



Clark County Air Pollution Control Hearing Board

Agenda

August 14, 2014 – 1:30 P.M.
Clark County Building Department
Presentation Room
4701 West Russell Road
Las Vegas, NV

Hearing Board Members **Daniel Sanders, Chair**
Karen Purves, Vice-Chair
Herbert Inhaber
Mark S. Ireland
Tom Foster, P.E.
Craig Schweisinger
Evan S. Wishengrad, Esq.

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 JUNE 12, 2014 MEETING	<i>For possible action</i>
IV. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION	GRANT/DENY/TAKE OTHER APPROPRIATE ACTION
A. <u>APPEALS</u> 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.	<i>1. For possible action</i>
V. REPORT BY DAQ STAFF 1. Programmatic Update	
VI. IDENTIFY EMERGING ISSUES TO BE DISCUSSED BY BOARD AT FUTURE MEETINGS	

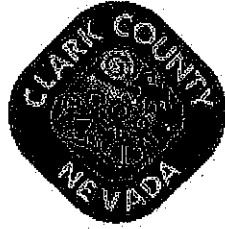
ITEM	ACTION REQUESTED
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<p>VII. PUBLIC COMMENT</p> <p>No action may be taken upon a matter raised under this item until the matter itself has been specifically included on an agenda. Public comments may be considered on specific agenda items. Please clearly state your name and address for the record. Speaking time will be limited to five (5) minutes per person.</p>	
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<p>VIII. ADJOURNMENT</p>	
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The Presentation Room is accessible to individuals with disabilities. With twenty-four (24) hour advanced request, a sign language interpreter may be made available (telephone number TT/TDD: Nevada Relay toll-free (800) 326-6868) and assisted listening devices are available upon request.

COPIES OF THIS AGENDA HAVE BEEN POSTED IN THE LOBBY AT THE FOLLOWING LOCATIONS: 1) LAS VEGAS CITY HALL; 400 Stewart Avenue, Las Vegas, NV; 2) HENDERSON CITY HALL, 240 Water Street, Henderson, NV; 3) NORTH LAS VEGAS CITY HALL, 2200 Civic Center Drive, North Las Vegas, NV; 4) BOULDER CITY, CITY HALL; 401 California Avenue, Boulder City, NV; 5) CITY OF MESQUITE, 10 E. Mesquite, Mesquite, NV; 6) and CLARK COUNTY GOVERNMENT CENTER, 500 S. Grand Central Parkway, Las Vegas, NV.



Minutes of the Clark County

Air Pollution Control Hearing Board Meeting

June 12, 2014

I. CALL TO ORDER

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

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

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

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

OTHERS

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

II. PUBLIC COMMENT

There were no public comments.

III. APPROVE MINUTES OF MARCH 13, 2014

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

IV. MATTERS REQUIRING BOARD DISCUSSION/POSSIBLE ACTION

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

A. APPEALS

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

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

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

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

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

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

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

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

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

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

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

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

Chair Sanders opened the matter to board discussion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. REPORT BY DAQ STAFF

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

Update on Pollutants

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

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

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

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

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

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

Upcoming Recruitments

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

Natural Occurring Asbestos

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

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

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

Other matters

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

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

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

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

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

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

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

VII. PUBLIC COMMENT


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

There were no further public comments.

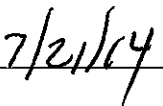
VIII. ADJOURNMENT

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

Submitted for approval,



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



Date



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).

000001

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.

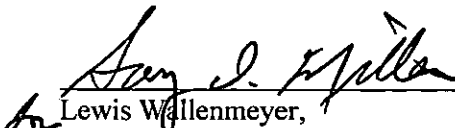
The civil penalty is calculated by applying the standard penalty for each violation of the applicable requirement, the standard adjustment for aggravating or mitigating factors and an alleged violator's past enforcement history. In consideration of the aforementioned facts, Air Quality recommends a civil 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
 4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231
 (702) 455-5942 • Fax (702) 383-9994
 Lewis Wallenmeyer Director

Minor Stationary Source Compliance Evaluation Report

1. Source Information:			
Source Name:	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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 Mary Beth Scow • Lawrence Weekly
 Don Burnette, County Manager

000008

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 manufacturer'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.”

