

Staff Report
Board Meeting Date: April 12, 2023

DATE: March 15, 2023

TO: Air Pollution Control Hearing Board

FROM: Francisco Vega, Director, Air Quality Management Division
775-784-7211, fvega@washoecounty.gov

SUBJECT: Recommendation of Staff to Uphold Notice of Violation No. AQMV23-0002, issued on January 30, 2023 for failure to meet the requirements of Permit to Operate No. AAIR17-0002, with an associated administrative fine of \$1,000.00 issued to Q&D Construction, by the Air Quality Management Division and Appealed to the Air Pollution Control Hearing Board. (FOR POSSIBLE ACTION)

SUMMARY

Washoe County Health District, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV23-0002 be **upheld** and a fine in the amount of **\$1,000.00** be levied against Q&D Construction for failure to complete compliance testing of the Phase I vapor recovery system at their gasoline dispensing facility pursuant to the requirements of Permit to Operate No. AAIR17-0002. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.080 (Gasoline Transfer and Dispensing Facilities) Section C. (Standards) Subsection 1. (Gasoline Transfer into Stationary Storage Containers (Phase I)).

District Health Strategic Priorities supported by this item:

- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

Q&D Construction was previously issued a Warning Letter on January 27, 2021, associated with Case No. 1266 for failure to complete compliance testing of the Phase I vapor recovery system at the gasoline dispensing facility pursuant to the requirements of Permit to Operate No. AAIR17-0002.

BACKGROUND

Please refer to the attached NOV No. AQMV23-0002 and supporting documentation. These documents contain the facts associated with the incident of noncompliance supporting the issuance of the NOV and the administrative penalty.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board upholding the issuance of the Notice of Violation Citation and associated fine. All fine money collected is forwarded to the Washoe County School District to be used for environmentally focused projects for the benefit of the students.

RECOMMENDATION

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV23-0002, associated with Case No. 1429, issued to Q&D Construction and levy an administrative fine in the amount of \$1,000.00.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No. AQMV23-0002; or
2. The Board may determine to uphold Notice of Violation No. AQMV23-0002 and levy any fine in the range of \$0.00 to \$1,000.00 per day per violation.

POSSIBLE MOTION(s)

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to deny the appeal of NOV No. AQMV23-0002, associated with Case No. 1429 issued to Q&D Construction and levy an administrative fine in the amount of \$1,000.00."

Or, should the Board wish to consider an alternative motion, the possible motion may be:

1. "Move to dismiss NOV No. AQMV23-0002, associated with Case No. 1429 issued to Q&D Construction", or
2. "Move to uphold NOV No. AQMV23-0002, associated with Case No. 1429, and levy an administrative fine in the amount of (*range of \$0.00 to \$1,000.00*) per day per violation to Q&D Construction"

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Notice of Violation No.
AQMV23-0002 and Supporting Documentation**

**WASHOE COUNTY HEALTH DISTRICT
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512**

NOTICE OF VIOLATION No: AQMV23-0002

ISSUED TO

**Q & D Construction, LLC
Location: 1050 S 21st Street
Permit Number: AAIR17-0002
Date of Issuance: January 30, 2023
Case No.: 1429**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Q & D Construction, LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 040.080 – Gasoline Transfer and Dispensing Facilities.

1. VIOLATION

- A. Failure to comply with the provisions of Permit to Operate AAIR17-0002. Specifically, Conditions of Operation No. 6 and Condition of Operation No. 7.

Condition of Operation No. 6: The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.

Condition of Operation No. 7: The owner/operator must install a Pressure/Vacuum (P/V) vent valve and must conduct and pass a Leak Rate and Cracking Pressure Test every three years to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders and/or 40 CFR Part 63, Subpart CCCCCC.

2. BASIS OF VIOLATION

- A. Regulatory Authority
The Washoe County District Board of Health Regulations Governing Air Quality Management 040.080 Section C.1.b:

A “District Approved Vapor Control System” is utilized, preventing the release to the atmosphere of not less than 95 percent by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control

system involving the transfer of fuel from the distribution vehicle to the stationary storage vessel.

B. Facts to Constitute the Violation

On May 24, 2021, Q & D Construction, LLC conducted and passed a 2 Inch WC Static Pressure Performance Test of the Vapor Recovery System. The next 2 Inch WC Static Pressure Performance Test of the Vapor Recovery System was conducted and passed on September 7, 2022. This is an exceedance of the annual interval for this test as indicated on the Permit to Operate.

On June 12, 2019, Q & D Construction, LLC installed a new Pressure/Vacuum (P/V) vent valve on the Vapor Recovery System. The next Leak Rate and Cracking Pressure Test was conducted and passed on September 7, 2022. This is an exceedance of the every three year interval for this test as indicated on the Permit to Operate.

