5	89	" "	6.9	P	
5	91	" "	7.3	P	

(Continued on next page)



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
 (702) 455-8942 • Fax (702) 393-9994

For DAQ Use Only

DYNAMIC BACK PRESSURE TEST RESULTS FORM

- Initial Annual Other
 Balance Assist

Source Name: 24 - Seven Food Mart Source ID: 17232

Source Address: 2424 East Russell Road Las Vegas 89120
(address) (city) (zip)

Test Date: October 22, 2014 Time of Test: 9:00 AM

The pressure drop shall be measured from each nozzle to the UST (Balance) or from the dispenser riser to the UST (Assist) with pressure/vacuum vent valves installed and with the popped Phase I vapor connection open. This test shall be performed after liquid is introduced down each dispenser riser into the Phase II system.

Nozzle or Dispenser #	Balance	Assist	Pressure Drop @	
			60 CFH	
1 & 2	✓		.37	.35
3 & 4	✓		.34	.34
5 & 6	✓		.37	.32
7 & 8	✓		.28	.28
9 & 10	✓		.30	.32



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 465-5942 • Fax (702) 383-9994

For DAQ Use Only

LEAK RATE OF PRESSURE/VACUUM RELIEF VENT VALVES
TEST RESULT FORM
(40 CFR Part 63, Subpart CCCCC)

Initial 3-Year Renewal Other

Source Name: 24-Seven Food Mart Source ID: 17232

Source Address: 2424 East Russell Road Las Vegas 89120
(address) (city) (zip)

Date of Test: October 22, 2014 Time of Test: 9:00 AM

Valve 1: Grade (Check One) 87 89 91 Other Manifolded
P/V Valve Manufacturer: _____ Model Number: _____

Measured 2.00 inch Leak Rate (CFH): .02 Pass Fail
Positive Cracking Pressure ("w.c.): 3.37 Pass Fail
Measured 4.00 inch Leak Rate (CFH): .05 Pass Fail
Negative Cracking Pressure ("w.c.): 6.97 Pass Fail

Valve 2: Grade (Check One) 87 89 91 Other Manifolded
P/V Valve Manufacturer: _____ Model Number: _____

Measured 2.00 inch Leak Rate (CFH): _____ Pass Fail
Positive Cracking Pressure ("w.c.): _____ Pass Fail
Measured 4.00 inch Leak Rate (CFH): _____ Pass Fail
Negative Cracking Pressure ("w.c.): _____ Pass Fail

Valve 3: Grade (Check One) 87 89 91 Other Manifolded
P/V Valve Manufacturer: _____ Model Number: _____

Measured 2.00 inch Leak Rate (CFH): _____ Pass Fail
Positive Cracking Pressure ("w.c.): _____ Pass Fail
Measured 4.00 inch Leak Rate (CFH): _____ Pass Fail
Negative Cracking Pressure ("w.c.): _____ Pass Fail

Common conversion factors: 0.17 CFH = 80ml/min, 0.21 CFH = 100ml/min, 0.42 CFH = 200ml/min, 0.25=120ml/min

Comments:

[Empty box for comments]



CLARK COUNTY • DEPARTMENT OF AIR QUALITY

4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 465-5942 • Fax (702) 383-9994

For DAQ Use Only

PRESSURE DECAY TEST RESULTS FORM

Initial Annual Other

Source Name: 24 - Seven Food Mart, LLC Source ID: 17232

Source Address: 2424 East Russell Road Las Vegas 89120
(address) (city) (zip)

Test Date: October 22, 2014 Time of Test: 9:00 AM

Date and Time of Most Recent Fuel Delivery: 11-5-14 9:04p

Pressure Measuring Device: Manometer Device Calibration Date: 12/13/2013

Note: Phase II EVR Executive Orders (EO) contain requirements (see below) which must be met when conducting a pressure decay test. These requirements must be followed in accordance with the applicable E.O. in order for the pressure decay test result to be valid.