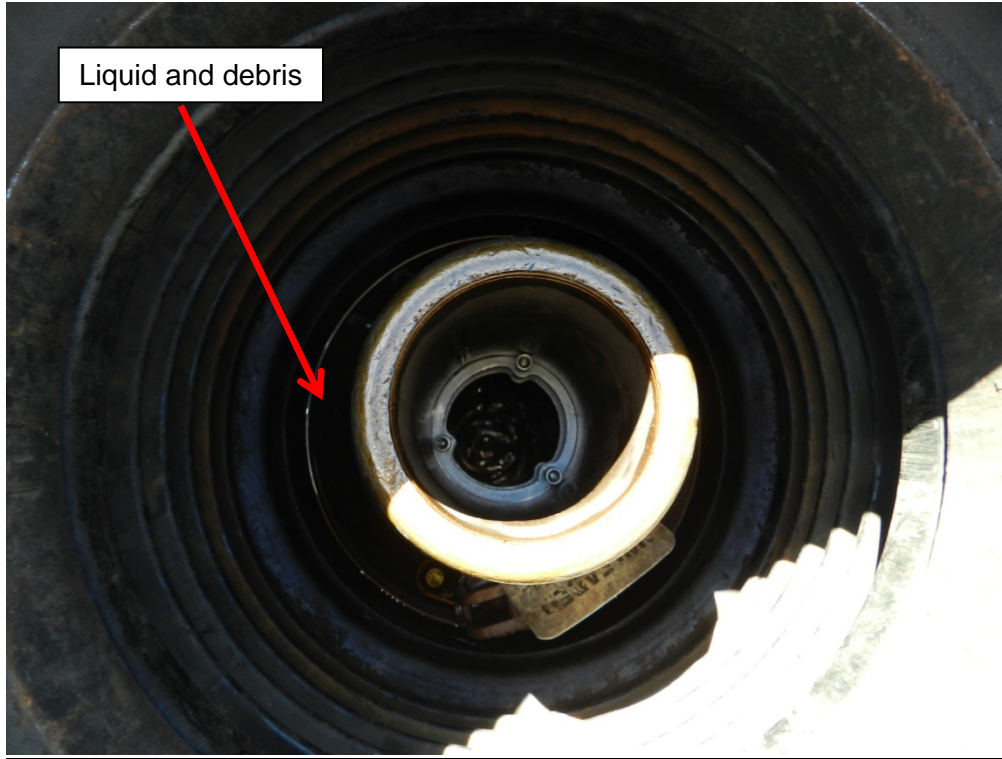
Enforcement History

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.

APR 16 2011

Facility Self-Inspection Sheet (balance)

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

CARB CERTIFIED EQUIP
 PERMIT DESIGNATED EQUIP
 FILTER CHGS TO ENSURE GPM RATE
 DROP TUBE 3-8" FROM TANK BOTTOM

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

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

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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																																			
SPILL BUCKET CLEAN																																			
DRAIN PLUG OPERATING																																			
RISERS TIGHT																																			
FILL TUBE GASKET (VISUAL)																																			
NOZZLE - DRIPS OR LEAKS																																			
NOZZLE - TEARS IN FACEPLATE																																			
BELLOWS - TEARS AND RIPS																																			
CLAMPS PRESENT AND TIGHT																																			
CHECK VALVE OPERATIONAL																																			
HOSE - TEARS, FLATTENED, KINKS																																			
HOSE - EXCESSIVE FUEL RETENTION																																			
RETRACTOR CORDS, TIGHT																																			
PROPER DECALS - LEGIBLE																																			
Inspector's initials																																			