On January 27, 2021, Q & D Construction, LLC was issued a written warning under Case No. 1266 for exceeding the 2 Inch WC Static Pressure Performance Test interval of the Vapor Recovery System indicated on the Permit to Operate.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Q & D Construction, LLC is advised that within (10) working days of the receipt of this Notice of Violation, Q & D Construction, LLC. may submit a written petition for appeal to the Washoe County Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Washoe County Health District
Air Quality Management Division
1001 East Ninth Street Suite B171
Reno, Nevada 89512

Failure to submit a petition for appeal within the specified timeframe will result in the submission of this Notice of Violation to the Washoe County District Board of Health with a recommendation for the assessment of an administrative fine of \$1,000.00.

1/30/2023
Date


Joshua C. Restori
Supervisor, Permitting and Compliance
Air Quality Management Division
Washoe County Health District

Permit to Operate

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

AIR QUALITY MANAGEMENT DIVISION

HEALTH PERMIT TO OPERATE

Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.



Public Health

Prevent. Promote. Protect.

Permit #: AAIR17-0002

Permit Expiration Date: 10/31/2023

Permit Issued To:

Q & D Construction, LLC
1050 S 21st Street
Sparks, NV 89431

Mailing Address:

Q & D Construction, LLC
c/o Environmental Manager
1050 S 21st Street
Sparks, NV 89431

Permit Description:

GASOLINE DISPENSING FACILITY - With (1) Fireguard Above Ground Tank with Balance Phase II Vapor Recovery: (1) Dispenser (2) Gasoline Nozzle. CARB Executive Order# G-70-162A (Phase I only conditions due to low throughput)

ANNUAL REPORTING REQUIREMENTS

Per Condition H of this Permit to Operate, the annual throughput/consumption figures for the previous calendar year must be submitted in writing to the AQMD no later than 9/15/2023. The information requested may be submitted by email to AQMDpermitting@washoecounty.gov

Gasoline Dispensing Equipment

- Number of Gasoline Dispensers
- Number of Gasoline Nozzles
- Annual Gallons of Gasoline Dispensed

Pursuant to the Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.218 Demonstration of Compliance, failure to provide the information required by Condition H of this Permit to Operate may constitute a violation of the conditions of the Permit to Operate, where the affected source may be subject to a citation under the regulations, suspension of their Permit to Operate or both.

**“THE CONDITIONS OF OPERATION LISTED ON THIS PERMIT SUPERCEDE ALL PREVIOUS PERMIT
CONDITIONS”**

“CONDITIONS OF OPERATION”

Standard Conditions of Operation

- A. This permit becomes void upon any change of ownership or address or any alteration of permitted equipment.



- B. A person who has been granted a Permit to Operate shall display the permit in a room or office on the premises which is readily accessible to air pollution control personnel for inspection or examination, and reasonably close to the equipment or other contrivance which is the subject of the permit.
- C. Any modification of the equipment other than normal repair and maintenance will require a new permit.
- D. Any records of operation which affect the potential of the source to emit air pollutants, such as fuel or products consumed, products produced, hours of operation, chemicals or supplies used in source operation, must be maintained for a period of at least 5 years and made available to the Control Officer upon request.
- E. All upset or breakdown conditions resulting in increased emissions or air pollutants shall be reported in compliance with District regulations, Section 020.075 and 020.076.
- F. The Control Officer will be provided access to the facility to inspect operations and equipment covered under this permit whenever necessary to determine compliance with this permit and any other air pollution limitations specified in District regulations.
- G. The operator will not discharge or cause the discharge of odorous emissions which result in confirmed violations of District Regulations Governing Air Quality Management, specifically Section 040.055. Upon confirmation of a violation of the odor regulation, the operator must submit a plan to reduce the odorous emissions within 30 days of Notice by the Control Officer.
- H. The annual throughput/consumption figures or calculated emissions, with supporting documentation, for the preceding 12 month period for the facility must be submitted, in writing, to the AQMD no later than the 20th of the month, approximately 6 weeks prior to the expiration date of the permit.

Failure to comply with the conditions of this permit may result in citations or permit revocation.

District Health Officer



Permitted Processes and Equipment

Process Type: GDF AST Phase I

Equipment: (1) Fireguard Above Ground Tanks with Balance Phase II Vapor Recovery: (1) Dispenser, (2) Gasoline Nozzle.