Tank Number:	1	2	3	4	Total
Product Grade:	87	91			
Tank Capacity, gallons:	15154	10081			
Distance of highest point of discharge of fill tube from tank bottom. (inches)	3 1/2"	5"			
Gasoline, gallons:	7370	1957			
Ullage, gallons ¹ :	7784	8124			
Initial Pressure ¹ , wcg:	2.00				
Pressure @ 1 minute:	1.98				
Pressure @ 2 minutes:	1.99				
Pressure @ 3 minutes:	1.99				
Pressure @ 4 minutes:	2.00				
Final pressure @ 5 minutes:	2.02				
Allowable Final Pressure, wcg:	1.91				
Pressure Decay Test Results:	<input checked="" type="checkbox"/> P/ <input type="checkbox"/> F	<input type="checkbox"/> P/ <input type="checkbox"/> F	<input type="checkbox"/> P/ <input type="checkbox"/> F	<input type="checkbox"/> P/ <input type="checkbox"/> F	<input type="checkbox"/> P/ <input type="checkbox"/> F

¹The minimum total ullage for each individual tank shall be 1,000 gallons or 25% of the tank capacity, whichever is less. The maximum total ullage for all manifolded tanks shall not exceed 28,000 gallons.

Comments:

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BEFORE THE AIR POLLUTION CONTROL HEARING OFFICER
CLARK COUNTY, NEVADA

In the Matter of the Notice of Violation) ORDER
Issued to) Notice of Violation #8609
24-SEVEN GAS AND FOOD MART, LLC.)
_____)

The above-entitled matter having come on for a hearing on November 19, 2014; 24-SEVEN GAS AND FOOD MART, LLC on the Action Required and Contested Docket being charged for operating a Gasoline Dispensing Operation (GDO) from August 1 through December 25, 2012 without the authority of a Minor Source Permit issued by the Clark County Department of Air Quality; for failing to install vapor recovery and product adaptors that prevent loosening or over tightening of fittings during normal delivery options; for failing to maintain all Phase I vapor recovery equipment to be leak free and vapor tight and in good working order; and for failing to conduct initial vapor recovery system testing required by the permit and failed to conduct vapor recovery testing for 2013, identified during a full compliance evaluation conducted on April 9 and 11, 2014 of the 24-Seven Gas and Food Mart GDO (Source: 17232), located at 2424 East Russell Road, in Clark County, Nevada; and the Hearing Officer having heard the representation of the parties; and good cause appearing;

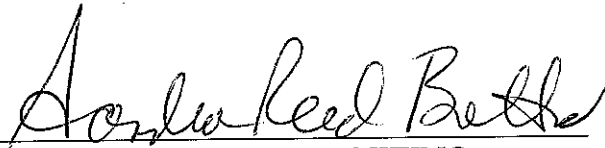
IT IS HEREBY ORDERED that 24-SEVEN GAS AND FOOD MART, LLC be assessed a penalty of Five Thousand, Five Hundred Dollars (\$5,500.00) for violation of Clark County Air Quality Regulations Subsections 12.1.3.1, 12.1.4.1(d), 12.1.4.1(f), 40 CFR

1 63.11115(a), 40 CFR 63.11118(b)(1), and 40 CFR 63.7(a)(2) (Permit Conditions IV-B-1-b-
2 ii, IV-B-1-b-iii, IV-B-1-d-iii, and IV-D-4-a) on April 9 and 11, 2014, as charged in Notice of
3 Violation #8609.

4 A check or money order is to be made payable to the Clark County DAQ, and
5 submitted to DAQ, 4701 West Russell Road, Suite 200, Las Vegas, Nevada 89118. Payment
6 is to be made on or before the 30 day of December, 2014.

8 You have the right to appeal this order to the Hearing Board within 10 days of receipt
9 hereof upon the payment of a \$140.00 filing fee.

10 DATED this 30 day of November, 2014.

12
13 
14 SANDRA REED BOTTINO
15 Hearing Officer
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REQUEST FOR HEARING BEFORE THE
CLARK COUNTY AIR POLLUTION CONTROL
HEARING BOARD

RECEIVED
CC-DAQM

2014 NOV 25 P 2: 36

Appeal of Hearing Officer's Order

1. Date of Appeal: (Must be within 10 days of receipt of Hearing Officer Order)

Notice of Violation # 8609 Hearing Date: 11/19/2014

Hearing Officer: Jandy Dotson

2. Name, address, telephone number of Appellant:

Name: MAURICE A. MESSIH (Please print)

Address: 2424 E. RUSSELL RD. LV. NV 89120

Telephone: 702 202-3311 Fax: 702 202-0077

Email: TWENTY47GASANDFOODMART@YAHOO.COM

3. Other person or persons authorized to receive service of notice:

Name: KAT DOLCE (Please print)

