

Staff Report
Board Meeting Date: June 8, 2022

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. AQMV22-0002 and AQMV22-0003 with a total associated administrative fine of \$27,500.00 issued to Moana Lane Shell 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.'s AQMV22-0002 and AQMV22-0003 be upheld and an administrative fine in the amount of \$27,500.00 be levied against Moana Lane Shell for failing to obtain an Authority to Construct prior to the construction or modification of permitted operations (Chapter 030 Part 002 Construction or Modification of Permitted Operations) and failure to comply with the provisions of an Authority to Construct for modified gasoline dispensing equipment (Chapter 030 Part 221 Section B Temporary Permit to Operate for Modified Equipment). These actions constitute major violations of the Washoe County District Board of Health Regulations Governing Air Quality Management (DBOH Regulations).

BACKGROUND

On March 31, 2021, the AQMD started an investigation at Moana Lane Shell (AAIR16-0487) located at 3295 Kietzke Lane in Reno, Nevada, based information that the gasoline Dispensing facility (GDF) had replaced the Phase II vapor recovery equipment without applying for and obtaining an Authority to Construct prior to the replacement. During the initial investigation, an Air Quality Specialist (AQS) observed new Phase II balance vapor recovery equipment and evidence of a tank removal (Supporting Document 1). At the time of investigation, the Permit to Operate for the GDF indicated Phase II assist vapor recovery equipment (Supporting Document 2). The AQS spoke with the onsite attendant who indicated that the alterations had been completed several weeks prior by Petro West Inc.

On the same date, the AQS contacted the owner of Moana Lane Shell, Mr. Alex Balouch of the Azadus Company and discussed the changes to the vapor recovery equipment. Mr. Balouch stated he was not aware of any changes made to the vapor recovery equipment and was of the understanding that the contractor, Petro West Inc., had submitted the necessary applications and obtained the required permits to make any changes necessary.

The AQS then contacted Petro West Inc. and discussed the change in vapor recovery equipment and underground storage tank. Petro West Inc. stated that they were under the impression that all

required applications and permitting were submitted and obtained prior to the modifications, further stating that there had been a misinterpretation of the information discussed with the Permitting Engineer at the AQMD (Supporting Document 3). The AQS explained pursuant to DBOH Regulations Chapter 040 Part 080 Section D.6. (Supporting Document 4) changing a GDF from a Phase II balance vapor recovery system to a Phase II assist vapor recovery system constituted a modification which would require an Authority to Construct (ATC) prior to the modification. Specifically, this regulation states:

“A person shall not install or modify Phase II gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to Section 030.002.”

Section 030.002 Construction or Modification of Permitted Operations (Supporting Document 5) states:

“A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce control or eliminate the issuance of air contaminants...”

Petro West Inc. understood the requirements and indicated that an application would be submitted immediately.

On April 1, 2021, an application was submitted via email to the AQMD to reflect the modifications made at Moana Lane Shell. This application requires a wet signature, therefore the AQMD responded to the applicant, Mr. Alex Balouch, that the application needed to be hand delivered or mailed for the application to be considered complete. Between April 1, 2021, and May 3, 2021, multiple emails were exchanged with Petro West Inc. and Mr. Alex Balouch reiterating the requirement of an application with a wet signature.

On May 4, 2021, the AQMD received a signed application and payment for the modification of the vapor recovery system at Moana Lane Shell (Permit to Operate AAIR16-0487) (Supporting Document 6). On May 18, 2021, an ATC to change the vapor recovery system at Moana Lane Shell was issued (Supporting Document 7).

On May 26, 2021, the AQMD followed up with Mr. Balouch regarding the compliance testing requirements of the Authority to Construct issued on May 18, 2021. On June 4, 2021, the AQMD received notification from a GDF testing contractor that the compliance testing required by the ATC issued on May 18, 2021, was scheduled for June 14, 2021. The AQMD then received an additional notification from the GDF testing contractor on July 16, 2021, confirming testing would take place on July 22, 2021. The AQMD inquired into the additional testing date and found that the testing which took place on June 14, 2021, had failed the Static Pressure Decay test required by the ATC (Supporting Document 8).

On July 22, 2021, the GDF testing contractor completed additional testing at Moana Lane Shell and again found that the Static Pressure Decay test required by the ATC had failed (Supporting Document 9). This date marked approximately 113 days after the AQMD recognized the modification of the vapor recovery equipment at Moana Lane Shell and approximately 65 days

after the issuance of the ATC to make the modifications. Pursuant to the ATC issued on May 18, 2021:

“All initial testing must be conducted and passed within 60 days of start of operation. Initial testing includes a 5 inch WC Static Pressure Performance Test of Vapor Recovery System, Dynamic Back Pressure Test and a Pressure/Vent valve test.”

The specific testing requirements which must be conducted within 60 days of the modification and every three years afterward are:

“The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System every three years to demonstrate compliance with the California Air Resources Board (CARB) Executive Orders.

The owner/operator must conduct and pass a Dynamic Back Pressure Test of the Vapor Recovery System every three years to demonstrate compliance with the California Air Resources Board (CARB) Executive Orders.

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 Resources Board (CARB) Executive Orders and/or 40 CFR Part 63, Subpart CCCCCC.”

Due to the inability of Moana Lane Shell to conduct a successful 5-inch WC Static Pressure Decay test and the testing period expiring, the AQMD issued Compliance Order No. 00006 (Supporting Document 10) on July 27, 2021. The Order required Moana Lane Shell to repair and retest the vapor recovery system no later than August 17, 2021. The Order was received by Moana Lane Shell on July 30, 2021. The Order was not appealed by Moana Lane Shell.

On August 4, 2021, the AQMD had received successful compliance test results as required by the ATC issued on May 18, 2021 (Supporting Document 11).

After review of the incidents of noncompliance associated with this Case, the AQMD determined two violations of the DBOH Regulations had occurred, failure to obtain an Authority to Construct prior to the construction or modification of permitted operations (AQMV22-0002 - Chapter 030 Part 002 Construction or Modification of Permitted Operations and failure to comply with the provisions of an Authority to Construct for modified gasoline dispensing equipment (AQMV22-0003 - Chapter 030. Part 221 Section B Temporary Permit to Operate for Modified Equipment).

Case No. 1337 was developed based on these violations and a compliance and enforcement meeting was scheduled for February 1, 2022, between the AQMD and Mr. Alex Balouch. During the meeting, the AQMD discussed the violations and requested any information from Mr. Balouch contesting the information presented. Mr. Balouch stated he did not contest the information presented nor had any evidence to refute the violations. During the meeting, Mr. Balouch stated applications and permitting were the responsibility of his contractor and he would not know who or how to contact the agencies associated with the modifications which took place at Moana Lane Shell. The AQMD emphasized the regulatory requirement to post the Permit to Operate at the facility and if there were any questions

relating to modifying the permitted equipment or questions in general, the Permit to Operate has the contact information for the AQMD to pose those questions.

During the meeting, the Enforcement Group presented the process of determining an administrative fine associated with the violations. The fines incorporated the severity of the violations and the length of time the violations existed. The determination of the Enforcement Group was a \$22,000.00 penalty for NOV No. AQMV22-0002 and \$5,500.00 penalty for AQMV22-0003. The offer to settle these violations with a reduction in the penalty amount of 10% was offered to Mr. Balouch. Mr. Balouch stated that he would prefer to weigh his options of appealing or settling the violations.

On February 10, 2022, the AQMD received an Appeal Petition from Mr. Balouch requesting an appeal hearing of NOV No.'s AQMV22-0002 and 0003 with the basis for appeal of having "new evidence to share". No additional information was attached to the Appeal Petition. An appeal hearing was scheduled with the Air Pollution Control Board for April 5, 2022. In a letter dated March 2, 2022 (Supporting Document 12), Mr. Balouch requested postponement of this hearing, waived his right to an appeal hearing within (60) day timeframe. An agreed upon date of June 8, 2022, was scheduled for the hearing.

RECOMMENDATION

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No.'s AQMV22-0002, AQMV22-0003, associated with Case No. 1337, issued to Moana Lane Shell and levy an administrative fine in the amount of \$27,500.00.

ALTERNATIVES

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

1. The Air Pollution Control Hearing Board may determine that no violation of the Regulations has taken place and dismiss Notice of Violation No. AQMV22-0002 and/or AQMV22-0003.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV22-0002; and levy any fine in the range of \$0.00 to \$10,000.00 per day per violation and or;
3. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV22-0003; and levy any fine in the range of \$0.00 to \$10,000.00 per day per violation.

POSSIBLE MOTION(s)

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

1. "Move to deny the appeal of NOV No. AQMV22-0002 and AQMV22-0003, associated with Case No. 1337 issued to Moana Lane Shell and levy an administrative fine in the amount of \$27,500.00."

or, should the APCHB wish to consider an alternative motion the possible motion(s) may be:

1. “Move to dismiss NOV No. AQMV22-0002 and AQMV22-0003, associated with Case No. 1325, issued Moana Lane Shell”, or
2. “Move to uphold NOV No. AQMV22-0002, associated with Case No. 1325, and levy an administrative fine in the amount of (*range of \$0.00 to \$10,000.00*) per day per violation and to uphold NOV No. AQMV22-0003, associated with Case No. 1325, and levy an administrative fine in the amount of (*range of \$0.00 to \$10,000.00*) to Moana Lane Shell.”

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

**Notice of Violation No.
AQMV22-0002, AQMV22-0003 and Supporting
Documentation**

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

NOTICE OF VIOLATION No: AQMV22-0002

ISSUED TO

Moana Lane Shell

Location: 3295 Kietzke Lane

Permit Number: AAIR16-0487

Date of Issuance: February 4, 2022

Case No.: 1337

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Moana Lane Shell is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.002 Construction or Modification of Permitted Operations.

