



Clark County Air Pollution Control Hearing Board

Agenda

April 9, 2015 – 1:30 P.M.
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV

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

Deputy District Attorney Ofelia Monje, Esq.

Air Quality Staff

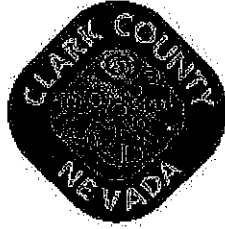
 Gary Miller, Compliance & Enforcement Manager

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. APPROVE MINUTES OF FEBRUARY 5, 2015 MEETING	<i>For possible action</i>
IV. MATTERS REQUIRING BOARD ACTION DISCUSSION/POSSIBLE ACTION	GRANT/DENY/TAKE OTHER APPROPRIATE ACTION
A. <u>APPEALS</u> 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 \$9,000.00 penalty was assessed. Big Daddy 1, LLC appealed the Air Pollution Control Hearing Officer’s Order. <i>This appeal was continued from the February 5, 2015 meeting.</i>	<i>1. For possible action</i> <i>Presentation of appeal by Big Daddy 1, LLC and/or presentation of incomplete settlement agreement (DAQ may not recommend ratification by the Board) or any other possible action.</i>

ITEM	ACTION REQUESTED
V. REPORT BY DAQ STAFF 1. Programmatic Update	
VI. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS	
VII. 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.	
VIII. ADJOURNMENT	
The Presentation Room is accessible to individuals with disabilities. With forty-eight (48) hour advanced request, a sign language interpreter may be made available by contacting (702) 455-3206 or TDD (702) 385-7486 or Nevada Relay toll-free (800) 326-6868, TT/TDD. Assistive listening devices are available upon request.	
This notice and agenda was posted or caused to be posted at the following locations: <ul style="list-style-type: none"> • 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

February 5, 2015

I. CALL TO ORDER

Vice-Chair Karen Purves called the meeting of the Air Pollution Control Hearing Board to order at 1:32 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: Karen Purves, Vice-Chair
Tom Foster, P.E.
William Kremer
Craig Schweisinger
Evan S. Wishengrad, Esq.
Melvin Zeldin

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: Maurice Messih, 24-Seven Gas and Food Mart; Michelle Reily, Big Daddy Oil; Wendy Philley, Big Daddy Oil; Travis Seegmiller, Big Daddy Oil; Chuck Richter, DAQ; Shibi Paul, DAQ; Lea Kain, DAQ; Jeffrey Robb, DAQ; Tim Fogarty, DAQ; Scott Rowsell, DAQ; Camon Liddell, DAQ; Anna Sutowska, DAQ; Andrew Kirk, DAQ; Scott Jelinek, DAQ; Mike Sword, DAQ; Phillip Wiker, DAQ; Russell Roberts, DAQ

II. PUBLIC COMMENT

There were no public comments.

III. OATH OF OFFICE

1. William Kremer (Citizen Member)
Mr. Kremer took the Oath of Office. His term will expire October 6, 2017.
2. Melvin Zeldin (Citizen Member)
Mr. Zeldin took the Oath of Office. His term will expire October 6, 2017.
3. Karen Purves (Citizen Member)
Ms. Purves took the Oath of Office. Her term will expire November 15, 2017.

IV. ELECTION OF VICE-CHAIR

Vice-Chair Purves asked for any nominations for a new Vice-Chair. Board Members Purves, Schweisinger, and Wishengrad nominated themselves for the position. Each nominee was given an opportunity to make a brief statement about their candidacy. Following these statements, Vice-Chair Purves questioned how to proceed with voting and whether it should be done one at a time. Mr. Miller implied a motion should be made when the board was ready to move on to voting. Vice-Chair Purves asked if there was a motion to move to vote. Board Member Schweisinger made a motion to move to vote, which was seconded by Board Member Wishengrad. Vice-Chair Purves asked those in favor of Mr. Wishengrad taking the position of Vice-Chair to signify by saying aye. The motion was affirmed by Board Members Schweisinger, Wishengrad, and Foster. It was opposed by Board Members Purves and Zeldin. Board Member Kremer abstained. The motion carried on a majority vote. Board Member Wishengrad was elected Vice-Chair.

V. APPROVE MINUTES OF JUNE 12, 2014

Vice-Chair Purves called for changes, questions, or comments to the June 12, 2014 minutes. Being none, Board Member Schweisinger made a motion to approve the minutes, which was seconded by Board Member Wishengrad. Vice-Chair Purves asked those in favor of approving the June 12, 2014 minutes to signify by saying aye. The motion was affirmed by Vice-Chair Purves and Board Members Foster and Kremer; Board Member Zeldin abstained. The motion carried.

VI. OVERVIEW OF NEVADA OPEN MEETING LAW

[This item was moved later in the agenda after Item VII, Matters Requiring Board Discussion/Possible Action].