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

dates checked

- 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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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																																			
DRAIN PLUG OPERATING																																			
RISERS TIGHT																																			
FILL TUBE GASKET (VISUAL)																																			
NOZZLE - DRIPS OR LEAKS																																			
NOZZLE - TEARS IN FACEPLATE																																			
BELLOWS - TEARS AND RIPS																																			
CLAMPS PRESENT AND TIGHT																																			
CHECK VALVE OPERATIONAL																																			
HOSE - TEARS, FLATTENED, KINKS																																			
HOSE - EXCESSIVE FUEL RETENTION																																			
RETRACTOR CORDS, TIGHT																																			
PROPER DECALS - LEGIBLE																																			
Inspector's initials																																			

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

dates checked

- 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)

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

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

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

dates checked:

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

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

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

APRIL 2012

Facility Self-Inspection Sheet (balance)

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

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

CARB CERTIFIED EQUIP
 PERMIT DESIGNATED EQUIP
 FILTER CHGS TO ENSURE GPM RATE
 DROP TUBE 3-5" 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

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

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

December 2012



Facility Self-Inspection Sheet (balance)

	Week 1							Week 2							Week 3							Week 4							Week 5						
	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
MS - GASKETS, DRYBREAK																																			
LL BUCKET CLEAN																																			
UN PLUG OPERATING																																			
ERS TIGHT																																			
TUBE GASKET (VISUAL)																																			
ZLE - DRIPS OR LEAKS																																			
ZLE - TEARS IN FACEPLATE																																			
LOWS - TEARS AND RIPS																																			
MPS PRESENT AND TIGHT																																			
OK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
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

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

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

January 2013



Facility Self-Inspection Sheet (balance)