1. VIOLATION

- A. Failure to comply with the provisions of Permit to Operate AAIR16-0487. Specifically, Standard Condition of Operation C.: Any modification of the equipment other than normal repair and maintenance will require a new permit.

2. BASIS OF VIOLATION

A. Regulatory Authority

The Washoe County District Board of Health Regulations Governing Air Quality Management 030.002 CONSTRUCTION OR MODIFICATION OF PERMITTED OPERATIONS:

A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. The applicant for any Authority to Construct must notify the Control Officer in the application of any source which is or will become subject to 40 CFR Part 70 upon completion of the proposed construction. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc.



B. Facts to Constitute the Violation

On March 31, 2021, an Air Quality Specialist observed that the Phase II Assist Vapor Recovery equipment associated with the Gasoline Dispensing Facility (GDF) at Moana Lane Shell had been replaced with Phase II Balance Vapor Recovery equipment. Upon a records review for the GDF, it was determined that a permit application for the replacement of the Phase II Vapor Recovery equipment associated with GDF had not been submitted to AQMD. The change in Phase II Vapor Recovery systems at a GDF is considered a modification to the facility where a permit application and an Authority to Construct for the modification is required prior to the commencement of construction.

On May 4, 2021, a complete application was received by the AQMD to modify the Phase II Vapor Recovery system at Moana Lane Shell. On May 18, 2021, an Authority to Construct was issued by the AQMD to Moana Lane Shell for the modification of the GDF to remove the Phase II Assist Vapor Recovery equipment and replace it with Phase II Balance Vapor Recovery equipment.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Moana Lane Shell is advised that within (10) working days of the receipt of this Notice of Violation, Moana Lane Shell 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 \$22,000.00

2/4/2022
Date



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

WASHOE COUNTY HEALTH DISTRICT

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

NOTICE OF VIOLATION No: AQMV22-0003

ISSUED TO

Moana Lane Shell

Location: 3295 Kietzke Lane

Permit Number: AAIR16-0487

Date of Issuance: February 4, 2022

Case No.: 1337

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Moana Lane Shell is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management Section 030.221 Temporary Permit to Operate Section B. Modified Equipment.

1. VIOLATION

- A. Failure to comply with the provisions of the Authority to Construct (ATC) issued to Moana Lane Shell on May 18, 2021. Specifically,

Additional Conditions: GDF-Underground Storage Tank – Pre -EVT Balance System No. 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.

and,

Upon completion of construction the AQMD must be contacted to schedule the initial compliance inspection. All initial testing must be completed and passed within 60 days of start of operation. Initial testing includes a 5 inch WC Static Pressure Performance Test of Vapor Recovery System, Dynamic Back Pressure Test and a Pressure/Vent valve test.

2. BASIS OF VIOLATION

- A. Regulatory Authority
The Washoe County District Board of Health Regulations Governing Air Quality Management:

AIR QUALITY MANAGEMENT

1001 East Ninth Street, Building B-171, Reno, Nevada 89512

AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com

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030.221 TEMPORARY PERMIT TO OPERATE: B. Modified Equipment - A person shall notify the Control Officer before operating or using any modified equipment for which an Authority to Construct has been granted. Upon such notification, the Control Officer may grant permission for the operation of such equipment with the Authority to Construct deemed as being a Temporary Permit to Operate for that newly modified equipment. If the modification is an additional control device for reducing pollutant emissions, the continued operation of that control device shall be required for the operation of the plant as a whole. In no case may the equipment be operated in a manner contrary to the conditions specified in the Authority to Construct.

B. Facts to Constitute the Violation

On March 31, 2021, an Air Quality Specialist observed that the Phase II Assist Vapor Recovery equipment associated with the Gasoline Dispensing Facility (GDF) at Moana Lane Shell had been replaced with Phase II Balance Vapor Recovery equipment. Upon a records review for the GDF, it was determined that a permit application for the replacement of the Phase II Vapor Recovery equipment associated with GDF had not been submitted to AQMD. The change in Phase II Vapor Recovery systems at a GDF is considered a modification to the facility where a permit application and an ATC for the modification is required prior to the commencement of construction.

On May 4, 2021, a complete application was received by the AQMD to modify the Phase II Vapor Recovery system at Moana Lane Shell. On May 18, 2021, an ATC was issued by the AQMD to Moana Lane Shell for the modification of the GDF to remove the Phase II Assist Vapor Recovery equipment and replace it with Phase II Balance Vapor Recovery equipment.

Pursuant to the ATC issued on May 18, 2021, Moana Lane Shell was to conduct and pass initial compliance testing within 60 days of start of the operation after modifying the Phase II vapor recovery equipment. The initial testing includes a 5 inch WC Static Pressure Performance Test of Vapor Recovery System, Dynamic Backpressure Test and a Pressure/Vacuum Vent Valve Test. The AQMD considered the start of operation as the date the ATC was issued for the modification as the equipment was exchanged prior to the issuance of an ATC, therefore the 60 day deadline for completing the testing requirements would be July 17, 2021. Moana Lane Shell failed to successfully complete the testing requirements by July 17, 2021 and Compliance Order No. 00006 was issued to the facility to successfully complete the testing by August 17, 2021.

On August 16, 2021 Moana Lane Shell successfully completed the required compliance testing pursuant to the ATC issued on May 18, 2021.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Moana Lane Shell is advised that within (10) working days of the receipt of this Notice of Violation, Moana Lane Shell 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 \$5,500.00.

2/4/2022
Date



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

Supporting Document 1

Photographs

Moana Lane Shell
3295 Kietzke Lane
Taken on 03/31/2021
NOV No.'s AQMV22-0002/0003

Photograph 1

Date: 03/31/2021

Direction: NE

Photo illustrating new dispenser and a Balance Vapor Recovery nozzle.



Photograph 2

Date: 03/31/2021

Direction: E

Photo illustrating new dispenser and a Balance Vapor Recovery nozzle.



Photograph 3

Date: 03/31/2021

Direction: NW

Photo illustrating recent change to Underground Storage Tank.



Supporting Document 2

WASHOE COUNTY HEALTH DISTRICT

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1001 East Ninth Street

Bldg B - 1

Reno, Nevada 89512

(775) 784-7200

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Permit #: AAIR16-0487

Permit Expiration Date: 02/28/2022

Permit Issued To:

Moana Lane Shell
3295 Kietzke Lane
Reno, NV 89502

Mailing Address:

Moana Lane Shell
c/o Facility Manager
3295 Kietzke Lane
Reno, NV 89502

Permit Description:

GASOLINE DISPENSING FACILITY - With MCS Vacuum Assist Phase II Vapor Recovery: Underground Storage Tanks, (4) MCS Dispensers, (8) OPW 11V Gasoline Nozzles. CARB EXECUTIVE ORDER #G-70-150-AE

ANNUAL REPORTING REQUIREMENTS

The annual throughput/consumption figures for the previous calendar year must be submitted in writing to the AQMD no later than the 20th of January. Information may be submitted by email to: aqmdpermitting@washoecounty.us

- Number of Gasoline Dispensers
- Number of Gasoline Nozzles
- Annual Gallons of Gasoline Dispensed
- Annual Gallons of Clear Gas (If Applicable)

Failure to provide this data by the required date is a violation of Permit Condition "H" and may result in a Notice of Violation in the amount of up to \$10,000 per day per violation. Failure to provide this data by the required date can also result in the permit expiration. If permit expiration occurs a Notice of Violation for operating without a permit may be issued in the amount of up to \$10,000 per day per violation.

"THE CONDITIONS OF OPERATION LISTED ON THIS PERMIT SUPERCEDE ALL PREVIOUS PERMIT CONDITIONS"

"CONDITIONS OF OPERATION"

Standard Conditions of Operation

- This permit becomes void upon any change of ownership or address or any alteration of permitted equipment.
- 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.
- Any modification of the equipment other than normal repair and maintenance will require a new permit.

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- 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 UST Pre EVR Assist System

Equipment: Underground Storage Tanks, (4) MCS Dispensers, (8) OPW 11V Gasoline Nozzles

Control Device: Mfg Required Maintenance

GDF UST Pre EVR Assist System 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. The Phase II assist vapor recovery system must be operating at all times when the facility is open for business.
5. 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).
6. All hoses, nozzles, rubber gaskets, swivels, underground tank caps, underground tank fill tubes, and fill tube cap seals must be maintained in good working order to prevent leakage and excess escape of vapors (i.e. no tears, slits, holes, leaks, or malfunctions).
7. A flow limiter is required on dispensers that have a maximum flow rate in excess of 10 gallons/minute.
8. Instructions for operating the Phase II vapor recovery equipment must be posted for the customers, and must stress that "Topping Off" is prohibited - AQMD 040.080, Section E(3). The AQMD's phone number must be posted for customers with comments/problems regarding the nozzles - (775) 784-7200.
9. AQMD must be notified at least 30 days prior to any compliance testing being performed.
10. The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System annually demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.
11. The owner/operator must conduct and pass an Air to Liquid (A/L) Volume Ratio Test of the Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.
12. 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.

Insignificant Sources

Not Applicable

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1001 East Ninth Street

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Additional Address Covered Under This Permit

Not Applicable

Supporting Document 3

From: [Rosa, Genine](#)
To: [azadus company](#)
Subject: RE: Air quality Site Modification Application
Date: Tuesday, January 12, 2021 7:14:00 AM

Hello,

This is an application for Environmental Health....they are different division from Air Quality, please refer to the top of the application for contact information and where to return to.