Deputy District Attorney Ofelia Monje provided an overview of the Nevada Open Meeting Law (OML) and members were presented with a handout highlighting areas of OML (copy attached as Appendix A). Board Members were also provided a copy of the OML, Eleventh Edition, dated June 2012.

VII. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION

[Board Member Schweisinger questioned whether the meeting should be turned over to the new Vice-Chair. Counsel Monje stated Ms. Purves could proceed as Vice-Chair and that her term would run until the end of the meeting.]

A. APPEALS

1. **BIG DADDY 1, LLC (Source: 9409) – NOV #8479** – Big Daddy 1, LLC is appealing the Air Pollution Control Hearing Officer's Order. 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.

Michelle Reily, Wendy Philley, and Travis Seegmiller appeared on behalf of Big Daddy Oil. Vice-Chair Purves asked DAQ to move forward with a summary of the appeal.

Counsel Monje pointed out the agenda lists the action item for this matter as "present Settlement Agreement for Board's approval," adding DAQ was not ready to present the agreement for approval. Because of the way the action item was listed, she did not feel there was proper notice to proceed with hearing the appeal per the Open Meeting Law (OML) and that discussion would be limited to the Settlement Agreement. Ms. Monje deferred to DAQ to provide an update on the status of the agreement.

DAQ Compliance and Enforcement Manager Gary Miller referred to the Settlement Agreement included in the board books and provided a status update on the agreement. The subject agreement was sent to Big Daddy in December 2014 with a request that they review the document and, if they agreed to the terms therein, to return the signed original. It was also requested that they contact DAQ staff to discuss the development of a training plan. One of DAQ's concerns was the apparent lack of understanding of the requirements of the operating permit and federal regulations concerning gasoline dispensing facilities among source personnel; therefore, DAQ recommended a training plan be developed to address those requirements. In January 2015 DAQ staff notified the source it had not received the signed agreement, nor any response from them. DAQ received the signed agreement on January 12.

The parties eventually met on January 28 to discuss the training plan and terms of the agreement. At that time the source submitted a draft plan, which did not meet the department's satisfaction, and DAQ recommended the plan be amended to meet the requirements of the operating permit. DAQ established deadlines for the source to return the amended plan to allow adequate time to review the plan before this meeting. The amended training plan was submitted in the late

afternoon the day before the meeting, February 4, and remained deficient. Staff has inspected the source and they have complied with the items addressed in the subject NOV; however, the training plan remains deficient and DAQ recommends the agreement/plan not be approved until those deficiencies are addressed. Mr. Miller offered that the matter could be continued to the next board meeting to allow the parties to resolve the problems with the training plan. Counsel Monje added the matter would be properly noticed at that time to allow the board to proceed with hearing the matter, if needed, or approve the Settlement Agreement.

Board Member Wishengrad inquired about DAQ's position on the matter. Mr. Miller stated the department would recommend the matter be continued. Board Member Wishengrad felt that was appropriate and made a motion to continue the matter to allow the applicant time to come up with a training plan that is satisfactory to the department. Board Member Schweisinger seconded the motion.

Board Member Foster inquired why action could not be taken today. Counsel Monje explained since the agenda listed the action requested as "present Settlement Agreement for Hearing Board's approval" that is the only item we are able to discuss or proceed on per the OML. The OML requires the actions being requested be clearly written. If we would have added "for other possible action or proceed with the appeal" we would be able to proceed with the appeal. Board Member Foster clarified that the board could approve the agreement. Board Member Wishengrad added it could also deny the agreement, and recited paragraph 4(b)(2) of the agreement on bates stamp 0048 that states the source must develop a training plan. He added the plan was not satisfactory based on staff's summary and it is his understanding is that DAQ is requesting the application be held. Mr. Miller concurred. Counsel Monje pointed out it was Big Daddy's appeal, adding a Settlement Agreement was on the table but DAQ is asking that the matter be taken off the agenda because all the conditions of the agreement had not been met.

Board Member Wishengrad thought it was appropriate to ask the appellant if they agree with a postponement. Vice-Chair Purves felt it was important to allow other board members to ask any other questions they have that might not allow that motion to carry, and would not permit a vote that did not allow all board members to ask questions. Counsel Monje cautioned the board that discussing anything other than the Settlement Agreement could be construed as a violation of OML. Board Member Wishengrad stated since a motion was made and seconded, he believed it needed to go to a vote. Vice-Chair stated further discussion was needed. Board Member Wishengrad responded that board members could deny the motion.

Board Member Zeldin requested the motion be restated. Board Member Wishengrad stated the motion was to continue this appeal hearing until the next board meeting of April 9 to allow the appellant time to come into compliance with the Settlement Agreement so the board could make a determination as to whether they would approve it or not. Vice-Chair Purves reiterated the motion was made and seconded to not take further action on the Settlement Agreement today and to continue the item until it can be properly noticed. At that time she opened the motion to debate. Counsel Monje added proper notice would be given to allow the board to proceed with the appeal or to do something other than what was noticed for today's meeting.