Control Device: Mfg Required Maintenance

GDF AST Phase I Conditions of Operation:

1. All operations must comply with 40 CFR Part 63, Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Category: Gasoline Dispensing Facilities.
2. All gasoline transfer and dispensing facilities must operate in accordance with Section 040.080 of the Washoe County District Board of Health Regulations Governing Air Quality Management.
3. All components of the Phase I and Phase II vapor recovery systems shall be installed and maintained in accordance with California Air Resources Board (CARB) Executive Orders.
4. Fuel spills or leaks must be cleaned up or corrected immediately using proper waste disposal methods. (Including accumulations of fuel in spill containers, condensation pots, and liquid collectors).
5. All hoses, boots, faceplates/flexible cones, nozzle shut off mechanisms, check valves, swivels, tanks, tank fill tubes, and fill tube cap seals must be maintained in good working order with regular maintenance to prevent leakage and excess escape of vapors (i.e.. no tears, slits, holes, leaks, or malfunctions).
6. The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.
7. The owner/operator must install a Pressure/Vacuum (P/V) vent valve and must conduct and pass a Leak Rate and Cracking Pressure Test every three years to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders and/or 40 CFR Part 63, Subpart CCCCCC.

Operating Parameters and Limits

Source Process Type: Not Applicable

Insignificant Sources

Not Applicable

Additional Address Covered Under This Permit

Not Applicable

Compliance Inspection Reports

WASHOE COUNTY HEALTH DISTRICT
 AIR QUALITY MANAGEMENT DIVISION
VAPOR RECOVERY INSPECTION SHEET

STATION Q&D Construction LLC ADDRESS 1050 S. 21ST Street
 CITY Sparks ZIP 89431 CONTACT Shawn Sliter
 OWNER/OPERATOR Q&D Construction PHONE (775) 302-6772
 NUMBER OF DISPENSERS (GASOLINE) 1 NUMBER OF NOZZLES (GASOLINE) 2
 NUMBER OF PRODUCT GRADES (GASOLINE) 1 NUMBER OF NOZZLES (DIESEL) 3
 FOR EACH DISPENSER

Date 8/31/2021
 Permit# AAIR17-0002
 INSP B. Osborn
 VN# _____

DEFECTIVE OR NON-OPERABLE EQUIPMENT

NOZZLE NUMBER																				
GAS GRADE																				

PUMPS	1. VACUUM PUMP																			
	2. LEAKS FTGS/SWIVELS																			
	3. USE INSTRUCTIONS																			
	4. WINTER FUEL ADVISEMENT...																			
HOSE	1. CUT/PUNCTURED																			
	2. FLATTENED/KINKED																			
	3. LENGTH																			
	4. SWIVEL																			
NOZZLE	5. RETRACTORS																			
	1. NOZZLE/SPOUT																			
	2. SWIVEL JOINTS																			
	3. FACE SEAL																			
	4. BELLOWS																			
VENT PIPES	5. VAPOR CHECK VALVE																			
	1. 2" DIA. X 12 HGT.-MIN																			
OTHER	1. VACUUM/ASSIST EQUIP																			
	2. AFTERBURNER																			

REPLACE VAPOR CAP BY 9/10/2021

PHASE I System Type: Two-Point Coaxial _____ Other _____ PHASE II INSTALLED YES NO _____ BALANCE
 ASSIST _____

	TANK #1	TANK #2	TANK #3	TANK #4		TANK #1	TANK #2	TANK #3	TANK #4
1. PRODUCT GRADE (UR, U+, UP)	<u>UR</u>				8. DEFECTIVE VAPOR POPPET				
2. TANK CAPACITY, GALLONS					9. MISSING FILL CAP				
3. MISSING VAPOR CAP	<u>X</u>				10. DEFECTIVE FILL CAP				
4. DEFECTIVE VAPOR CAP					11. FILL CAP GASKET				
5. VAPOR CAP NOT ENGAGED					12. FUEL/DEBRIS IN VAULT				
6. VAPOR CAP GASKET					13. VAULT DRAIN VALVE				
7. DEFECTIVE COAXIAL					14. FILL-VAP-STEM LOOSE				

REMARKS: 1) Replace vapor cap - it is missing.

Complete repair by 9/10/2021 & call AQS Osborn @ 775-203-8371 for reinspection 8/31/2021 - Photo submitted demonstrating new cap was installed. BCP

* Static Pressure Decay test is due 5/24/2022; Pressure Vacuum Vent Valve test due 6/12/2022.

OPERATOR (X) ssliter@qdconstruction.com
jhunter@qdconstruction.com

Unless otherwise noted all equipment must be repaired or replaced within 7 working days of the inspection date. Failure to repair or replace equipment may result in a Notice of Violation for permit conditions (Section 030.2175 - Operations Contrary to Permit. Washoe County District Board of Health Regulations Governing Air Quality Management).