For Air Quality you will need the following application:

<https://www.washoecounty.us/health/files/air-quality/Forms%20and%20Applications/Gasoline%20Dispensing%20Facility%20PTO.pdf>

It looks as though you are planning to remove all Phase II vapor recovery, is that right? Does the facility already have Phase I EVR installed in preparation for this change? Here is a link to our local regulations:

https://www.washoecounty.us/health/files/air-quality/Current%20Regulations/040.080-Gasoline%20Transfer%20and%20Dispensing%20Facilities_20191003.pdf

Feel free to contact me with any questions regarding Air Quality Permitting.

Genine

Environmental Engineer II
O: (775) 784-7204

*My schedule is 4 x 10's M-Th 7-5:30 off on Fridays.



From: azadus company <azaduscompany@gmail.com>
Sent: Monday, January 11, 2021 11:52 PM
To: Rosa, Genine <Grosa@washoecounty.us>
Subject: Air quality Site Modification Application

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Mrs. Rosa

We are going to install new gas dispensers to accommodate the EMV requirement. I was refer to you for Air quality Site Modification Application as in attachment, Thank you a head for your time,

Please advise.

--

Sincerely,

A.Balouch

Azadus Co, DBA Moana Lane Shell Director

3295 Kietzke Lane, Reno NV 89502

From: [Tony Capurro](#)
To: [Rosa, Genine](#)
Subject: RE: FW: Air quality Site Modification Application
Date: Thursday, January 14, 2021 3:57:57 PM
Attachments: [image003.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Thanks Genine. Very helpful as usual.

Tony Capurro
EVP – Business Development



“Partners in Your Success”

email: tony.capurro@petrowestinc.com
office: (800) 366-9557
mobile: (702) 373-5750
site: www.petrowestinc.com



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From: Rosa, Genine <Grosa@washoecounty.us>
Sent: Tuesday, January 12, 2021 4:49 PM
To: Tony Capurro <tony.capurro@petrowestinc.com>
Subject: RE: FW: Air quality Site Modification Application

The option to remove Phase II is only if Phase I EVR is either already in place or proposed as part of the project. The conversion of the tank has nothing to do with AQ requirements. Maybe something required of EHS?

Genine

Environmental Engineer II
O: (775) 784-7204

*My schedule is 4 x 10's M-Th 7-5:30 off on Fridays.



From: Tony Capurro <tony.capurro@petrowestinc.com>
Sent: Tuesday, January 12, 2021 2:35 PM
To: Rosa, Genine <Grosa@washoecounty.us>
Subject: FW: FW: Air quality Site Modification Application

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Genine,

This dealer was interested in converting his dispensers to non-vapor and removing Stage II vapor recovery. He also wanted to convert his midgrade tank to diesel. Of course, this would require him to upgrade his entire tank top to EVR compliance.

If this customer installed Vapor dispensers and continued his Stage II vapor recovery and kept his tanks the same, would he be required to upgrade his tank top to EVR compliance?

That is the Golden Question.

Tony

Tony Capurro
EVP – Business Development



"Partners in Your Success"

email: tony.capurro@petrowestinc.com
office: (800) 366-9557
mobile: (702) 373-5750
site: www.petrowestinc.com



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From: azadus company <azaduscompany@gmail.com>
Sent: Tuesday, January 12, 2021 9:48 AM
To: Tony Capurro <tony.capurro@petrowestinc.com>
Subject: Re: FW: Air quality Site Modification Application

Hi Tony

Are we supposed to apply for the Environment Health or Air Quality division?

If We have to apply to the Environment division, is Phase I EVR installed ?

I emailed the application & Genine emailed back with the below questions,

Please advise so I reply to her email

This is an application for Environmental Health....they are different divisions from Air Quality, please refer to the top of the application for contact information and where to return to.

For Air Quality you will need the following application:

<https://www.washoecounty.us/health/files/air-quality/Forms%20and%20Applications/Gasoline%20Dispensing%20Facility%20PTO.pdf>

It looks as though you are planning to remove all Phase II vapor recovery, is that right? Does the facility already have Phase I EVR installed in preparation for this change? Here is a link to our local regulations:

https://www.washoecounty.us/health/files/air-quality/Current%20Regulations/040.080-Gasoline%20Transfer%20and%20Dispensing%20Facilities_20191003.pdf

On Mon, Jan 11, 2021 at 9:37 AM Tony Capurro <tony.capurro@petrowestinc.com> wrote:

Alex,

Sign the UST Permit and email to Washoe County Health District. They can take it from there and determine if the planned work is acceptable.

I usually speak with Genine Rosa, 775-784-7204, grosa@washiocounty.us

Thanks,

Tony

Tony Capurro
EVP – Business Development



“Partners in Your Success”

email: tony.capurro@petrowestinc.com

office: (800) 366-9557

mobile: (702) 373-5750

site: www.petrowestinc.com



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From: azadus company <azaduscompany@gmail.com>

Sent: Friday, January 8, 2021 4:05 PM

To: Tony Capurro <tony.capurro@petrowestinc.com>

Subject: Air quality Site Modification Application

Hi Tony

I filled out the modification application that you sent to me but do not have the rest of information & do not know what procedure request.

Could you help me with the remaining part & send it back to me.

Also, Please advise where to find the remaining information.

I attached the annual data report for your references

Please advise

--

Sincerely,

A. Balouch

Azadus Co, DBA Moana Lane Shell Director

3295 Kietzke Lane, Reno NV 89502

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

--

Sincerely,

A.Balouch
Azadus Co, DBA Moana Lane Shell Director
3295 Kietzke Lane, Reno NV 89502

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CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Rosa, Genine](#)
To: [azadus company](#)
Subject: RE: Washoe County UST Permit Moana Shell Application
Date: Tuesday, January 19, 2021 7:46:00 AM

This application should be sent to Environmental Health, please see top of Application for address and contact info.

For Air Quality you will need the following application for these changes:

<https://www.washoecounty.us/health/files/air-quality/Forms%20and%20Applications/Modification%20-%20AQ%20Permit%20To%20Operate.pdf>

Feel free to contact me with any questions.

Genine

Environmental Engineer II

O: (775) 784-7204

*My schedule is 4 x 10's M-Th 7-5:30 off on Fridays.



From: azadus company <azaduscompany@gmail.com>
Sent: Friday, January 15, 2021 3:40 PM
To: Rosa, Genine <Grosa@washoecounty.us>
Subject: Washoe County UST Permit Moana Shell Application

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Mrs. Rosa

Please find attached Underground Storage Tank permit request.
Please advise

--

Sincerely,

Alex.Balouch
Azadus Co, DBA Moana Lane Shell Director
3295 Kietzke Lane, Reno NV 89502

Supporting Document 4

PROHIBITED EMISSIONS

040.080 **GASOLINE TRANSFER AND DISPENSING FACILITIES** (Adopted 2/27/91; Revised 10/22/97, 4/22/05, 12/20/12, 3/23/17)

SECTION A – GENERAL

1. **PURPOSE:** The purpose of this regulation is to control and reduce emissions of volatile organic compounds (VOC)s from the sale and distribution of gasoline by requiring:
 - a. Control of gasoline vapors during the transfer and storage into stationary containers (Phase I)
 - b. Enhanced Vapor Recovery (EVR)
2. **APPLICABILITY:** All gasoline dispensing and storage facilities within the Health District. Certain requirements, including exemptions, are defined within the rules – differing standards apply to various operations within the gasoline-dispensing infrastructure.

SECTION B – DEFINITIONS: For the purpose of these regulations, the following definitions shall apply:

1. District Approved Vapor Control System means a system that is designed to control vapors released during gasoline transfer operations, and that is certified by either the California Air Resources Board or the New York Department of Environmental Conservation to be at least 95 percent efficient and has been approved by the Control Officer for installation and operation in Washoe County. (Adopted 2/27/91)
2. Enhanced Vapor Recovery (EVR) means equipment that complies with the EVR requirements, approved pursuant to California Air Resources Board regulation CP-201 "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities", specifically, the use of the equipment certified through Executive Order by the California Air Resources Board to meet those requirements.
3. Gasoline means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.
4. Gasoline Dispensing Facility (GDF) means a facility that dispenses gasoline to the end user.
5. Major GDF Modification means the modification of an existing GDF that makes it subject to the same requirements to which a new installation is subject. This includes any modification of the Phase I vapor control system that causes any part of an underground storage tank top to be exposed, including the addition, replacement, or removal of any underground storage tank at the facility. Major GDF modification also includes 1) any modification to the Phase II vapor control system that involves the removal, addition or replacement of 50 percent or more of the buried vapor piping; or 2) addition or replacement of 50 percent or more of the buried product piping.