Vice-Chair Purves referred to the Settlement Agreement on bates stamp 0047-0049 and stated, based on DAQ's summary, it appeared everything in the agreement has been complied with except the training plan, asking if that was correct and if DAQ has a copy of the plan. Mr. Miller

stated a plan was submitted late yesterday and staff reviewed it this morning. Vice-Chair Purves asked if the board members would have the opportunity to see the plan today. Mr. Miller did not have a copy of the plan. Big Daddy representatives stated they had copies. Vice-Chair Purves referred to Mr. Wishengrad comments that Big Daddy agreed to develop a training plan and it was her understanding they are showing good faith in trying to establish a training plan. Mr. Miller responded that the plan submitted had deficiencies. She clarified that the plan does not meet the standards necessary for DAQ to want to proceed with the agreement. Mr. Miller concurred. Board Member Schweisinger asked if those deficiencies have been provided to Big Daddy. Mr. Miller responded the source has been notified on multiple occasions of what they needed to include in their training plan.

Board Member Wishengrad recited paragraph 4(b)(4) of the agreement that state the parties will meet to discuss what is expected of the training program. He also recited paragraph 5 of the agreement that states compliance with the agreement would fully resolve the NOV. He added that he would not support an agreement knowing there are outstanding issues.

Vice-Chair Purves asked if a copy of the plan could be presented. Big Daddy staff stated they could provide a copy. Board Member Wishengrad pointed out a motion was pending; Board Member Schweisinger agreed stating this was a discussion about the mechanics of working on the plan and called for the question. Vice-Chair Purves responded per the rules of order once the motion is moved and seconded, there is an opportunity for debate and that is what she was calling for at this time. Board Member Schweisinger felt debate was among the board members and did not include questioning the appellant.

Board Member Foster pointed out the agreement does not state the plan must be approved by the department nor does it identify any deadlines, and inquired about what has not been complied with. Mr. Miller referred to paragraph 4(b)(2) of the agreement, stating it would help the source meet operating permit and regulatory requirements. DAQ negotiated this settlement in good faith that Big Daddy would follow through and there were numerous attempts to get the source to meet with staff to work on the plan. Board Member Foster felt a deadline should have been stated in the agreement as well as the requirements of the plan. Mr. Miller responded the operating permit is clear about what is needed in their Phase 1 and Phase 2 operations and that these deficiencies were identified in the NOV. Mr. Miller concluded that deadlines were provided before the hearing and DAQ did not receive anything until late yesterday.

Mr. Miller reported many of the deficiencies observed by DAQ are due to lack of training among personnel and helping sources develop training plans has been successful in addressing these issues. The agency's goal is to get compliance and the best way to achieve that is to have the source develop a training plan to help them deal with permit and regulatory requirements. Board Member Foster inquired about the problems with the draft plan submitted by the source. Mr. Miller responded the plan was deficient in addressing Phase 1 and Phase 2 permit requirements and suggested the source look at its permit and amend the plan to address those areas.

Ms. Reilly pointed out that Mr. Seegmiller was hired to help them develop a training plan with the goal of having a system in place for staff to refer to regardless of who comes and goes. She added, although the plan did not meet DAQ's standards, it is the beginning of something that will help them comply with all regulations. Board Member Wishengrad acknowledged their efforts and questioned if it was the source's position then to hold the appeal so they could develop a

sufficient plan and return at next board meeting to have the agreement approved. Ms. Reilly concurred.

Board Member Zeldin questioned if the motion is passed and the matter is continued to the next board meeting, would the penalty be held in abeyance until that meeting. Mr. Miller concurred.

Vice-Chair Purves called for a vote on the motion. Board Member Schweisinger asked that the motion be repeated prior to the vote. Vice-Chair Purves reiterated the motion was to continue the item for possible action- Big Daddy, NOV #8479- until the next meeting, asking all of those in favor to signify by saying aye. The motion was affirmed by Board Members Foster, Kremer, Schweisinger, Wishengrad, and Zeldin; and was opposed by Vice-Chair Purves. The motion carried on a majority vote.

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.

Maurice Messih appeared on behalf of 24-Seven Gas and Food Mart. Vice-Chair Purves asked for the department's position on the appeal.

Mr. Miller reported that the violation was issued due to deficiencies identified in the source's operation by DAQ staff. He added that the source took action to correct those deficiencies. The matter went before the Hearing Officer and a penalty was assessed, which led to the appeal. He referred to the Settlement Agreement included in the board books (bates numbers 0051-0052), stating the parties worked together to reach a solution that will provide DAQ with the information needed to calculate the source's throughput over the next couple of years and determine whether or not the source needs a permit. The source's permit application listed its throughput at over 2 million gallons, but the actual has been must less than that. It is the department's policy to have three years of data to determine the throughput. The previous owner of the facility had much higher throughputs. He concluded that 24-Seven has agreed to comply with all of the requirements of its current operating permit and DAQ feels the agreement is fair and reasonable and recommends board approval.