Permit Number: AAIR17-0002
 Renewal Date: 10-31-2022
 Business Name: @ 2D Construction LLC.
 Address: 1050 S. 21st Street
 Facility Phone Number: (775) 302-6772
 Contact Person: Shawn Sliter
 Contact Phone/Email: (775) 302-6772 ssliter@gdconstruction.com

- A. Alterations Y N
- B. Posting Y N
- C. Modifications Y N
- D. Records Y N
- E. Upset Notification Y N
- F. Access Y N

Number of Dispensers (Gasoline) 1 Number of Nozzles (Gasoline) 2
 Number of Product Grades (Gasoline) for Each Dispenser 1 Number of Nozzles (Diesel) 0

DEFECTIVE OR NON-OPERABLE EQUIPMENT

PHASE I System Type: Two-Point Coaxial _____ Other _____ EVR _____

	TANK #1	TANK #2	TANK #3	TANK #4		TANK #1	TANK #2	TANK #3	TANK #4
	1. Product Grade (UR, U+, UP)	UR					8. Defective Vapor Poppet		
2. Tand Capacity, Gallons					9. Missing Fill Cap				
3. Missing Vapor Cap					10. Defective Fill Cap				
4. Defective Vapor Cap					11. Fill Cap Gasket				
5. Vapor Cap Not Engaged	OC				12. Fuel/Debris in Vault	X			
6. Vapor Cap Gasket					13. Vault Drain Valve				
7. Defective Coaxial					14. FILL-VAP-STEM Loose				

PHASE II Installed Yes No _____ Assist _____ Balance Exempt _____

Nozzle Number	Gas Grade								
1	UR								
2	UR								

Pumps	1. Vacuum Pump	good																		
	2. Leaks FTGS/Swivels																			
	3. Use Instructions																			
Hose	1. Cut/Punctured/Cracked																			
	2. Flattened/Kinked																			
	3. Length																			
	4. Swivel																			
	5. Retractors																			
Nozzle	1. Nozzle/Spout																			
	2. Swivel Joints																			
	3. Face Seal																			
	4. Bellows																			
	5. Vapor Check Valve																			
Vent Pipes	1. 2" dia. X 12 hgt.-min.																			
Other	1. Vacuum/Assist Equip.																			

Remarks: - testing is past due -
• fuel in spill bucket container ✓
• please submit current compliance testing to AQMDcompliance@washoecounty.gov ✓
Testing performed 9-2-2022

Unless otherwise noted all equipment must be repaired or replaced within 7 working days of the inspection date. Failure to repair or replace equipment may result in a Notice of Violation for permit conditions (Section 030.2175 - Operations Contrary to Permit. Washoe County District Board of Health Regulations Governing Air Quality Management).

Air Quality Specialist: M. Bunnie Date: 9-2-22

INSPECTION GUIDE FOR GASOLINE DISPENSING FACILITIES
(NESHAP, 40 CFR PART 63, SUBPART CCCCC; CARB EO's)

Name of Facility Q & D Construction LLC
 Facility Address 10505 21st St
 Permit Number AAIR17-0002 Avg. Mon. Throughput 13,324

EQUIPMENT

Storage Tank(s) Above X Below _____
 Phase I Vapor Control 2-Point X Coaxial _____
 Phase II Vapor Control Balance X Vac Assist _____ None _____
 Number of Pressure/Vacuum Vents Installed _____

COMPLIANCE REQUIREMENTS (NESHAP, 40 CFR Part 63, Subpart CCCCC)

<u>Monthly Throughput < 10,000 gallons</u>	<u>Yes/No</u>
1. Minimize spills	<u>X</u>
2. Clean up spills expeditiously	<u>X</u>
3. Cover gasoline containers/fill pipes w/gasketed seal	<u>X</u>
4. Min. gasoline sent to open collection system	<u>X</u>
<u>Monthly Throughput ≥ 10,000 gallons</u>	_____
5. Load storage tank using submerged fill	_____
<u>Monthly Throughput ≥ 100,000 gallons</u>	_____
6. Use vapor tight caps for liquid fill & vapor connections	_____
7. Install Pressure/Vacuum Vent Valves on vent pipes	_____

COMPLIANCE TESTING (Per CARB Executive Order and Local Policy)

Balance Phase II Vapor Recovery (UST)
(Testing required if throughput over 240,000 gal/year)
 Date of last Static Pressure Decay Test _____
(Required every 3 years)
 Date of last Dynamic Backpressure Test _____
(Required every 3 years)
 Date of last P/V Vent Test _____
(Required to be installed and tested every 3 years if facility dispenses over 1.2 million gal/year)

Assist Phase II Vapor Recovery (UST)
(Testing required if installed regardless of throughput)
 Date of last Static Pressure Decay Test _____
(Required annually)
 Date of last A/L Test _____
(Required annually)
 Date of last P/V Vent Valve Test _____
(Required to be installed and tested every 3 years)