6. Phase I means gasoline vapor recovery from stationary tanks during the transfer of gasoline from delivery vehicles to stationary tanks used for re-fueling motor vehicles or equipment. It may also be referred to as Stage I vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
7. Phase II means gasoline vapor recovery from vehicle fuel tanks during vehicle refueling operations from stationary tanks. It may also be referred to as Stage II vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
8. Submerged Fill Pipe means any fill pipe of which the discharge opening is entirely submerged when the liquid level is six (6) inches or more above the bottom of the tank, or when applied to a tank that is loaded from the side, submerged fill pipe means any fill pipe of which the discharge opening is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.
9. Topping Off means an attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off. (Adopted 2/27/91)
10. Vapor-Tight means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and that is uninfluenced by any specific emission permit unit. (Adopted 2/27/91)

SECTION C – STANDARDS: For the purpose of these regulations, the following standards shall apply:

1. **GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS (PHASE I).**

A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from any tank truck, trailer, or railroad tank car into any stationary storage container with a capacity of more than 950 liters (250 gallons) unless all of the following requirements are met:

- a. Such container is equipped with a permanent submerged fill pipe, and
- 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, and
- c. The system shall contain a "leak-free" and "vapor-tight" gasoline fill connector and vapor return line to the delivery vehicle of at least 7.6 cm. (3 inches) nominal diameter, and

- d. The vapor control equipment at the facility shall be maintained in such a way that the vapor control system meets the specifications set forth in this section at all times, and
- e. Delivery vehicles shall be designed and maintained in a leak free and vapor-tight condition. A vapor laden vehicle may only be refilled at a facility equipped with a vapor control system that meets the requirements contained in Section 040.075 of these regulations.
- f. Phase I vapor recovery systems shall have a poppetted drybreak on the vapor return.
- g. All newly constructed GDFs or existing facilities subject to a major GDF modification, as defined in this regulation, shall be required to install, operate, and maintain a certified EVR Phase I vapor recovery system upon completion of construction or modification.

2. PHASE I EXEMPTIONS:

- a. Storage tanks not more than 250 gallons.

3. GASOLINE TRANSFER INTO VEHICLE FUEL TANKS (PHASE II).

- a. Newly constructed or existing facilities subject to a major GDF modification, as defined in this regulation, shall be exempt from the requirements to install a Phase II vapor recovery system. If an owner/operator of a new facility prefers to install a Phase II vapor recovery system, the equipment must be installed in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as leak-free and vapor-tight and in good working order.
 - 1) Owners/Operators of existing facilities previously equipped with Phase II vapor recovery systems may:
 - 2) Decommission the Phase II vapor recovery equipment upon completion of the installation of an EVR Phase I vapor control system; or
 - 3) Continue to operate the Phase II vapor recovery equipment in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as "leak-free", "vapor-tight", and in good working order.
- b. Whenever the Control Officer determines that a Phase I or Phase II vapor recovery system or any component is not operating in compliance with these regulations, the Control Officer shall mark such system or component "out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted, as necessary, and the Control Officer has re-inspected it or has authorized its use pending re-inspection.

SECTION D – ADMINISTRATIVE REQUIREMENTS: For the purpose of these regulations, the following administrative requirements shall apply:

1. Except as exempted in these regulations, a written Authority to Construct shall be required to construct, erect, alter or replace any equipment that may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc. All modifications, which are major GDF modifications as defined in these regulations, shall require an Authority to Construct permit.
2. No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source that requires an authority to construct or permit to operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.
3. A person shall not offer for sale, sell, or install within the Health District, any Phase I or Phase II vapor recovery equipment unless such equipment is "District Approved Vapor Control System" equipment. Such equipment shall also be approved by the appropriate local fire protection agency for the jurisdiction in which it is installed.
4. A person shall not install or modify Phase I gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to **Section 030.002**.
5. A person shall not operate or allow the operation of Phase I gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of a Permit to Operate from the District pursuant to **Section 030.200**.
6. A person shall not install or modify Phase II gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to **Section 030.002**.
7. A person shall not operate or allow the operation of Phase II gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of a Permit to Operate from the District pursuant to **Section 030.200**.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. All GDFs shall keep records of the quantities and types of fuels sold or dispensed. GDFs seeking to comply with these regulations through one or more of the various exemptions provided for under these rules shall keep records sufficient to demonstrate that compliance and shall retain them for a period of at least 3 years.

Records to demonstrate that equipment installed in compliance with required Phase I vapor controls is certified and approved for such applications shall be maintained by the operator for a period of at least 3 years.

All maintenance logs must be maintained as required above and shall be provided to the Control Officer upon request. The maintenance logs must be maintained by the operator for a period of at least 3 years.

2. The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Permit to Operate. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data as requested by the Control Officer constitutes a violation of the conditions of the Permit to Operate, and the affected source would be subject to a citation under these regulations, suspension of their Permit to Operate, or both.

All GDFs that install new equipment that alters the Phase I or Phase II vapor systems such that a new Authority to Construct permit is required, shall have 30 calendar days to perform testing to show that the system has been properly installed. The specific procedures and standards to be used for each type of system test shall be established by the Control Officer.

3. The operator of each retail facility utilizing a Phase II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that "Topping Off" may result in spillage or recirculation of gasoline, which is prohibited.
4. All new gasoline dispensing facilities or those existing facilities commencing underground storage tank replacement that receives an initial building permit after July 1, 1991 shall be in compliance with the provisions of this rule at the time gasoline is first received or dispensed.

Supporting Document 5

SOURCE PERMITTING AND OPERATION

030.000 SOURCE PERMITTING AND OPERATION (Amended 10/20/93)

It is unlawful for any person to:

- A. Construct any new source;
- B. Make any modifications affecting the emissions of any existing source; or
- C. Operate any new source, within the meaning of these regulations, except those sources in **Section 030.003**,

without first submitting an application to the Control Officer and obtaining an Authorization to Construct.

030.002 CONSTRUCTION OR MODIFICATION OF PERMITTED OPERATIONS (Amended 4/89, 10/20/93)

A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. The applicant for any Authority to Construct must notify the Control Officer in the application of any source which is or will become subject to 40 CFR Part 70 upon completion of the proposed construction. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc.

030.003 EXEMPT SOURCES (Amended 10/20/93, Revised 10/25/95)

The following existing or new single sources do not require Authorities to Construct and/or Permits to Operate unless they would otherwise be subject to the Part 70 regulations as defined in **030.905**:

- A. Agricultural land use.
- B. Motor vehicles, special mobile equipment licensed for highway travel and any internal combustion engines associated with the operation of licensed mobile equipment.
- C. Land clearance or covering which is less than one (1) acre in size.

030.004

In addition to the conditions contained in NRS 534A.060, an air pollutant emission control plan must be submitted and approved by the Control Officer prior to commencement of drilling or reworking a geothermal well (productive or exploratory).

Geothermal wells within 5.0 kilometers of a residential dwelling(s), must limit the hydrogen sulfide emission rate on a continuous basis during air drilling cleanout, initial testing and reworking to no more than 5.5 pounds per hour (2.5 kilograms per hour). If the reworking or drilling cleanout

Supporting Document 6

MAY 03 2021

WASHOE COUNTY
HEALTH DIST.

To be filled in by AQ Staff

Permit No.: _____

Date: _____

Accepted By: _____

APPLICATION FOR A **GASOLINE DISPENSING FACILITY** AIR QUALITY STATIONARY SOURCE
PERMIT TO OPERATE

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

www.OurCleanAir.com

GENERAL INFORMATION FOR ALL AIR QUALITY PERMIT TO OPERATE APPLICATIONS

- A Plan Review Fee of **\$1,195** must be submitted with this Application
- For new facilities an additional Operating Permit Fee will be assessed after completion of the air quality emissions review which is based on a fee per dispensing nozzle.
- Include an **inventory of new equipment to be installed** as well as construction drawings for the facility showing location of all gas tanks, piping, nozzles, island configuration, and nearest street intersection.

Legal Business Name (Name Permit will be issued under):

Azadus Company DBA Moana Lane Shell

1. Physical Location:

Street Address/Parcel #: 3295 Kietzke Lane

City: Reno State: NV Zip Code: 89502

Onsite Contact: Alex Balouch Title: Director

Telephone: 775-825-6333 E-Mail: azaduscompany@gmail.com

2. Mailing Address (if different than above):

Street Address: _____

City: _____ State: _____ Zip Code: _____

Business Representative: _____ Title: _____

Telephone: _____ E-Mail: _____

3. Billing Address (if different than above):

Street Address: _____

City: _____ State: _____ Zip Code: _____

Billing Representative: _____ Title: _____

Telephone: _____ E-Mail: _____



AB

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

Modification/Reconstruction of an existing facility.

Current Permit to Operate number:

Description of modification:

Replace four (4) Gilbarco Vac Assist Fuel Dispensers (3+0) with four (4) Gilbarco Balance Vapor Recovery Dispensers (3+1). Converting Midgrade Tank to Diesel Product.

New Construction

Estimated dates of construction: 03/17/2021

Estimated date of start of operation: 03/19/2021

Equipment:

Storage Tanks

Tank No.	Type		Capacity (gallons)	Tank Status		Type of Fuel
	<input type="checkbox"/> Aboveground	<input checked="" type="checkbox"/> Underground		New	Existing	
1	<input type="checkbox"/> Aboveground	<input checked="" type="checkbox"/> Underground		<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Unleaded
2	<input type="checkbox"/> Aboveground	<input checked="" type="checkbox"/> Underground		<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Premium
3	<input type="checkbox"/> Aboveground	<input checked="" type="checkbox"/> Underground		<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Diesel
4	<input type="checkbox"/> Aboveground	<input type="checkbox"/> Underground		<input type="checkbox"/> New	<input type="checkbox"/> Existing	

Underground Tanks

Underground Tanks - Phase I Vapor Recovery System - Gasoline or E85 only

Phase I Manufacturer and CARB Executive Order	Phase I Description Check applicable box(s)	Number of Tank Vents	P/V Valve		
			Number of P/V Valves	Make	Model
<input type="checkbox"/> VR-101 Phil-Tite <input type="checkbox"/> VR-102 OPW <input type="checkbox"/> VR-103 EBW <input type="checkbox"/> VR-104 CNI <input type="checkbox"/> VR-105 Emco Wheaton <input type="checkbox"/> Other _____	<input type="checkbox"/> Secondly Contained <input type="checkbox"/> Direct Bury <input type="checkbox"/> Vapor Riser Offset <input type="checkbox"/> Double Fill <input type="checkbox"/> Remote <input type="checkbox"/> Remote Additive Fill				
<input type="checkbox"/> Two - Point <input type="checkbox"/> Coaxial	Make & Model:				
Number of Nozzles:					