Address: 2424 E. RUSSELL RD. LV. NV 89120

Telephone: 702 202-3311 Fax: 702 202-0077

Email: TWENTY47GASANDFOODMART@YAHOO.COM

4. Type of business or activity and location of activity involved in the request:

GAS STATION

5. Reason for appeal: [] Facts alleged [] Penalty assessed [X] Both


Provide a detailed explanation of the reason for your appeal:

PLEASE REFER ATTACHED SHEET

6. An application filing fee of \$140.00 must accompany this application. This fee is non-refundable. Please make check payable to the Department of Air Quality and mail to 4701 W. Russell Road, Suite 200, Las Vegas, NV 89118.

The appellant or a representative of the appellant must be present at the hearing board meeting to answer any questions by the Air Pollution Control Hearing Board Members. Please include any supporting documentation with this form for distribution to the respective board members.

I affirm that all statements made on this application are true and complete to the best of my knowledge.

Signature:  Date: 11/19/14
Printed Name: MAURICE A. MESSITT
Title: OWNER & MANAGER

FOR OFFICE USE ONLY

Application Received on _____
Application Fee \$140.00 - Check /Cash _____ Received Date: _____

21 November 2014

Clark County Air Pollution Control Hearing Board
4701 W Russell Rd - Suite 200
Las Vegas, NV 89118-2231

RE: Source 17232 NOV #8609

24/7 Gas and Food Mart is requesting an appeal for the following reasons listed below:

- Regarding the judgment made against 24/7 Gas and Food Mart to be harsh.
- We are doing everything in our power with the resources we have available to continue to stay in operation and meet all the extenuating circumstances thrown at us.
- It is becoming more and more difficult for us to proceed in the business with such a fine. As an independent service the learning curve not only for the owners but their employees has been a constant task at hand. We are doing everything possible in an effort to expand the business.
- We realize there must have been miscommunication on both sides and want to have a positive outcome that satisfies both parties.
- We satisfied the requirements imposed on 24/7 in hopes this would show good faith and give us a second chance to continue meeting all the tests, forms, training required.
- Our station had not been in operation for several years and there were major unrecognized problems that needed to be addressed from old/outdated equipment, plumbing and A/C.
- 24/7 has been operating in the negative since we opened due to all the unforeseen challenges, therefore we are appealing to you to reconsider the fine enforced and help us move forward from here-on-in with some positive negotiations.
- Thanking you in advance for your immediate attention and consideration regarding this matter.

24/7 Gas and Food Mart, LLC
2424 E Russell Rd.,
Las Vegas, NV 89120
702/202-3311



Kat Dolce, Manager



Maurice A. Messih, Owner



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director

December 4, 2014

Certified Mail #91 7199 9991 7032 4121 9353

Maurice Messih, Owner
24-Seven Gas and Food Mart, LLC
2424 East Russell Road
Las Vegas, NV 89120

Email: twentyfour7gasandfoodmart@yahoo.com

Re: Notice of Violation #8609
Source: 17232

Dear Mr. Messih:

Enclosed please find a copy of the Order generated by the Air Pollution Control Hearing Officer at the November 19, 2014 meeting. We have received your Request for Hearing before the Air Pollution Control Hearing Board, wherein you are appealing this Order. **In order to proceed with your appeal, we must receive your \$140.00 filing fee within ten days of your receipt of this Order.**

This matter has been *tentatively* scheduled for hearing before the Air Pollution Control Hearing Board on February 5, 2015, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas. Prior to the hearing, an agenda will be sent to you. It is imperative that you be present at this meeting to give testimony and answer questions by the Hearing Board members.

Any additional support documentation you intend to present to the board regarding this matter must either: (1) be submitted to me by Monday, January 5, 2015, so that it can be copied and placed in the board books for distribution to the respective Board Members; or (2) be brought to the meeting, *along with ten copies* for distribution to staff, board members, and members of the public. Failure to comply with one of these two options may preclude you from presenting these documents to the board at the meeting.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruett, Administrative Secretary
Enforcement Division

AMP:ap

cc: Kat Dolce, 24-Seven Gas and Food Mart

BOARD OF COUNTY COMMISSIONERS
Steve Sisolak, Chair • Larry Brown, Vice-Chairman
Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnett, **0049** Manager