EVR Phase I Vapor Recovery Only Facilities
(Testing requirements per the Permit to Operate)
 Date of Phase II Exemption ATC _____
(The following tests are required every 3 years)
 Date of last Static Pressure Decay Test _____
 Date of last Static Torque Test _____
 Date of last Leak Rate Drop Test _____
 Date of last P/V Vent Valve Test _____

Above Ground Storage Tank
(Testing requirements per the Permit to Operate)
 Date of last Static Pressure Decay Test 5-24-2021 ✓
(Required annually) 9-7-2022
 Date of last P/V Vent Valve Test 6-12-2019 ✓
(Required to be installed and tested every 3 years) 9-7-2022

Comments: AGST testing is past due*
Static Pressure decay performed 9-7-2022
P/V test performed 9-7-22

Inspector: M. Rennie Date: 9-2-2022

Compliance Testing Reports

SUMMARY OF SOURCE TEST RESULTS

AST

Source Name and Address:	Testing Company Name and Address
Q&D Construction	L.A.Perks Plumbing & Heating Inc.
1050 21 st St.	765 East Greg Street Suite 103
Reno, NV 89510	Sparks, NV 89431
Ph:	Ph: 775-358-4403 FX: 775-358-4411

Facility Parameters	Operational Parameters
Phase II System Type (check one)	Tank# #of Nozzles served by tank
Gilbarco Vac _____ Wayne Vac _____ Balance <u> X </u> Hirt _____ Red Jacket _____ Hasstech _____ Healy _____	1. <u> 2 </u> 2. _____ 3. _____
Manifolded Yes ___ No ___	Total # of Gas Nozzles <u> 2 </u>

Source Test Results and Comments:

Tank #	1	2	3
Product Grade:	<u>87</u>	_____	_____
Actual tank Capacity, Gallons	<u>6000</u>	_____	_____
Gasoline Volume, Gallons	<u>2950</u>	_____	_____
Ullage, Gallons (#2 - #3)	<u>3050</u>	_____	_____
Initial Pressure, inches h2o	<u>2.00</u>	_____	_____
Pressure After 1 min. inches h2o	<u>1.96</u>	_____	_____
Pressure After 2 min. inches h2o	<u>1.92</u>	_____	_____
Pressure After 3 min. inches h2o	<u>1.88</u>	_____	_____
Pressure After 4 min. inches h2o	<u>1.84</u>	_____	_____
Final Pressure After 5 min. inches h2o	<u>1.80</u>	_____	_____
Allowable Final Pressure from (table 1)	<u>1.55</u>	_____	_____
Test Status (Pass of Fail)	<u>PASS</u>	_____	_____

Test Conducted By: Ron Wood Date: 5-24-2021

District Witness: _____ Date: _____

Form 4

**Dynamic Back Pressure
Source Test Results**

Report No.: _____
 Test Date: 5-24-2021 _____
Test Times:
 Run A: _____

Source Information		Representatives
Station Name and Address Q&D Construction 1050 21 st St. Reno, NV 89510	Station Representative and Title Phone No. ()	Source Test Engineers
Permit Conditions:	Source: GDF Vapor Recovery	Permit Services Division/Enforcement Division
	GDF # _____ A/C # _____	Test Requested By:
Operating Parameters:		
Applicable Regulations:		VN Recommended:

Sources Test Results and Comments:

Nozzle #	Gas Grade	Gallons Dispensed	Dynamic Back Pressure, In. H ₂ O		Pass/Fail
			80. B.P.	60. B.P.	
1	87		.24	.19	Pass
2	87		.26	.18	Pass

Results Received by	Date	Results Reviewed by	Date	Results Approved/Disapproved
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SUMMARY OF SOURCE TEST RESULTS

Source Name and Address:	Testing Company Name and Address
Q&D Construction	L.A.Perks Plumbing & Heating Inc.
1050 21 st St	765 East Greg Street Suite 103
Reno, NV 89510	Sparks, NV 89431
Ph: _____	Ph: 775-358-4403 FX: 775-358-4411

Facility Parameters	Operational Parameters
Phase II System Type	Tank# #of Nozzles served by tank 2
(Check one)	
Gilbarco Vac _____	Wayne Vac _____
Balance <u> X </u>	1. _____
Hirt _____	2. _____
Red Jacket _____	3. _____
Hasstech _____	
Healy _____	Total # of Gas Nozzles <u> 2 </u>
Manifolded Yes <u> </u> No <u> X </u>	

Source Test Results and Comments:

Tank #	1	2	3
Product Grade:	<u> 87 </u>	_____	_____
Actual tank Capacity, Gallons	<u> 5000 </u>	_____	_____
Gasoline Volume, Gallons	<u> 3550 </u>	_____	_____
Ullage, Gallons (#2 - #3)	<u> 1450 </u>	_____	_____
Initial Pressure, inches h2o	<u> 2.00 </u>	_____	_____
Pressure After 1 min. inches h2o	<u> 2.03 </u>	_____	_____
Pressure After 2 min. inches h2o	<u> 2.07 </u>	_____	_____
Pressure After 3 min. inches h2o	<u> 2.13 </u>	_____	_____
Pressure After 4 min. inches h2o	<u> 2.17 </u>	_____	_____
Final Pressure After 5 min. inches h2o	<u> 2.21 </u>	_____	_____
Allowable Final Pressure from (Table 1)	<u> .45 </u>	_____	_____
Test Status (Pass of Fail)	<u> PASS </u>		

Test Conducted By: <u> Gilbert Garcia </u>	Date: <u> 09/07/2022 </u>
District Witness: _____	Date: _____

TP-201.1E

Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves

Permit Number:		Test Company: L.A.Perks Plumbing & Heating Inc.	
Site Name: Q&D Construction		Technician: Gilbert Garcia	
Site Address: 1050 21 st St		Certification Number	Expiration Date
City: Reno	Zip: 89510	District: 8211864	06/2023
Date/Time of Test: 09/07/2022 10:00			

TEST INFORMATION	
Calibration date for digital manometer (must be within 180 days of the test)	09/2022
Ending value for digital manometer drift test (must be 0.01 in. w.c. or less)	0
	Pass / Fail
Test stand leak check (must maintain a steady pressure between 18.0 and 20.0 in. w.c. with no soap bubbles forming)	PASS

P/V Valve Manufacturer: Husky		Model Number: 5885		Pass <input checked="" type="checkbox"/> Fail <input type="checkbox"/>	
Manufacturer's Specified Positive Leak Rate (CFH):	.05	Manufacturer's Specified Negative Leak Rate (CFH):	.21		
Measured Positive Leak Rate (CFH):	10	Measured Negative Leak Rate (CFH):	40		
Positive Cracking Pressure (in. w.c.):	.021	Negative Cracking Pressure (in. w.c.):	.084		

P/V Valve Manufacturer:		Model Number:		Pass <input type="checkbox"/> Fail <input type="checkbox"/>	
Manufacturer's Specified Positive Leak Rate (CFH):		Manufacturer's Specified Negative Leak Rate (CFH):			
Measured Positive Leak Rate (CFH):		Measured Negative Leak Rate (CFH):			
Positive Cracking Pressure (in. w.c.):		Negative Cracking Pressure (in. w.c.):			

P/V Valve Manufacturer:		Model Number:		Pass <input type="checkbox"/> Fail <input type="checkbox"/>	
Manufacturer's Specified Positive Leak Rate (CFH):		Manufacturer's Specified Negative Leak Rate (CFH):			
Measured Positive Leak Rate (CFH):		Measured Negative Leak Rate (CFH):			
Positive Cracking Pressure (in. w.c.):		Negative Cracking Pressure (in. w.c.):			

P/V Valve Manufacturer:		Model Number:		Pass <input type="checkbox"/> Fail <input type="checkbox"/>	
Manufacturer's Specified Positive Leak Rate (CFH):		Manufacturer's Specified Negative Leak Rate (CFH):			
Measured Positive Leak Rate (CFH):		Measured Negative Leak Rate (CFH):			
Positive Cracking Pressure (in. w.c.):		Negative Cracking Pressure (in. w.c.):			

I declare, under penalty of perjury under the laws of the state of California that based on information and belief formed after reasonable inquiry, the statements and information provided in this document are true, accurate, and complete.

Signature of Technician: _____ Gilbert Garcia _____ Date: _____ 9-7-2022 _____

Warning Letter Issued on January 27, 2021

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

January 27, 2021

Q & D Construction
C/O Environmental Manager
PO Box 10865
Reno, NV 89510

RE: Incident of Noncompliance Associated with Case No. 1266

To Whom it May Concern,

On August 26, 2020 the Washoe County Health District, Air Quality Management Division (AQMD) identified an incident of noncompliance associated with Stationary Source Permit No. AAIR17-0002 located at Q&D Construction, 1050 S. 21st Street, Sparks, NV 89431. Specifically, the Permit to Operate indicates:

Condition No. 9: The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.

A records review indicated that a Static Pressure Performance Test was conducted and passed on 6/12/2019. The next Static Pressure Performance Test was conducted and passed on 9/15/2020, which exceeded the annual testing interval indicated in the Permit to Operate.

Based on the information available, it has been determined that Q&D Construction has allegedly violated the following Section of the District Board of Health Regulations Governing Air Quality Management:

030.2175 Operations Contrary to Permit.

No person may operate equipment contrary to the permit conditions specified on the Permit to Operate for that equipment. Violation of the conditions of a permit to operate shall constitute a major violation under the provisions of Section 020.040 and Section 020.042, or both of these regulations, and may constitute grounds for immediate suspension of the permit.