Board Member Wishengrad felt the terms of the agreement were fair and moved to approve the Settlement Agreement, which was seconded by Board Member Kremer. Vice-Chair Purves noted a motion had been moved and seconded and inquired whether the appellant had any comments. Mr. Messih stated all of his staff has been properly trained on the documentation process and

feels they are on the right track. Vice-Chairman Purves asked if there were any further questions by board members. Being none, she called for a vote on the motion to approve the Settlement Agreement asking those in favor of approving the agreement to signify by saying aye. It was met by a chorus of ayes. There were no oppositions. The motion passed unanimously.

VIII. REPORT BY DAQ STAFF

DAQ Director Lewis Wallenmeyer welcomed the board members and thanked them for their voluntary service. He provided a brief background on the department for the new members. DAQ staff presented a Power Point of current activities in their respective divisions.

Regulatory Developments

DAQ Principal Air Quality Specialist Russell Roberts updated the board on the Regulation Improvement Project (RIP), which was initiated in 2005. A large focus of the project has been the permitting rules¹, found under Section 12. He provided a historical background, current status, and future steps on the RIP.

Historical highlights include: 16 revisions completed in November 2009, January 2010, and May 2010; revisions to Sections 0 and 12.2 incorporating Greenhouse Gas requirements completed in 2011. Current highlights include: in October 2012, EPA partially approved and disapproved the Section 12 rules, starting an 18 month sanction clock mandating the rules be fixed to avoid penalty provisions of the FCAA; in March 2014, DAQ submitted a revised rule package that consisted of 47 individual changes to Sections 0, 12.0-12.4; in October 2014, EPA acted to approve the Section 12 rules into the Nevada SIP. DAQ now has fully approved permitting rules. Future project highlights include revising Section 12.11 (General Permit rule), Section 18 (Fees), Section 25 (Upset/Breakdown), and Section 26 (Emission of Visible Air Contaminants) to include a test method; and incorporating various terms from Section 1 into Section 0.

Board Member Kremer inquired about other areas of nonattainment in Nevada. Mr. Roberts reported 15 of the 17 counties in Nevada are under the jurisdiction of Nevada Division of Environmental Protection, but he does not believe any of those 15 areas are under nonattainment. He believes Pahrump is near nonattainment for PM₁₀ and Washoe County either is or was in nonattainment for a number of National Ambient Air Quality Standard (NAAQS). He explained the implications of attainment/nonattainment on major sources, adding that Section 12.2 (attainment rule for major sources) is easier to comply with and less expensive than Section 12.3 (nonattainment rule for major rules). Section 12.3 is much more difficult and expensive and requires a source to offset their pollution increase so the net increase is zero and use the lowest achievable emission rate (LAER) instead of best available control technology (BACT), which 12.2 allows for. If we go back into nonattainment major sources would be subject to Section 12.3.

Board Member Wishengrad inquired about how to ensure we do not go back into nonattainment with new major sources. Mr. Roberts responded that stationary sources, both minor and major,

¹ Regulations and rules are used intermittently throughout these minutes. They are, in fact, one in the same— both are references to the Clark County Air Quality Regulations.

have not been the reason for air quality problems, and that most of those problems coming from dust-related issues. This could change with the new 2008 Ozone standard. Carbon monoxide problems come from cars and fuel and ozone problems come from transport from other problems

Planning Division

DAQ Planning Manager Mike Sword provided an overview of program responsibilities of the planning division.

- *Public Outreach* There was discussion about the types of events where public outreach efforts are made. DAQ is trying to expand its efforts to target the community at large by attending events beyond environmental-related causes, such as mall health events, seasonal events, and cultural events. The department is open to any suggestions for expanding its outreach efforts and audience.
- *Status of NAAQS.* The board was updated on Clark County's attainment/nonattainment status for the current NAAQS. Clark County is in attainment and maintenance status for the 1997 Ozone standard, PM₁₀, and Carbon Monoxide (CO). The County is attainment or unclassifiable for Sulfur Dioxide (SO₂), nitrogen dioxide (NO₂), P.M_{2.5}, Lead (Pb), and 2008 Ozone Standard (O₃). We are unclassifiable for O₃ because EPA has chosen not designated for that standard and a new standard is being released this year. DAQ has taken proactive steps by joining EPA's Ozone Advance program, a collaborative effort between the agencies to help participants stay in attainment. This program allows DAQ to identify how it will control some of the precursors that form ozone. It serves as a demonstrative and proactive effort to deal with potential nonattainment challenges and also acts as a shield against potential lawsuits.
- *Alternative Fuel Vehicles.* There was discussion about expanding the use of alternative fuel vehicles and electric car charging stations in the County. Board Member Wishengrad inquired about potential partnerships and funding opportunities with these types of car manufacturers to expand their presence here. Mr. Sword stated the department has explored various partnerships opportunities and had funding issues, adding that most of these types of efforts are done on a grander scale than that of a local agency. He added that the department would be meeting with a company to discuss a hydrogen refueling facility. Board Member Zeldin pointed out one or two strip casinos have installed electric charging stations. Mr. Sword referred to the Ozone Advance program discussed earlier that captures some of the efforts the department has made in its attempt to help the County stay in attainment. This document will be forwarded to board members.
- *New Ozone Standard.* Mr. Sword presented graphs showing an analysis of the New Ozone Standard based on 2013 and 2014 ozone data and explained how the classifications would change if the NAAQS ozone standards are lowered to 70, 69, 68, 67, 66, 65 parts per billion and the probability of the County moving into nonattainment. Although most of the ozone problems are not driven by stationary sources, if the standard is lowered to 65, those sources will have to put in controls that are expensive and labor intensive. Board Member Zeldin added the potential for exceeding ozone standards signifies the importance of gasoline and other facilities operating in compliance with the regulations because it could save the County from higher ozone levels and the costs of nonattainment. Mr. Sword concurred.