Araceli Pruett

From: Lea Kain
Sent: Tuesday, December 23, 2014 3:35 PM
To: 'playatexaco@yahoo.com'
Cc: Gary Miller; Shibi Paul; Pamela Thompson; Araceli Pruett
Subject: Proposed Settlement Agreement for Notice of Violation #8609 - 24-Seven Gas and Food Mart, LLC
Attachments: 24-Seven Gas_20141216_STL.pdf

Mr. Messih,

Thank you for speaking with me via telephone this afternoon regarding the proposed Settlement Agreement being offered by Air Quality to resolve Notice of Violation #8609 issued to 24-Seven Gas and Food Mart, LLC. I have attached an electronic copy of the settlement agreement for your review.

If you are willing to agree to this settlement, you would need to do the following:

1. Submit a written withdrawal of your appeal to the Air Pollution Control Hearing Board by January 15, 2015;
2. Sign the settlement and return a signed copy to Air Quality for the Director's signature;
3. Submit the 2014 Emission Inventory Report to Air Quality no later than January 31, 2015;
4. Submit the 2015 Emission Inventory Report to Air Quality no later than January 31, 2016;
5. Comply with all conditions of the Minor Source Permit (Source ID # 17232) for 18 months from the date of the approved Settlement; and
6. Pay a penalty of \$500.00.

At the end of the 18 month period, if you have complied with all terms of the settlement, the penalty balance of \$7,500 would not be assessed. However, if you fail to comply with the terms of the settlement during the 18 month period, the remaining balance of \$7,500 would be assessed.

Please review the attached settlement and contact Gary Miller (702-455-5199) or me (702-455-1668) with your decision to accept or reject. I will be out of the office December 25, 26 and 29, 2014. I will return to work at 7:30 am, Tuesday, December 30, 2014. Mr. Miller will be in the office every day except December 25, 2014. Do not hesitate to contact Mr. Miller or me if you have additional questions.

Lea S. Kain
Air Quality Supervisor
Clark County Air Quality
702-455-1668

RECEIVED
CC-DAQ

SETTLEMENT AGREEMENT

2015 JAN 15 P 3: 12

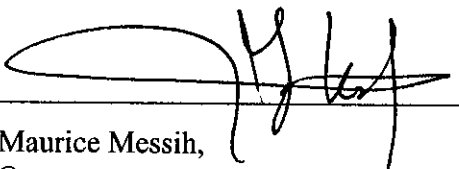
Clark County by and through the Department of Air Quality ("Air Quality"), and 24-Seven Gas and Food Mart, LLC ("24-Seven") operating a stationary source agree that settlement of this matter is in the best interest of the parties and the public health and the environment, represent and state as follows:

1. Notice of Violation (NOV) #8609 was issued to 24-Seven on August 28, 2014, for the alleged violations of its gasoline dispensing facility, Source ID 17232, located at 2424 East Russell Road in Clark County, Nevada. The NOV cited the following alleged violations of the Clark County Air Quality Regulations (AQR) and applicable Permit Conditions:
 - a. AQR Section 12.1.3.1 for failure to obtain a minor source permit prior to commencing construction and operating an emission source on August 12, 2012;
 - b. Permit Condition IV-B-1-b-iii and vii for failure to maintain the phase I vapor recovery equipment and allowing liquid and debris in the spill buckets;
 - c. Permit Condition IV-B-1d-iii for failure to maintain all phase II vapor recovery equipment; and
 - d. Permit Condition IV-D-4-a for failure to conduct and pass initial vapor recovery system test with 30 days after commencing operation.
2. On September 18, 2014, Air Quality received a letter from 24-Seven indicating corrective action had been taken to repair items associated with phase I and II vapor recovery systems. Also, 24-Seven had already obtained a minor source permit for the facility and testing of the vapor recovery system was scheduled in October 2014. On November 19, 2014, 24-Seven submitted the testing report that indicated the facility had passed the vapor recovery testing requirements.
3. On November 19, 2014, the matter was heard before the Hearing Officer (HO) wherein the HO received testimony on the violations listed in the NOV and measures implemented by 24-Seven were presented by the parties. The HO reduced the civil penalty from \$8,000.00 to \$5,500.00 based on the testimony presented before the HO. 24-Seven requested the HO to further reduce the penalty based on their efforts of them complying and for the fact that annual gas throughput values were below threshold values that required 24-Seven to obtain and maintain a Minor Source Permit.
4. On November 25, 2014, 24-Seven formally appealed the decisions of the HO to the Air Pollution Control Hearing Board (HB). In the letter of appeal, 24-Seven focused on their cooperativeness and timeliness on making the corrections to the vapor recovery system and requested the HB to reconsider the assessment of a civil penalty or fine against 24-Seven. In consideration of the information submitted in the appeal and that presented to the HO, Air Quality reviewed the submitted annual emission inventory for calendar year 2013. The inventory shows 24-Seven pumped approximately 318,000 gallons of gasoline during 2013. Based on this value, the throughput is well below the reporting thresholds contained in AQR 12.1. In light of this discovery, Air Quality recommends 24-Seven implement and comply with the following compliance plan:
 - a) Submit annual emission inventory reports for calendar year 2014 and 2015. The 2014 inventory report must be submitted by January 31, 2015 and the 2015