In response to the incident of noncompliance described above, the AQMD has made the determination to issue a **Warning** to Q&D Construction under AAIR17-0002.

Please be aware that although no fine amount will be issued as part of this determination, any future incidents of noncompliance may be affected by the issuance of this warning. Specifically, this warning may result in a future penalty recommendation being compounded, by as much as 300%, as a result of this issuance. In Attachment 1, please find the penalty table the AQMD uses to establish base penalty amounts. In addition, in Attachment 2 is the "Recommended Penalty Calculation Worksheet" the AQMD uses to adjust the base penalty amount. Under III.B, Compliance History, of the "Recommended Penalty Calculation Worksheet" is how past compliance history may affect future penalty recommendations made by the AQMD.

AIR QUALITY MANAGEMENT
1001 East Ninth Street, Building B-171, Reno, Nevada 89512
AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com
Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County Is an Equal Opportunity Employer.



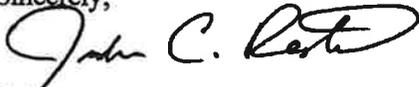
Subject: Incident of Non-Compliance Case No. 1266/Q&D Construction

Date: January 27, 2021

Page 2 of 2

If you have any questions regarding the information contained in this letter, please contact me at (775) 784-7202.

Sincerely,



Joshua C. Restori

Supervisor, Permitting and Compliance

Washoe County Health District, Air Quality Management Division

Enclosed:

Attachment 1- Penalty Table

Attachment 2 - Recommended Penalty Calculation Worksheet

E-copy: AQMD Enforcement Group

Cert. Mail No.: (Return Receipt Required)

9171 9690 0935 0218 0131 58



February 17, 2021

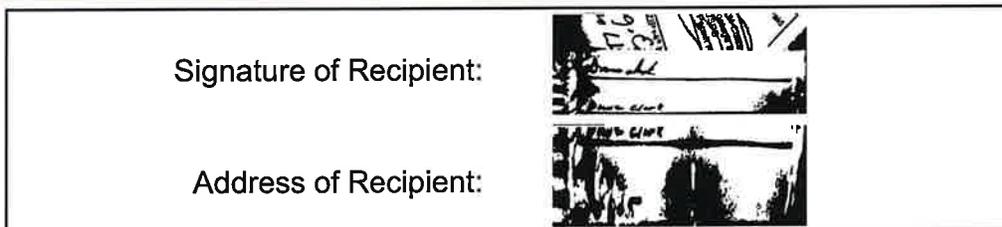
Dear AQMD Compliance:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0218 0131 58.

Item Details

Status:	Delivered, PO Box
Status Date / Time:	February 3, 2021, 10:07 am
Location:	RENO, NV 89510
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

**Washoe County District Board of Health Regulations
020.040 Civil Fines and Penalties and Administrative
Fine Assessment**

Administrative Penalty Table

Air Quality Management Division Washoe County Health District

I. Minor Violations - Section 020.040(C)

Regulation		1st Violation	2nd Violation
040.005	Visible Emissions	1000	2500
040.030	Dust Control (fugitive)	1000	2000
040.035	Open Fires	500	1000
040.040	Fire Training	500	1000
040.050	Incinerator	1000	2000
040.051	Woodstoves	500	1000
040.055	Odors	1000	2000
040.080	Gasoline Transfer (maint.)	1000	2000
040.200	Diesel Idling	500	1000
050.001	Emergency Episode	1000	2000
040.030	Construction Without a Dust Control Permit		
	Project Size – Less than 10 acres	\$ 500 + \$50 per acre	
	Project Size – 10 acres or more	\$1,000 + \$50 per acre	

II. Major Violations - Section 020.040

Regulation	Violation	Source Category	
		Minimum	Maximum
030.000	Construction/Operating without Permit (per major process system or unit/day)	5000	10000
030.1402	Failure to Comply with Stop Work Order	10,000/day	10,000/day
030.2175	Operation Contrary to Permit Conditions (per day or event)	2500	10000
030.235	Failure to Conduct Source Test or Report (per Reporting Period for Each Unit)	2500	5000
	All other Major Violations (per day or event)	5000	10000

III. Major Violations - Section 030.107 Asbestos

A. Asbestos Sampling & Notification	\$ 2,000 - \$10,000
B. Asbestos Control Work Practices (per day or event)	\$ 2,000 - \$10,000
C. Asbestos Containment & Abatement (per day or event)	\$ 5,000 - \$10,000