- *PM₁₀ Status.* Vice-Chair Purves inquired about the status of PM₁₀. Mr. Sword reported the County was currently in attainment and maintenance for PM₁₀ and should be able to maintain that status.
- *Stratospheric Ozone Study.* There was mention of a 2013 stratospheric intrusions ozone study. A copy of that document will be forwarded to board members.

Monitoring Activities

DAQ Monitoring Manager Phillip Wiker provided an overview of monitoring activities. The primary role of this division is to monitor ambient air quality for criteria pollutants and perform meteorological measurements. This information is used to aid the planning division in their exceptional event studies. The division also has a staff meteorologist who provides daily forecasts, alerts, and advisories to let staff and the public know of the potential for high-level pollutants. This information is available for public access on our website.

- *Monitoring Networks.* The department has monitoring stations throughout the valley. In the northern part of the valley, there are stations in Mesquite, Logandale, Apex, and Indian Springs; however, these sites are only monitored in the summer. The southern part of the valley has stations in Jean and Boulder City. The Las Vegas Valley has seven sites. The department is also looking at acquiring sites in Laughlin and Coyote Springs. The department is still working on a station in Henderson, but is unsure when that will be up and running. There is a potential for the Boulder City site to be moved in two years.
- *Near-Road Monitoring Sites.* Two near-road sites are being installed and will be used to monitor high traffic congestion spots in the valley. The EPA requires one near-road site in populations over 2.5 million and a second site if daily traffic counts exceed of 250,000. One site will be by the Palace Station and the other site is near City of Las Vegas Fire Station #1 near Third Street and the freeway. Both of these sites should be operating by May.
- *Enhanced Monitoring.* The division will begin monitoring at Spring Mountain Youth Camp and is fixing the Upper Air Equipment at North Las Vegas Airport, which will help the department measure the impacts of wildfire and ozone transport by providing a timing of when things occur.
- *Visibility Network.* Pictures from these cameras help identify the presence of smoke and dust plumes transporting into the valley. This information is also used to support studies and exceptional event packages. The department is working with the M Resort to install a camera at the top of the casino that will cover most of the valley; these photos will be available for public access and the camera should be up this summer.

Enforcement Activities

DAQ Compliance and Enforcement Manager Gary Miller provided an update on enforcement activities related to the stationary source and fugitive dust programs.

- *Stationary Source Program.* The compliance division is responsible for evaluating various sources, including major, minor, and synthetic minor, and gasoline dispensing operations (approximately 680). They oversee performance tests and are involved in continuous emission monitoring. This division also reviews emission inventory reports and quarterly/semi/annual reports to ensure the source is operating in compliance within our requirements.
- *Fugitive Dust Program.* The department saw an increase in the amount of dust control permits issued (from 1,677 to 1,931) and site inspections (from 5,377 to 6,978) in 2014 from 2013. The number of complaints reported increased from 956 to 1,073. There will be two implosions this year- the Clarion Hotel will be imploded next week and the Gramercy on Russell Road/215 will be imploded on February 15.
- *Natural Occurring Asbestos.* The board was updated on the Natural Occurring Asbestos (NOA) issue in Southern Nevada. The project has been divided into two phases. The Nevada Department of Transportation (NDOT) is responsible for Phase I portion, covering Railroad Pass to Silverline Road, and a contract is expected to be awarded this month. The Regional Transportation Commission (RTC) is responsible for Phase 2, which covers the stretch of I-II from Silverline Road up to the dam. Las Vegas Paving has been awarded the contract and has submitted an asbestos mitigation plan that is currently under review by the RTC. Construction is expected to begin in late April or early May. Mr. Miller explained the stringent specifications, work practices, project oversight, and monitoring activities that this project will entail. The department has developed new best management practices for this project, which will require the contractor to be aggressive in its mitigation efforts. Third party oversight will be conducted by RTC and NDOT and the project is estimated to take three years. Las Vegas Paving's bid came in at \$225 million, with 3-4 percent of those costs being used to monitor NOA.

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

None identified.