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inventory report must be submitted by January 31, 2016. The submittal of this information will provide Air Quality actual gasoline throughput data to reassess 24-Seven's applicability to the AQR. In the application submitted on September 26, 2012, 24-Seven stated the anticipated maximum gasoline throughput for the facility would be approximately 200,000 gallons a month which was the basis for issuance of the Minor Source Permit. The previous owner of this facility reported a throughput in excess of 100,000 gallons per month. In order to validate monthly throughputs of gasoline, Air Quality relies on three calendar years of data. Currently, 24-Seven has only submitted throughput data for calendar year 2013. Once Air Quality receives gasoline throughput data for calendar years 2014 and 2015, it will be able to decide whether 24-Seven continues to need a Minor Source Permit.

- b) 24-Seven agrees to comply will all requirements and conditions contained in the current Minor Source Permit and will continue operating and maintaining all Phase I and II vapor recovery systems.
 - c) 24-Seven agrees to maintain all records on monthly gasoline throughputs, monthly inspections conducted on Phase I and II vapor recovery systems, and make such records for Air Quality.
5. The recommended penalty for NOV #8609 is \$8,000. 24-Seven agrees to the assessment of an Eight Thousand Dollar (\$8,000.00) penalty, of which Seven Thousand Five Hundred Dollars (\$7,500.00) will be placed in abeyance for a total of eighteen months if 24-Seven fully complies with the terms and conditions of this Settlement Agreement. If 24-Seven has fully complied with the terms and conditions of this Settlement Agreement at the end of the eighteen month time period, Air Quality agrees to not assess this portion of the penalty. If 24-Seven is unable to comply with the aforementioned terms and conditions it will be required to pay the Seven Thousand Five Hundred Dollars (\$7,500.00) penalty amount.
6. Therefore, 24-Seven agrees to waive any and all appeals of NOV #8609 and it will comply with all terms and conditions contained in this Settlement Agreement in accordance with the identified timelines and Air Quality agrees to accept a penalty in the amount of Five Hundred Dollar (\$500.00). Compliance with this Settlement Agreement will fully and finally resolve this Notice of Violation.



Maurice Messih,
Owner
24-Seven Gas and Food Mart, LLC

1-14-15
Date



Lewis Wallenmeyer, Control Officer
Department of Air Quality

01-15-2015
Date

January 22, 2015

Maurice Messih, Owner
24-Seven Gas and Food Mart, LLC
2424 East Russell Road
Las Vegas, NV 89120

Email: twenty47gasandfoodmart@yahoo.com
playatexaco@yahoo.com

Re: Notice of Violation #8609
Source: 17232

Dear Mr. Messih:

This will confirm that this matter has been scheduled for hearing before the Air Pollution Control Hearing Board on February 5, 2015, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas. **We have received the signed Settlement Agreement from you and will present it to the board for approval; however, a representative of 24/7 Gas and Food Mart must be present at this meeting to give testimony and answer questions by the Hearing Board members.**

Please be advised if you intend to present any additional documentation at the meeting, you must *bring ten copies* for distribution to staff, board members, and members of the public. Failure to do so may preclude you from presenting these documents to the board at the meeting.

If you have any questions, please contact me at (702) 455-3206.

Sincerely,

Araceli Pruet

Araceli Pruet, Administrative Secretary
Enforcement Division

AMP:ap

cc: Kat Dolce, 24-Seven Gas and Food Mart