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

B CERTIFIED EQUIP

MT DESIGNATED EQUIP

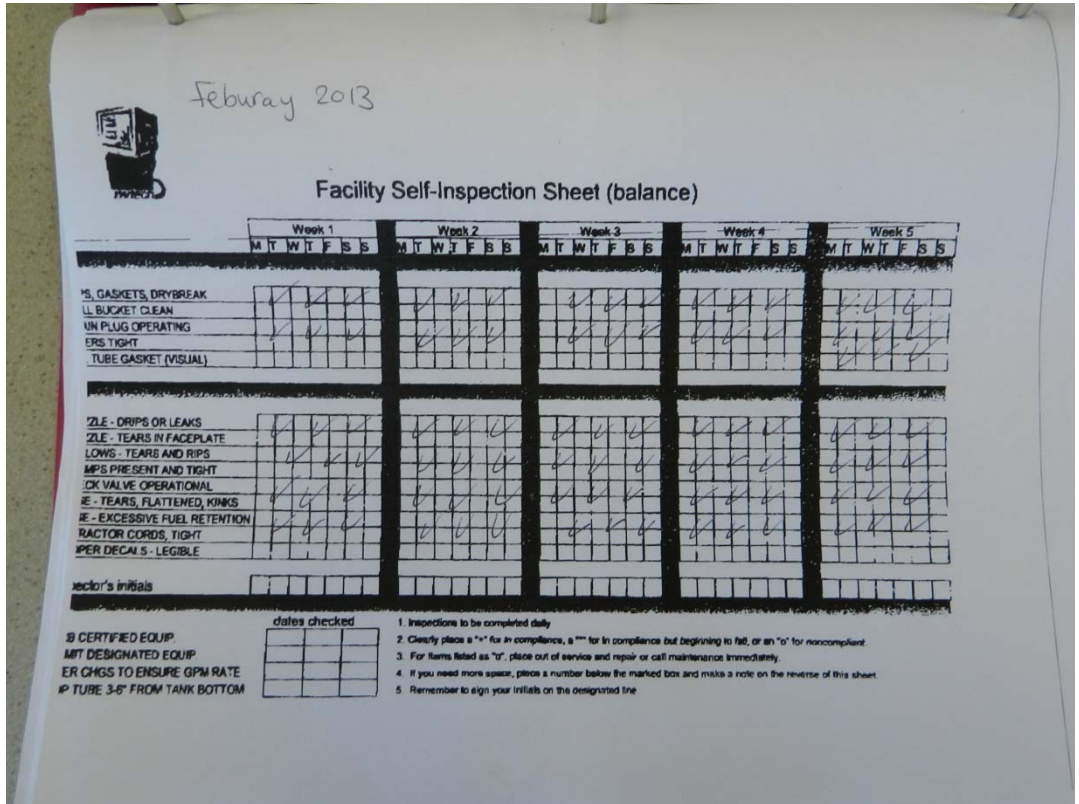
ER CHGS TO ENSURE GPM RATE

IP TUBE 3-6" FROM TANK BOTTOM

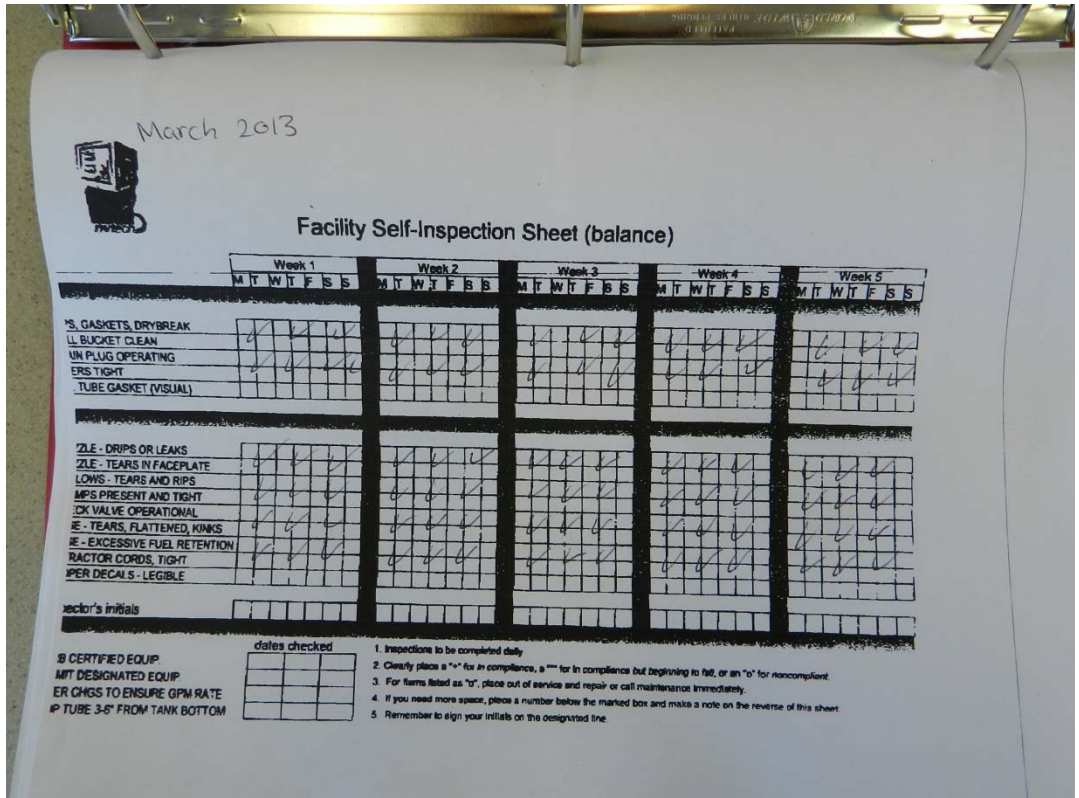
dates checked

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

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



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



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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UN PLUG OPERATING																																			
ERS TIGHT																																			
TUBE GASKET (VISUAL)																																			
ZLE - DRIPS OR LEAKS																																			
ZLE - TEARS IN FACEPLATE																																			
LWS - TEARS AND RIPS																																			
MPS PRESENT AND TIGHT																																			
OK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
TRACTOR CORDS, TIGHT																																			
OPER DECAL S - LEGIBLE																																			

Inspector's initials

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.