[Handwritten signature]

WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

Underground Tanks - Phase II Vapor Recovery System - Gasoline or E85 only		
Phase II Manufacturer and CARB Executive Order	No. of Nozzles	
	Existing	Additional or New
Gilbarco - G70-52-AM - Balance Vapor Recovery	8	8

Above Ground Tanks

Aboveground Tanks – Vapor Recovery System – Gasoline or E85 Only						
Tank No.	Information	Phase I Manufacturer and CARB Executive Order	Phase II CARB Executive Order (if applicable)	P/V Valve		
				Number of P/V Valves	Make	Model
1	Make:	<input type="checkbox"/> VR-401-E OPW				
	Model:	<input type="checkbox"/> VR-402-D Morrison Brothers				
2	Make:	<input type="checkbox"/> VR-401-E OPW				
	Model:	<input type="checkbox"/> VR-402-D Morrison Brothers				
3	Make:	<input type="checkbox"/> VR-401-E OPW				
	Model:	<input type="checkbox"/> VR-402-D Morrison Brothers				

Contractor/Technician/Installer Information

Contractor Company and Contact Name	Phone Number	Email
Petro West Inc. - Tony Capurro	702-373-5750	tony.capurro@petrowestinc.com

NOTE: Applicant agrees to allow on-site inspection during and after construction by the Air Quality Management Division during working hours without prior notice. The operator must notify this office when the facility commences and completes construction. An official Permit to Operate will not be issued until a final inspection is made and all required test data has been forwarded to this office assuring that equipment will meet all district and state regulations.

This application is submitted in accordance with the provisions of Section 030.000, and under penalty of perjury, to the best of my knowledge the information supplied in this document is true and correct.

4/1/2021

Responsible Party Signature

Date

Alex Balouch

4/1/2021

Print Name

Title

AIR QUALITY MANAGEMENT
1001 East Ninth Street | 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.



Supporting Document 7

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

05/18/2021

Mr. Alex Balouch
Moana Lane Shell
3295 Kietzke Lane
Reno, NV 89502

Dear Mr. Balouch,

The Washoe County Air Quality Management Division (AQMD) has reviewed your application for an Authority to Construct/Permit to Operate to replace the Phase II Assist Vapor Recovery with Phase II Balance Vapor Recovery located at 3295 Kietzke Lane, in Washoe County. The operation of this equipment, as proposed in your application dated, May 3rd, 2021, has been approved with the conditions listed below.

Upon completion of construction the AQMD must be contacted to schedule the initial compliance inspection. All initial testing must be conducted and passed within 60 days of start of operation. Initial testing includes a 5 inch WC Static Pressure Performance Test of Vapor Recovery System, Dynamic Back Pressure Test and a Pressure/Vent valve test.

You may consider this letter as your official authority to operate pending receipt of the actual permit.

CONDITIONS OF OPERATION LISTED ON THIS PERMIT

- A. This permit becomes void upon any change of ownership or address or any alteration of permitted equipment.
- B. The permit shall be posted on or near the equipment listed above. The permit shall be readily available at all times while the equipment is operating.
- C. Any modification of the equipment listed above other than normal repair and maintenance will require a new Permit.
- D. Any records of operation which effect 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, sections 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 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.

Additional Conditions: GDF-Underground Storage Tank - Pre-EVR Balance System

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. A flow limiter is required on dispensers that have a maximum flow rate in excess of 10 gallons/minute.
7. Instructions for operating the Phase II vapor recovery equipment must be posted for the customers, and must stress that "Topping Off" is prohibited - AQMD 040.080, Section E(3). The AQMD's phone number must be posted for customers with comments/problems regarding the nozzles - (775) 784-7200.
8. AQMD must be notified at least 30 days prior to any compliance testing being performed.
9. The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System every three years to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.

10. The owner/operator must conduct and pass a Dynamic Back Pressure Test of the Vapor Recovery System every three years to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.
11. 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.

All testing requirements must comply with CARB Executive Orders, G-70-52-AM, specific to the Balance Phase II Vapor Recovery System installed. Once the determination has been made that the equipment is operating in compliance with all District Regulations, Permit to Operate #AAIR16-0487 will be updated.

If you have any questions, please do not hesitate to contact me at (775) 784-7204.

Sincerely,



Genine Rosa, MS
Environmental Engineer II



Supporting Document 8



Testing and Inspection Certificate

Tanknology Inc.
11000 North MoPac Expressway, Suite 500, Austin, TX 78759
800-800-4633 www.tanknology.com

Test Date	6/14/2021	Tanknology WO#	NW1-2352125
Test Purpose	POST CONST	Customer PO#	

<u>Customer</u> Petro West, Inc 44 North 800 East St. George, UT 84770 Attn: Heidi Peak (435) 634-9557	<u>Location</u> Moana Lane Shell (Moana Lane Shel) 3295 Kietzke Lane Reno, NV 89502 Attn: ()
---	--

Test / Inspection Description	Item Tested	Date Tested	Result
Pressure Decay	See test report for details	6/14/2021	Fail
Liquid Blockage	See test report for details	6/14/2021	Pass
Pressure Vacuum Vent Cap	See test report for details	6/14/2021	Pass

Tanknology Representative: Jerry Belloli Telephone: (800) 964-0180	Technician: Tim Elebeck Technician Certification: (See forms)
---	--



11000 N. MOPAC EXPRESSWAY, SUITE 500, AUSTIN, TX 78759
(800) 800-4633

QP-08-03-FF-02	Pressure Vacuum Vent Cap TP-201.1E Field Form
Rev C	1/27/2011

Site Overall Test Results: Pass

Total +ve LR: 0.0890

Total -ve LR: 0.1484

Test Date	6/14/2021
Technician Name	Tim Elebeck
WO #	2352125
Facility Name / Loc #	Moana Lane Shell Moana Lane Shel
Street	3295 Kietzke Lane
City, St, Zip	Reno, NV 89502

Pressure Vacuum Vent Cap Test Form TP-201.1E

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Site Name/ #: Maana Lure Shell	Street Address: 3295 Kretzke	W.O.#: 2352125
Arrival Time: 8:55	Travel Time: None	Date: 6-14-21
Departure Time: 9:00	Others on site: None	
Scope of Work and Tasks Performed (USA's must be available for all tasks): PO RE PV CAP		
Repairs to Equipment or Parts Provided:		
Follow-up actions required, equipment isolated, comments: Device failed at both top take All other test passed		
PPE - PERSONAL PROTECTIVE EQUIPMENT REQUIRED (Check ✓ items used or mark - if not applicable) <input checked="" type="checkbox"/> Safety Vest <input checked="" type="checkbox"/> Safety Glasses <input type="checkbox"/> Gloves <input type="checkbox"/> Hearing Protection <input checked="" type="checkbox"/> Steel Toe Boots <input type="checkbox"/> Splash Goggles <input type="checkbox"/> Hard Hat <input type="checkbox"/> Other		
✓ PRE-TEST PROCEDURES (Check ✓ each item completed or mark - if not applicable) 1. Discuss safety procedures with site personnel. Nearest hospital: _____ 2. Prior to fuel deliveries the UST system must be placed back into working order. 3. Secure entire work area with barricades (cones, flags, and extension bars, caution tape, pennant flags, or other perimeter guard). 4. Place fire extinguishers and "No Smoking" signs in the work area. 5. <input type="checkbox"/> Confined Space Entry - If required complete separate CSE Checklist. If NO CSE REQUIRED check the following reason: <input type="checkbox"/> No CS's <input type="checkbox"/> CS's not opened <input type="checkbox"/> No entry only visual <input type="checkbox"/> No entry <input type="checkbox"/> Work from prone position w/o risk of falling in 6. <input checked="" type="checkbox"/> Implement Lockout/Tagout per API 1646 (when accessing product piping during tasks) <input checked="" type="checkbox"/> Secure nozzles with "Out of Service" bags and nylon ties. <input type="checkbox"/> Secure the circuit breakers(s) with lockout devices and tags. <input type="checkbox"/> Close ball valves or check valves on product piping. <input type="checkbox"/> Disconnect electrical "bayonet" connector from the STP(s). <input type="checkbox"/> All applicable equipment disabled during tests). <input type="checkbox"/> Verify LOTO is complete by trying to operate pumps.		
SIGN IN		
General Safety Checks: All site personnel have been informed. Is a fuel delivery due today? LOTO procedures have been discussed. Work areas barricaded to protect workers, staff & public.	Lead Technician Name: Timothy Eickel Site Representative Name: LEO HOSS Site Representative Signature: <i>[Signature]</i>	Lead Technician Signature: <i>[Signature]</i> Site Representative Signature: <i>[Signature]</i>
✓ POST-TEST PROCEDURES (Check ✓ each item completed or mark - if not applicable) 1. <input type="checkbox"/> Remove all "Lockout/Tagout" devices and nozzle bags/ties. 2. <input type="checkbox"/> Run all pumps and verify there are no leaks: <input type="checkbox"/> Leak Detector Threads on STP's <input type="checkbox"/> Functional Elements & Relief Screws <input type="checkbox"/> Impact Valve Test Ports under dispensers <input type="checkbox"/> Count LD threads: L1 _____ L2 _____ L3 _____ L4 _____ L5 _____ L6 _____ 3. <input type="checkbox"/> Install lead wire seal on all test plugs & leak detectors that were serviced. 4. <input type="checkbox"/> Check following components operational: <input type="checkbox"/> Ball floats, dry breaks & caps <input type="checkbox"/> Containment sumps are dry <input type="checkbox"/> Dispenser panels are replaced <input type="checkbox"/> Leak detectors & vent tubes <input checked="" type="checkbox"/> Monitoring system is operational <input type="checkbox"/> Siphon lines and manifold valves open <input type="checkbox"/> STP fittings and bayonet connectors 5. <input checked="" type="checkbox"/> Remove barricades. SIGN OUT & Operator Verification of Work (OVF) General Safety Checks: Work area has been returned to clean & safe. Site staff aware of work areas including any remaining isolation. Changes to equipment are documented and communicated. All incidents, near incidents, and unsafe situations reported. Site Representative Comments:		
Lead Technician Name: Timothy Eickel Site Representative Name: LEO HOSS Lead Technician Signature: <i>[Signature]</i> Site Representative Signature: <i>[Signature]</i>		