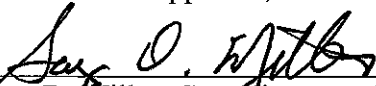
X. PUBLIC COMMENT

There were no public comments.

XI. ADJOURNMENT

Being no further business, Vice-Chair Purves adjourned the meeting at 3:58 p.m.

Submitted for approval,



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

2/19/2015

 Date

Appendix A



Overview of Nevada Open Meeting Law

Relevant law and resources: You can find the chapter on Open Meeting Law in Nevada Revised Chapter 241. You can also find additional, relevant information in the Attorney General's website located at http://ag.nv.gov/About/Governmental_Affairs/OML/. Also, the Nevada Open Meeting Law Manual is an excellent resource. This is found at <http://www.lasvegasnevada.gov/files/OpenMeetingLaw.pdf>.

Intent: The most important section is found at NRS 241.010, which discusses intent. In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

Applicable: OML is applicable whenever a quorum of a public body deliberates or takes action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

What is a quorum? A quorum means a simple majority of the constituent membership of a public body or another proportion established by law. Must be a quorum (50%), but avoid "walking quorum" where a series of meeting with a few people add up to a quorum.

What is a public body? This board is a public body, but the definition can be complicated. The definition is found at NRS 241.015(3).

What is a meeting? The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power. Meetings can happen on accident or intentionally with the intent to circumvent the OML. Lectures and social functions are not covered, unless you talk business.

What is "deliberate"? To "deliberate" is to examine, weigh, and reflect upon the reasons for or against the choice . . . Deliberation thus connotes not only collective discussion, but also the collective acquisition or the exchange of facts preliminary to the ultimate decision.

What is an "action"? (a) a decision made by a majority of the members present during a meeting of a public body; (b) a commitment or promise made by a majority of the members present during a meeting of a public body; (c) if a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or (d) if all members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body. See NRS 241.015.

Agenda: NOT designed for members, but to inform the public so they will know and can decide whether to participate. Items must be "clear and complete." Would the average person know what the item is about? Also, stick to the agenda! Any rules limiting discussion must be reasonable time, place, and manner limits and be described on the agenda.

Public Comment: Must provide for public comment: 1) one comment period before any action items are heard by the public body and then another public comment period before adjournment; or 2) multiple period of public comment but only after discussion of each agenda action item and before the public body takes action on the item. Every opportunity is optimal if there is enough time. Agenda must be available to public before the meeting.

Closed meetings: Discussions of character, misconduct, competence or physical or mental health can be closed if there is special notice to the individual, who can require they be open. Cannot act or deliberate, only consider/receive info.

Emergency meetings: Emergency is defined as an, "unforeseen circumstance which requires immediate action." Not limited, but includes: fire, flood, earthquake or other natural causes—or any impairment of the health and safety of the public. This is very rare.

Record keeping: Minutes must be kept with date, time, place, members present, substance of matters proposed, discussed or decided, and if requested members votes and public remarks. Minutes must be kept for five years. Meetings must be taped or transcribed. Tapes and/or recordings as well as supporting documents must be kept for 1 year. Use a separate tape for closed portions.

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
0051	Letter from Shibi Paul, DAQ	03/13/15
0052	Letter from Araceli Pruett, DAQ	03/18/15
0053	Letter from Araceli Pruett, DAQ	04/01/15



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.

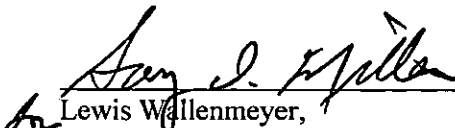
The civil penalty is calculated by applying the standard penalty for each violation of the applicable requirement, the standard adjustment for aggravating or mitigating factors and an alleged violator's past enforcement history. In consideration of the aforementioned facts, Air Quality recommends a civil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

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CLARK COUNTY • DEPARTMENT OF AIR QUALITY
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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.”