**Washoe County Air Quality Management
Permitting & Enforcement Branch
Recommended Penalty Calculation Worksheet**

Company Name Q & D Construction, LLC
Contact Name Matt Kenneson
Case Number 1429

I. Violation of Section 040.080 GASOLINE TRANSFER AND DISPENSING FACILITIES

I. **Recommended Penalty** = \$ 1000.00

II. Violation of Section 0

II. **Recommended Penalty** = \$ 0.00

III. Violation of Section 0

III. **Recommended Penalty** = \$ 0.00

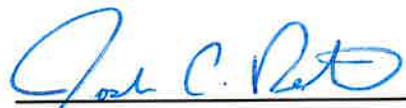
IV. Violation of Section 0

IV. **Recommended Penalty** = \$ 0.00

V. Violation of Section 0

V. **Recommended Penalty** = \$ 0.00

Total Recommended Penalty = \$ 1,000.00



Senior AQ Specialist/Supervisor

1/30/2023

Date

**Washoe County Air Quality Management
Permitting & Enforcement Branch
Recommended Penalty Calculation Worksheet**

Company Name Q & D Construction, LLC
 Contact Name Matt Kenneson
 Case Number 1429
 Violation Number AQMV23-0002

Violation of Section 040.080 GASOLINE TRANSFER AND DISPENSING FACILITIES
 Permit Condition Condition of Operation No. 6

I. Base Penalty as specified in the Penalty Table = \$ **1,000.00**

II. Severity of Violation

A. Public Health Impact

1. Toxicity of Release (For Emissions Exceedances)

Unable to Quantify - 1x Criteria Pollutant - 1x Hazardous Air Pollutant - 2x
 Adjustment Factor **1**

Comment: Penalty by Rule

2. Environmental/Public Health Risk (Proximity to sensitive environment or group)

Negligible - 1x Moderate - 1.5x Significant - 2x Adjustment Factor **1.0**

Comment: Penalty by Rule

Total Adjustment Factors (1 x 2) = **1**

B. Adjusted Base Penalty

Base Penalty \$ 1,000.00 x Adjustment Factor 1 = \$ **1,000.00**

C. Number of Days/Weeks/Months or Units in Violation

Adjusted Penalty \$ 1,000.00 x Number of Days/Weeks/Mo **1** = \$ **1,000.00**

Comment: Penalty by Rule

D. Economic Benefit

Avoided Costs \$ **0.00** + Delayed Costs \$ **0.00** = \$ 0.00

Comment: Penalty by Rule

Penalty Subtotal

Adjusted Base Penalty \$ 1,000.00 + Economic Benefit \$ 0.00 = \$ **1,000.00**

**Washoe County Air Quality Management
Permitting & Enforcement Branch
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

A. Mitigating Factors (0 +/- 25%)

0%

Comment: _____

B. Compliance History

Similar Violation < 12 months (300%)

+ 0%

+ 0%

+ 0%

Similar Violation < 3 years (200%)

Similar Violation > 3 years (150%)

Previous Unrelated Violations < 5years

5%

 x , # of previous violations

+ 0%

Comment: _____

Total Penalty Adjustment Factors – Sum of A & B

0%

IV. Recommended Penalty

Penalty Adjustment:

\$ 1,000.00	x	0%	=	\$ 0.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)		Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$ 0.00

Comment: _____

Adjusted Penalty:

\$ 1,000.00	+/-	\$ 0.00	=	\$ 1,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty

[Signature]

Senior AQ Specialist/Supervisor

1/30/2023

Date

**ATTACHMENT TO THE STAFF REPORT
AIR POLLUTION CONTROL HEARING BOARD**

Appeal

FEB 13 2023

WASHOE COUNTY HEALTH DIST.

WASHOE COUNTY HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

APPEAL PETITION TO THE AIR POLLUTION CONTROL HEARING BOARD

Return to: Washoe County Health District
Air Quality Management Division
1001 East Ninth Street B171
Reno, Nevada 89512
(775) 784-7200

www.OurCleanAir.com

PETITIONER: Matt Kenneson

PHONE: 775-302-6327 EMAIL: M.Kenneson@jcdconstruction.com

MAILING ADDRESS: 1050 S. 21ST STREET

CITY: Sparks STATE: NV. ZIP CODE: 89436

PHYSICAL ADDRESS: Same

CITY: _____ STATE: _____ ZIP CODE: _____

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQMV23-0002 DATE RECEIVED: 1/30/23

REGULATION INVOLVED: SECTION: 040.080 Gasoline Transfer & Dispensing

BASIS FOR APPEAL/VARIANCE: Due to Covid-Testing was delayed. Test is on an annual Reminder with LA Perks. They did not have personnel to complete test on time.

Matt Kenneson
PRINT NAME

[Signature]
SIGNATURE

Equipment Manager
TITLE

2/9/23
DATE

Revised 08-2021