Supporting Document 9



Testing and Inspection Certificate

Tanknology Inc.
11000 North MoPac Expressway, Suite 500, Austin, TX 78759
800-800-4633 www.tanknology.com

Test Date	7/22/2021	Tanknology WO#	NW1-2352794
Test Purpose	COMPLIANCE	Customer PO#	

<u>Customer</u> Petro West, Inc 44 North 800 East St. George, UT 84770 Attn: Heidi Peak (435) 634-9557	<u>Location</u> Moana Lane Shell (Moana Lane Shel) 3295 Kietzke Lane Reno, NV 89502 Attn: ()
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Test / Inspection Description	Item Tested	Date Tested	Result
Pressure Decay	See test report for details	7/22/2021	Fail

Tanknology Representative: Rosa Ortiz Telephone:	Technician: Darren Sciume Technician Certification: (See forms)
---	--



2"wc Pressure Decay Test

Store Information

Site Name: Moana Lane Shell
 Address: 3295 Kietzke Lane
Reno NV 89502
 Phone: _____

Testing Company

Name: TANKNOLOGY INC.
 Address: 11000 N. MOPAC EXPRESSWAY, SUITE 500
AUSTIN, TX 78759
 Phone: (512) 451-6334

Phase I System?	<u>VR101</u>	Vapor System Manifolder ?	Yes
Phase II System?	<u>Balance</u>	Vapor Pot Present?	No
Total # of Nozzles	8	Total # of Gas Tanks	2
Products per Nozzle	3		

Tank Information		87	91		Total
1.	Product Grade	REGULAR	PREMIUM		
2.	Actual Tank Capacity, gallons				0
3.	Gasoline Volume, gallons				0
4.	Ullage, (V) gallons (line #2 minus line#3)				0
Test Information		87	91		All
5.	Start Time	16:00			16:00
6.	Initial Test Pressure, inches H2O	3.00			3.00
7.	Pressure after 1 minute, inches H2O	2.31			2.31
8.	Pressure after 2 minutes, inches H2O	2.06			2.06
9.	Pressure after 3 minutes, inches H2O	1.77			1.77
10.	Pressure after 4 minutes, inches H2O	1.50			1.50
11.	Pressure after 5 minutes, inches H2O	1.21			1.21
12.	Allowable Final Pressure				0.00
13.	Pass / Fail (Enter "GF" for Gross failure)	Fail			Fail

Unknown _____ Enter time of last delivery.

Digital _____ What type of pressure device used?

5/5/2020 _____ Calibration date for pressure device (90 days).

0.00 _____ Enter initial tank ullage pressure (Vent if over 0.5 in. w.c., then start the 30 min no dispensing period)

2.00 _____ Enter flowmeter rate, F(Must be 1 to 5 CFM).

_____ Calculate ullage fill time, **t2**. $t2 = V / [1522]F$

_____ Calculate gross failure time (Twice t2).

0.00 _____ Enter ending value of drift test (Must be 0.01 in. w.c. or less).

2.00 _____ Record Vapor Coupler Integrity Test Assembly pressure after 1 minute and location.

Phase 1 coupler _____ Nitrogen introduction point. Phase I vapor coupler or Phase II vapor riser?

Comments: I was unable to gain access to the monitor for tank fuel levels and printouts.

Tester: Darren Sciume Certification #: 103641

Signature: _____ Test Date: 7/22/2021

WO: 2352794

	Tanknology Inc. 11000 N. MoPac Expressway, Suite 500 Austin, TX 78759 (800) 964-0010 JOB CLEARANCE FORM & SITE SAFETY CHECKLIST – OVF	Policy 100-29-A Rev: G Revised: 2/11/2019
---	---	---

Site Name: MOANA SHELL	Street Address: 3295 KIEZHE LN.	W.O. #: 2352794
Arrival Time: 3:00 PM	Departure Time: 10:00 PM	Travel Time: 03:30
Others on site: Ø		Date: 7-22-21

Scope of Work and Tasks Performed (JSA's must be available for all tasks):
5 INCH PRESSURE DELAY

Repairs to Equipment or Parts Provided:
N/A

Follow-up actions required; equipment isolated; comments:
DELAY IS NOT PASSING

PPE - PERSONAL PROTECTIVE EQUIPMENT REQUIRED (Check items used or mark ~ if not applicable)

<input type="checkbox"/> Safety Vest	<input type="checkbox"/> Safety Glasses	<input checked="" type="checkbox"/> Gloves	<input type="checkbox"/> Hearing Protection
<input type="checkbox"/> Steel Toe Boots	<input type="checkbox"/> Splash Goggles	<input type="checkbox"/> Hard Hat	<input type="checkbox"/> Other _____

PRE-TEST PROCEDURES (Check each item completed or mark ~ if not applicable)

1. Discuss safety procedures with site personnel. Nearest hospital: _____
2. Prior to fuel deliveries the UST system must be placed back into working order.
3. Secure entire work area with barricades (cones, flags, and extension bars, caution tape, pennant flags, or other perimeter guard).
4. Place fire extinguishers and "No Smoking" signs in the work area.
5. Confined Space Entry – If required complete separate CSE Checklist. If NO CSE REQUIRED check the following reason:
 No CS's CS's not opened No entry only visual No entry - used tools Work from prone position w/o risk of falling in
6. Implement Lockout/Tagout per API 1648 (when servicing product piping during tasks)
 - Secure nozzles with "Out of Service" tags and lockout devices.
 - Secure the circuit breaker(s) with lockout devices and tags.
 - Close ball valves or check valves on product piping.
 - Disconnect electrical "bayonet" connector from the STP(s).
 - All applicable equipment disconnected and tagged.
 - Verify LOTO is complete by trying to operate pumps.

<p style="text-align: center;">SIGN IN</p> <p>General Safety Checks: All site personnel have been informed. NO Is a fuel delivery due today? NO LOTO procedures have been discussed. Work areas barricaded to protect workers, staff & public.</p>	<p>Lead Technician Name: _____ Lead Technician Signature: </p> <p>Site Representative Name: DARREN S. [Signature] Site Representative Signature: </p>
--	--

POST-TEST PROCEDURES (Check each item completed or mark ~ if not applicable)

1. Remove all "Lockout/Tagout" devices and nozzle bags/ties.
2. Run all pumps and verify there are no leaks:
 - Leak Detector Threads on STP's
 - Impact Valve Test Ports under dispensers
 - Functional Elements & Relief Screws
3. Install lead wire seal on all test plugs & leak detectors that were serviced.
 Count LD threads: L1 _____ L2 _____ L3 _____ L4 _____ L5 _____ L6 _____
4. Check following components operational:
 - Ball floats, dry breaks & caps
 - Cathodic protection operational
 - Containment sumps are dry
 - Dispensers & POS operational
 - Dispenser panels are replaced
 - Drop tubes, flapper valves, fill adapters & caps
 - Leak detectors & vent tubes
 - Manhole covers and sump lids
 - Monitoring system is operational
 - Shear valves are open
 - Siphon lines and manifold valves open
 - Spill containers & drain valves
 - STP fittings and bayonet connectors
 - Vents & Extractors (not capped, plugged or isolated)
5. Remove barricades.

<p style="text-align: center;">SIGN OUT & Operator Verification of Work (OVF)</p> <p>General Safety Checks: Work area has been left clean & safe. Site staff aware of work status including any remaining isolation. Changes to equipment are documented and communicated. All incidents, near incidents, and unsafe situations reported.</p>	<p>Lead Technician Name: _____ Lead Technician Signature: _____</p> <p>Site Representative Name:  Site Representative Signature: _____</p>
---	---

Site Representative Comments:

Supporting Document 10

**WASHOE COUNTY HEALTH DISTRICT
AIR QUALITY MANAGEMENT DIVISION**

1001 East Ninth Street, Suite B171
Reno, Nevada 89512

COMPLIANCE ORDER NO. 00006

ISSUED TO

**Alex Balouch
Moana Lane Shell
3295 Kietzke Lane
Reno, Nevada 89502**

Date of Issuance: July 27, 2021

The Washoe County Health District, Air Quality Management Division (AQMD) has determined that Moana Lane Shell at 3295 Kietzke Lane in Reno, Nevada is subject to the requirements of Washoe County District Board of Health Regulations Governing Air Quality Management (DBOH Regulations) Section 030.140.