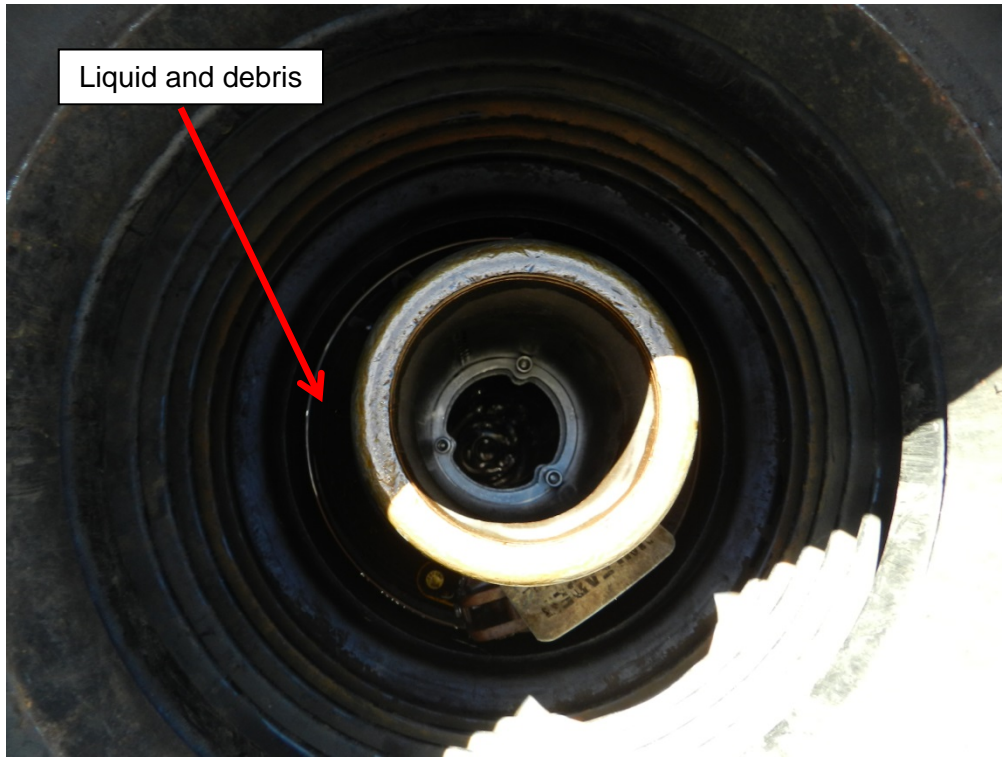
Enforcement History

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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AIR QUALITY & ENV. MGMT

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AAA APRIL 2011

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						
CAPS, GASKETS, DRYBREAK																																									
SPILL BUCKET CLEAN																																									
DRAIN PLUG OPERATING																																									
RISERS TIGHT																																									
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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																																									

1. Inspections to be completed daily
 2. Clearly place a "✓" for in compliance, a "X" 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.

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AIR QUALITY & ENV. MGMT

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December 2011

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
CAPS, GASKETS, DRY/BREAK																																			
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BELLOWS - TEARS AND RIPS																																			
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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 "Y" for in compliance, a "N" 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

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

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P.2

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AIR QUALITY & ENV. MGMT

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February 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
CAPS, GASKETS, DRY/BREAK																																			
SPILL BUCKET CLEAN																																			
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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 "Y" for in compliance, a "N" 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

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

MARCH 2012

Facility Self-Inspection Sheet (balance)

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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																																			
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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 3-5" 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

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

APRIL 2012

Facility Self-Inspection Sheet (balance)

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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
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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 3-5" 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
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- 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

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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
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IE - EXCESSIVE FUEL RETENTION																																			
RACTOR CORDS, TIGHT																																			
OPER DECALS - LEGIBLE																																			
operator's initials																																			

B CERTIFIED EQUIP

MT 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 #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
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IE - EXCESSIVE FUEL RETENTION																																			
RACTOR CORDS, TIGHT																																			
OPER DECALS - LEGIBLE																																			
operator's initials																																			

B CERTIFIED EQUIP

MT 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.
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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
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IE - EXCESSIVE FUEL RETENTION																																			
TRACTOR CORDS, TIGHT																																			
OPER DECALS - LEGIBLE																																			
operator's initials																																			

9 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
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CK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
TRACTOR CORDS, TIGHT																																			
OPER DECALS - LEGIBLE																																			
operator's initials																																			

9 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	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
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ZLE - TEARS IN FACEPLATE																																			
LWS - TEARS AND RIPS																																			
MPS PRESENT AND TIGHT																																			
CK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
RATOR CORDS, TIGHT																																			
PER DECAL 5 - LEGIBLE																																			
Inspector's initials																																			

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	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
'S, GASKETS, DRYBREAK																																			
LL BUCKET CLEAN																																			
UN PLUG OPERATING																																			
ERS TIGHT																																			
TUBE GASKET (VISUAL)																																			
ZLE - DRIPS OR LEAKS																																			
ZLE - TEARS IN FACEPLATE																																			
LWS - TEARS AND RIPS																																			
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CK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
RATOR CORDS, TIGHT																																			
PER DECAL 5 - LEGIBLE																																			
Inspector's initials																																			

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	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
WER DECALS - LEGIBLE	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
operator's initials	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/

CERTIFIED EQUIP.
 DESIGNATED EQUIP.
 CHGS TO ENSURE GPM RATE
 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 "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 # 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(SI.11):22/No. 000J603930 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

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: <u>(Poppeted Coaxial or Two-Phase) Circle One!</u> <u>opw EUR</u>					

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

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

Paul Roach
Certified Tester's Signature

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: 11/11/0
 STATION: Big Daddy Lamb Ampm ADDRESS: 551 N. Lamb Bl.
 CITY: LV ZIP: 89110 CONTACT: Hedris J. Jackle TEL: _____
 OWNER: Big Daddy Oil SYSTEM TYPE: Gilb. Balance # NOZZLES: 24
 Single-hose Multi Product? 87 No HOSE TYPE: Good Year NOZZLE TYPE: RD 100 1/2