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

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
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UN PLUG OPERATING																																			
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TUBE GASKET (VISUAL)																																			
ZLE - DRIPS OR LEAKS																																			
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MPS PRESENT AND TIGHT																																			
OK VALVE OPERATIONAL																																			
IE - TEARS, FLATTENED, KINKS																																			
IE - EXCESSIVE FUEL RETENTION																																			
TRACTOR CORDS, TIGHT																																			
OPER DECAL S - LEGIBLE																																			

Inspector's initials

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.

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

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



September 2013

Facility Self-Inspection Sheet (balance)

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

18 CERTIFIED EQUIP.
 M/T DESIGNATED EQUIP.
 ER CHGS TO ENSURE GPM RATE
 18 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 # 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

000023

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 Rocha S.S.C.T.
Print Certified Tester's Name

[Signature]
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: 11/11/10
 STATION: Big Daddy Lamb Ampm ADDRESS: 551 N. Lamb Bl.
 CITY: LV ZIP: 89110 CONTACT: Hedris J. Jackie TEL: _____
 OWNER: Big Daddy Oil SYSTEM TYPE: Gilb. Balance # NOZZLES: 24
 Single-hose Multi Product? 87 No HOSE TYPE: Good Year NOZZLE TYPE: RD 1.4005
(GASOLINE ONLY)

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



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

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

TEST RESULTS SUBMITTAL FORM
 FOR A GASOLINE DISPENSING OPERATION

Source Name: Big Daddys 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

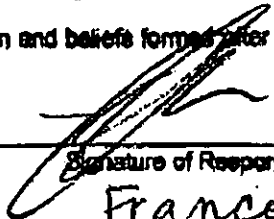
Testing Company Performing the Test: Silver State Petroleum Service
Name of Tester: Johnny Beecher Tester's Email: silver.state@hotmail.com
Tester's Phone: (702) 384-0268 Tester's Fax: (702) 384-9497

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

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


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

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

DAQEM Source (Facility) Identification Number: 9409

2010 III 21 A 11:08

Company Name BIG DADDY'S OIL
 Source (Facility) Name BIG DADDY'S OIL Ampm
 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
 2:05

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

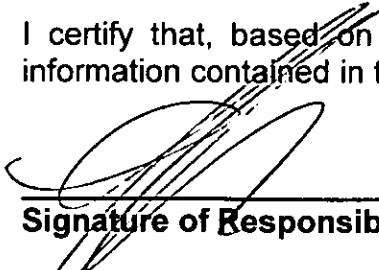
DAQEM, Compliance Stationary Source Supervisor
500 South Grand Central Parkway
Box 555210
Las Vegas, Nevada 89155-5210

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

Actual VOC Emissions (tons/year) 4.2305737725
(Actual throughput in gallons multiplied by 0.0000135 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) 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 Burnett, County Manager

000031

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



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
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Susan Brager • Tom Collins • Chris Giunchigliani
Mary Beth Scow • Lawrence Weekly
Don Burnett, County Manager

000034

Pamela Thompson

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

Hello Mr. Alvandi,

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

Thank you,
Pam

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

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

Pam

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

Pamela

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

thank you for your understanding

Francois

Sent from Samsung Mobil

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

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

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

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

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

Thank you,

Pamela R. Thompson

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

Office #: 702.455.3126

Fax #: 702.383.9994

E-mail: Pamela.Thompson@clarkcountynv.gov

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

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

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

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

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

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

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

10 DATED this 15 day of June, 2014.

11
12
13 

14 SANDRA REED BOTTINO

15 Hearing Officer
16
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000038

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

000043

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



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

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, 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

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

000045