1. BASIS FOR COMPLIANCE ORDER

A. Regulatory Authority

DBOH Regulation 030.221 B.:

Modified Equipment - A person shall notify the Control Officer before operating or using any modified equipment for which an Authority to Construct has been granted. Upon such notification, the Control Officer may grant permission for the operation of such equipment with the Authority to Construct deemed as being a Temporary Permit to Operate for that newly modified equipment. If the modification is an additional control device for reducing pollutant emissions, the continued operation of that control device shall be required for the operation of the plant as a whole. In no case may the equipment be operated in a manner contrary to the conditions specified in the Authority to Construct.

B. Facts to Constitute the Compliance Order

On May 18, 2021 an Authority to Construct (ATC) was issued to the gasoline dispensing facility Moana Lane Shell at 3295 Kietzke Lane in Reno, Nevada for the removal of Phase II Assist vapor recovery system and the installation of a Phase II Balance vapor recovery system pursuant to the Application for a Gasoline Dispensing Facility submitted on May 03, 2021 and DBOH Regulations 040.080. The installation of vapor control equipment had been deemed complete on March 31, 2021; an



application for the modification was submitted after the equipment had been altered. The equipment was not installed per Condition No. 5 of the ATC and the compliance testing required 60 days after the start of operation has not been successfully completed.

2. COMPLIANCE ORDER

A. Moana Lane Shell shall demonstrate compliance with the ATC issued on May 18, 2021 for modifications to Permit to Operate AAIR16-0487 no later than August 17, 2021. Specifically, the following requirements must be completed by August 17, 2021.

- i. Per Condition 3 of the ATC: All components of the Phase I and Phase II vapor recovery systems shall be installed and maintained in accordance with the California Air Resources Board (CARB) Executive Orders.**
- ii. Upon completion of construction the AQMD must be contacted to schedule the initial compliance inspection. All initial testing must be conducted and passed within 60 days of start of operation. Initial testing includes a 5 inch WC Static Pressure Performance Test of Vapor Recovery System, Dynamic Back Pressure Test, and a Pressure/Vent valve test.**

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Moana Lane Shell (Mr. Alex Balouch) are advised if they are aggrieved in any manner by the issuance of this Compliance Order, within (10) working days of the receipt of this Compliance Order, a written petition for appeal may be submitted to the Washoe County Air Quality Hearing Board. A copy of the petition for appeal form is attached. The written petition for appeal shall be submitted on the provided form to the AQMD at the following address:

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

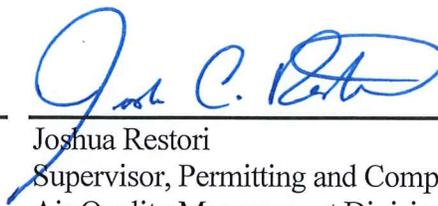
Failure to submit a petition for appeal within the specified time will result in the Compliance Order becoming final.



4. SIGNATURES

7/27/2021

Date

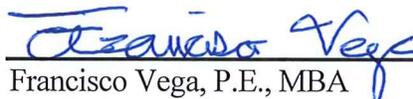


Joshua Restori

Supervisor, Permitting and Compliance
Air Quality Management Division
Washoe County Health District

7-27-2021

Date



Francisco Vega, P.E., MBA

Director

Air Quality Management Division
Washoe County Health District



Supporting Document 11

SUMMARY OF SOURCE TEST RESULTS

Source Name and Address:	Testing Company Name and Address
Kietzke Shell	L.A.Perks Plumbing & Heating Inc.
3295 Kietzke Ln.	765 East Greg Street Suite 103
Reno, NV 89502	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
(check one)	
Gilbarco Vac _____ Wayne Vac _____ Balance <u> X </u> Hirt _____ Red Jacket _____ Hasstech _____ Healy _____	1. _____ 2. _____ 3. _____
Manifolded Yes _____ No _____	Total # of Gas Nozzles _____

Source Test Results and Comments:

Tank #	1	2	3
Product Grade:	<u>87</u>	<u>91</u>	_____
Actual tank Capacity, Gallons	<u>10000</u>	<u>10000</u>	_____
Gasoline Volume, Gallons	<u>6674</u>	<u>2501</u>	_____
Ullage, Gallons (#2 - #3)	<u>3054</u>	<u>6921</u>	<u>9975</u>
Initial Pressure, inches h2o	_____	_____	<u>5.00</u>
Pressure After 1 min. inches h2o	_____	_____	<u>5.01</u>
Pressure After 2 min. inches h2o	_____	_____	<u>5.02</u>
Pressure After 3 min. inches h2o	_____	_____	<u>5.03</u>
Pressure After 4 min. inches h2o	_____	_____	<u>5.04</u>
Final Pressure After 5 min. inches h2o	_____	_____	<u>5.05</u>
Allowable Final Pressure from (table 1)	_____	_____	<u>4.74</u>
Test Status (Pass or Fail)	<u>PASS</u>		

Test Conducted By: Brent Kluttz Date: 8/3/2021

District Witness: _____ Date: _____

Supporting Document 12

March 2, 2022

Francisco Vega
Director Air Quality Management Division

RE: Air Pollution Hearing Schedule

Dear Mr. Vega

I am writing to let you know that following your letter dated 2.22.2022, regarding our appeal petition of notice of violation (NOV) No. AQMV22-0002 and No. AQMV22-0003 (Case No. 1337) issued by the AQMD on February 4, 2022.

I am in process of hiring a consular to handle my case, therefore I am writing to request post poning the hearing date of April 5, 2022.

I am hereby waiving my right to have my appeal heard within the regulatory specified sixty (60) day timeframe.

Sincerely,



Alex Balouch

Moana Lane Shell
3295 Kietzke Lane
Reno, NV 89502

**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**

- A. If the variance is requested because no practical means is known or available for prevention, abatement, or control of the air pollution involved, the Hearing Board shall recommend the issuance of a variance only until such means become known and available.
- B. If the variance is requested because compliance with these regulations will require measures which, because of extent or cost, must be spread over a period of time, the Hearing Board may only recommend a variance after receiving an acceptable schedule of compliance, containing both interim and completion dates or may specify these dates themselves.
- C. The Hearing Board shall not recommend or issue a variance for any period of time to exceed one (1) year.
- D. The Hearing Board shall review at least once each year any variance granted in accordance with **Subsections A and B** above in order to determine whether practical measures to control air contaminants have become available or required steps for compliance with the variance have been taken. (Also see **Section 020.020**)
- E. Before renewal of any variance the Hearing Board shall obtain from the Control Officer the status of the present variance and may only renew a variance if all provisions and dates have been met.
- F. Nothing contained herein shall be construed to entitle any person requesting a variance to obtain a recommendation of the Hearing Board as to the granting or renewal of a variance as a matter of right.
- G. If a variance is requested which will allow a source to emit air pollutants into the atmosphere such that the National Ambient Air Quality Standards may not be attained or maintained, the Hearing Board shall not recommend that such a variance be permitted beyond the earliest applicable date, specified in the approved State Implementation Plan, for the attainment of the applicable National Ambient Air Quality Standard.
- H. No variance may be issued to violate any applicable requirement, terms or requirements of the Clean Air Act or regulations published in 40 CFR.

020.0255 VIOLATION OF REGULATIONS - BY WHOM COMMITTED (Adopted 10/24/90, Revised 4/22/98)

In determining whether a violation of these regulations has been committed, whether the violation was intentional or inadvertent is immaterial and does not constitute cause for dismissal of the case by the Hearing Board or Board of Health. However, either board may consider whether the violation was intentional or inadvertent in determining the amount of the penalty to be imposed.

20.30 NOTICE OF VIOLATION

- A. Whenever the Control Officer or his authorized agent or representative has a reasonable cause to believe that any section of these regulations for the prevention, abatement or control of air pollution has been violated, he shall cause written notice to be served upon the person or persons responsible for the alleged violations.

- B. The notice shall specify:
 - 1. The section or sections of these regulations alleged to be violated;
 - 2. The facts alleged to constitute the violation; and
 - 3. Appeal procedure including any time limitations
- C. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within ten (10) days after service of the notice, a person named in the order requests a hearing before the Hearing Board.
- D. With or without the issuance of an order pursuant to **Subsection C**.
 - 1. The Control Officer may notify the person or persons responsible for the alleged violation to appear before the Hearing Board at a specified time and place; or
 - 2. The Hearing Board may initiate proceedings for recovery of the appropriate penalty set forth in **Section 020.040** of these regulations.
- E. Nothing in this section prevents the Hearing Board or the Control Officer from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

020.040
05/28/18)

CIVIL FINES AND PENALTIES (Amended 4/88, 10/20/93, 11/16/94; Revised 8/26/04, 11/16/06,

- A. Except as provided in **Subsections B** and **C**, a violation of any section of these regulations constitutes a major violation. Any violation of a permit condition shall be a major violation as specified in **Section 030.2175** of these regulations.
- B. Any person who commits a major violation of any section of these regulations, other than Sections **020.050** and **020.055**, is guilty of a civil offense and may be required to pay an administrative fine of not more than \$10,000.00. Each day of violation constitutes a separate offense. The District Board of Health may establish a compliance schedule as a part of any civil finding either in lieu of, or in addition to, monetary penalties. Any fines assessed may be held in abeyance pending fulfillment of any compliance schedule.
- C. Any violation of Sections **040.030, 040.035, 040.040(A), 040.050, 040.051, 040.055, 040.080** or **050.001** of these regulations constitutes a minor violation unless the violation occurs on more than two (2) occasions during a period of twelve (12) consecutive months. In that event, the third (3rd) and any subsequent violations constitute major violations.