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)

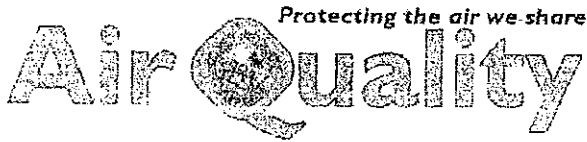
On-Site Representative Signature
(e.g. Store Manager)

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-DACEM Use Only
 2011 NOV 21 P 2:57

TEST RESULTS SUBMITTAL FORM
 FOR A GASOLINE DISPENSING OPERATION

Source Name: Big Daddy's Lamb Sert 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

Air Quality

Protecting the air we share

CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Rd., Suite 200 • 2nd Floor • Las Vegas, NV 89118-2231
(702) 455-6342 • Fax (702) 383-0694

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

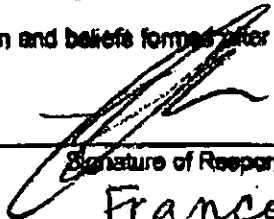
Testing Company Performing the Test: Silver State Petroleum Service
Name of Tester: Johnny Beecher Tester's Email: silver.state@hotmail.com
Tester's Phone: (702) 384-0268 Tester's Fax: (702) 384-9497

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
<input checked="" type="checkbox"/>	Static Pressure Decay	TP-201.3	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Fill-pipe Measurement	TP-201.3	<input checked="" type="checkbox"/>	
	PV Vent Valve			
	Air to Liquid Ratio			
<input checked="" type="checkbox"/>	Dynamic Back-Pressure	TP-201.4	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Flow Rate	CC-V RTP-1	<input checked="" type="checkbox"/>	
	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)
 (Do not include diesel or jet fuel) 3,538,248.48

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
DAQEM

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:

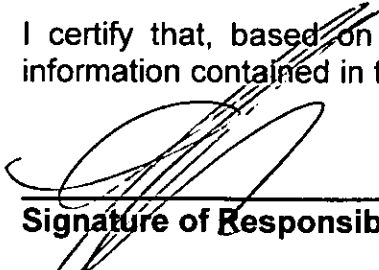
DAQEM, Compliance Stationary Source Supervisor
500 South Grand Central Parkway
Box 555210
Las Vegas, Nevada 89155-5210

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.

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14 SANDRA REED BOTTINO

15 Hearing Officer
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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 Burnette, 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 Pruett

Araceli Pruett, 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 Burnette, County 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
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Mary Beth Scow • Lawrence Weekly
Don Burnette, County Manager

0050



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

March 13, 2015

Email: francois@bigdaddysoil.com

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

Re: Notice of Violation #8479
Source: 9409

Dear Mr. Alvandi:

The Department of Air quality has not yet received the training plan for your store managers and on-site personnel of your Gasoline Dispensing Operations (GDO). The requirement to submit the training plan is one of the actions specified in the signed Settlement Agreement in the matter of Notice of Violation #8479. The Air Pollution Control Hearing Board (Board) has decided to hear this matter on the upcoming Board meeting on April 9, 2015 at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas.

Therefore, please submit the required Training Plan no later than March 27, 2015 in order for staff to review it and provide feedback to you prior to the Hearing. If you fail to submit the Training Plan by the above deadline, Air Quality will consider the agreement null and recommend the board uphold the Hearing Officer's decision and assess the full \$9,000 penalty.

Should you need assistance in preparing an acceptable Training Plan, you may contact our Small Business Assistance Program at (702) 455-5942. Small Business Assistance is a free and confidential service to qualified companies of 100 employees or less.

If you have any questions, please contact me at (702) 455-1499.

Sincerely,

Shibi Paul, Air Quality Supervisor
Compliance and Enforcement Division

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

BOARD OF COUNTY COMMISSIONERS
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Don Burnette, County Manager

0051



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

March 18, 2015

Certified Mail #91 7199 9991 7034 9211 3004

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 April 9, 2015, 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 a representative of Big Daddy Oil be present at this meeting to give testimony and answer questions by the 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, March 30, 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 Pruet, Administrative Secretary
Enforcement Division

AMP:ap

Attachments: Hearing Officer Order

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
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Don Burnette, County Manager

0052



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 1, 2015

Certified Mail #91 7199 9991 7034 9211 2922

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 the above-described matter has been scheduled for hearing before the Air Pollution Control Hearing Board on April 9, 2015, at 1:30 p.m. in the Clark County Building Department - Presentation Room, located at 4701 West Russell Road, Las Vegas. Enclosed is a copy of the Exhibit List and corresponding documents that were distributed to the respective board members concerning this matter.

As of the date of this letter, we have not received the required Training Plan, despite the request in our March 13 letter that it be submitted by March 27, 2015. Based on your failure to comply with this deadline, DAQ considers the agreement null and will recommend that the board uphold the Hearing Officer's decision and assess the full \$9,000 penalty.

As a reminder, 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
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0053