D. The following fines shall be levied for minor violations of these regulations:

	First Violation	Second Violation
Section 040.030 (Dust Control)		
A. Violation of Dust Permit Condition(s)	not more than 1000	not less than 1000 not more than 2000
B. Visual Emission Violation	not more than 1000	not less than 1000 not more than 2000
Section 040.035 (Open Fires)	not more than 500	not less than 500 not more than 1000
Subsection A of Section 040.040 (Fire Training)	not more than 500	not less than 500 not more than 1000
Section 040.050 (Incinerator Emission)	not more than 1000	not less than 1000 not more than 2000
Section 040.051 (Certified Woodstoves)	not more than 500	not less than 500 not more than 1000
Section 040.055 (Odors)	not more than 1000	not less than 1000 not more than 2000
Section 040.080 (Gasoline Transfer)	not more than 1000	not less than 1000 not more than 2000
Section 040.200 (Diesel Idling)	not more than 500	not less than 500 not more than 1000
Section 050.001 (Emergency Episode)	not more than 1000	not less than 1000 not more than 2000

E. Administrative fines shall be levied by appropriate action of the District Board of Health and recorded in its official minutes. The evidence or information on which the District Board of Health bases its action may include any one or more of the following:

1. The recommendation of the Control Officer based on any Notice of Violation served on any person in accordance with these regulations, if that person has not appeared or requested a hearing before the Hearing Board.

2. The recommendation of the Hearing Board, based on its findings in connection with any appeal or other matter referred to the Board in accordance with these regulations.
 3. Evidence presented before the District Board of Health by any person, public official, or representative of the District Board of Health or District Health Department, provided the person charged with violating any of these regulations has received reasonable notice (at least twenty (20) days in advance) of the hearing at which such evidence is to be presented and is provided an opportunity to present evidence in his defense at the hearing.
- F. Unless the Board of Health bases its decision on the recommendations and/or findings of the Control Officer or the Hearing Board as set forth in **Paragraphs 1 and 2 of Subsection E**, the Board shall base its decision as to whether a violation of these regulations has occurred on the evidence presented before the Board pursuant to **Paragraph 3** of that subsection. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts if the original is not readily available and, on request, parties shall be given an opportunity to compare the copy with the original. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first was called to testify and rebut the evidence against him. The Board of Health may take notice of judicially cognizable facts and/or recognized technical or scientific facts within the Board's specialized knowledge. All decisions of the Board of Health respecting administrative fines shall be in writing or notice of the Board's decision shall be forwarded to the aggrieved party at his last known mailing address.
- G. All fines shall be levied by formal action of the District Board of Health. The Control Officer may suspend, deny or revoke any or all permits of a person who has failed to pay any fine that has been levied by the District Board of Health.
- H. In those cases where it is determined by the District Board of Health that a violation of the Regulations has occurred, the Board at its discretion may choose to waive the fine for a first violation, levy any fine providing it does not exceed the appropriate range limitation, require use of other mitigation methods or schedules of compliance and in emergency situations, require a Stop Work Order to be issued and/or any other combination of remedies to bring about compliance with the Regulations.
- I. All administrative fines collected by the District Board of Health pursuant to this section shall be deposited in the school district fund of Washoe County.
- J. All monetary fines assessed pursuant to violations of **Sections 030.105 or 030.107** for improper asbestos containing material removal, shall be for an amount greater than the estimated savings obtained by the illegal removal.

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

Company Name Moana Lane Shell
Contact Name Alex Balouch
Case Number 1337

I. Violation of Section 030.002 Construction or Modification of Permitted Operations

I. **Recommended Penalty** = \$ 22000.00

II. Violation of Section 030.221 Temporary Permit to Operate

II. **Recommended Penalty** = \$ 5500.00

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 = \$ 27,500.00



Senior AQ Specialist/Supervisor

2/4/2022

Date

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

Company Name Moana Lane Shell
 Contact Name Alex Balouch
 Case Number 1337
 Violation Number AQMV22-0002

Violation of Section 030.002 Construction or Modification of Permitted Operations
 Permit Condition N/A

I. Base Penalty as specified in the Penalty Table = \$ **5,000.00**

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: Unable to Quantify

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

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

Comment: Negligible

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

B. Adjusted Base Penalty

Base Penalty \$ 5,000.00 x Adjustment Factor 1 = \$ **5,000.00**

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

Adjusted Penalty \$ 5,000.00 x Number of Days/Weeks/Mo **4** = \$ **20,000.00**

Comment: 4 Months of Operating without a Permit to Operate

D. Economic Benefit

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

Comment: None Applicable

Penalty Subtotal

Adjusted Base Penalty \$ 20,000.00 + Economic Benefit \$ 0.00 = \$ **20,000.00**

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

III. Penalty Adjustment Consideration

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

10%

Comment: Notified of the need of a ATC in Jan. of 2021

B. Compliance History

Similar Violation < 12 months (300%)

+

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

10%

IV. Recommended Penalty

Penalty Adjustment:

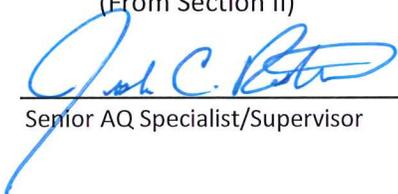
\$ 20,000.00	x	<u>10%</u>	=	\$ 2,000.00
Penalty Subtotal (From Section II)		Total Adjustment Factors (From Section III)		Total Adjustment Value

Additional Credit for Environmental Investment/Training - \$

Comment: _____

Adjusted Penalty:

\$ 20,000.00	+/-	<u>\$ 2,000.00</u>	=	\$ 22,000.00
Penalty Subtotal (From Section II)		Total Adjustment Value (From Section III + Credit)		Recommended Penalty



Senior AQ Specialist/Supervisor

2/4/2022

Date

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

Company Name Moana Lane Shell
 Contact Name Alex Balouch
 Case Number 1337
 Violation Number AQMV22-0003

Violation of Section 030.221 Temporary Permit to Operate
 Permit Condition N/A

I. Base Penalty as specified in the Penalty Table = \$ **5,000.00**

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: Unable to Quantify

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

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

Comment: Negligible

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

B. Adjusted Base Penalty

Base Penalty \$ 5,000.00 x Adjustment Factor 1 = \$ **5,000.00**

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

Adjusted Penalty \$ 5,000.00 x Number of Days/Weeks/Mo **1** = \$ **5,000.00**

Comment: One incident of not completing testing in a timely manner

D. Economic Benefit

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

Comment: None Applicable

Penalty Subtotal

Adjusted Base Penalty \$ 5,000.00 + Economic Benefit \$ 0.00 = \$ **5,000.00**

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

III. Penalty Adjustment Consideration

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

10%

Comment Failure to cooperate in a timely manner

B. Compliance History

Similar Violation < 12 months (300%)

+ []

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

10%

IV. Recommended Penalty

Penalty Adjustment:

\$ 5,000.00	x	10%	= \$	500.00
Penalty Subtotal		Total Adjustment Factors		Total Adjustment Value
(From Section II)		(From Section III)		

Additional Credit for Environmental Investment/Training - \$ []

Comment: _____

Adjusted Penalty:

\$ 5,000.00	+/-	\$ 500.00	=	\$ 5,500.00
Penalty Subtotal		Total Adjustment Value		Recommended Penalty
(From Section II)		(From Section III + Credit)		

[Signature]
Senior AQ Specialist/Supervisor

2/4/2022
Date

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 (maintenance)	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

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

Appeal

**WASHOE COUNTY
HEALTH DISTRICT**

ENHANCING QUALITY OF LIFE

AIR QUALITY MGMT.

FEB 10 2022

WASHOE COUNTY
HEALTH DIST.

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: Alex Balouch

PHONE: (818) 396 3999 EMAIL: Azachuscompany@gmail.com

MAILING ADDRESS: 3295 Kietzke lane

CITY: Reno STATE: NV ZIP CODE: 89502

PHYSICAL ADDRESS: 3295 Kietzke lane

CITY: Reno STATE: NV ZIP CODE: 89502

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQM V22-002/003 DATE RECEIVED: _____

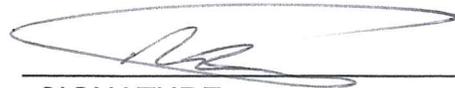
REGULATION INVOLVED: SECTION: 030.002 / 030.221

BASIS FOR APPEAL/VARIANCE: _____

New evidence to share

Alex Balouch

PRINT NAME



SIGNATURE

officer / owner

TITLE

2/7, 2022

DATE

Revised 08-2021

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.



Public Health
Prevent. Promote. Protect.

From: [azadus company](#)
To: [Vega, Francisco](#)
Subject: Request of postponing of APCHB Appeal Hearing - April 5, 2022
Date: Wednesday, March 2, 2022 11:54:31 AM
Attachments: [Request of postponing of APCHB Appeal Hearing - April 5, 2022.pdf](#)

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Dear Mr. Vega

Following our phone conversation
Please find attached request of postponing of APCHB appeal hearing - April 5, 2022

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Sincerely,

A. Balouch
Azadus Co, DBA Moana Lane Shell Director
3295 Kietzke Lane, Reno NV 89502

March 2, 2022

Francisco Vega
Director Air Quality Management Division

RE: Air Pollution Hearing Schedule

Dear Mr. Vega

I am writing to let you know that following your letter dated 2.22.2022, regarding our appeal petition of notice of violation (NOV) No. AQMV22-0002 and No. AQMV22-0003 (Case No. 1337) issued by the AQMD on February 4, 2022.

I am in process of hiring a consular to handle my case, therefore I am writing to request post poning the hearing date of April 5, 2022.

I am hereby waiving my right to have my appeal heard within the regulatory specified sixty (60) day timeframe.

Sincerely,



Alex Balouch

Moana Lane Shell
3295 Kietzke Lane
Reno, NV 89502