

Staff Report
Board Meeting Date: February 16, 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. AQMV21-0047 with an associated administrative fine of \$1,000.00 issued to Sunstate Equipment Rental Co., LLC 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. AQMV21-0047 be upheld and an administrative fine in the amount of \$1,000.00 be levied against Sunstate Equipment Rental Co., LLC for failing to maintain and operate a gasoline dispensing facility Phase I vapor control equipment in such a manner that prevents the release of vapors to the atmosphere. (Regulation 040.080, Section C 1.d.). This action constitutes a minor violation of the Washoe County District Board of Health Regulations Governing Air Quality Management.

BACKGROUND

Please refer the attached NOV No. AQMV21-0047. This NOV contains the facts associated with the incident of noncompliance and supporting documentation relevant to the NOV.

RECOMMENDATION

Staff recommends the Air Pollution Control Hearing Board (APCHB) deny the appeal of NOV No. AQMV21-0047, associated with Case No. 1325, issued to Sunstate Equipment Rental Co., LLC and levy an administrative fine in the amount of \$1,000.00.

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. AQMV21-0047.
2. The Air Pollution Control Hearing Board may determine to uphold Notice of Violation No. AQMV21-0047; and levy any fine in the range of \$0.00 to \$1,000.00 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. AQMV21-0047, associated with Case No. 1325 issued to Sunstate Equipment Rental Co., LLC and levy an administrative fine in the amount of \$1,000.00."

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

1. "Move to dismiss NOV No. AQMV21-0047, associated with Case No. 1325, issued Sunstate Equipment Rental Co., LLC", or
2. "Move to uphold NOV No. AQMV21-0047, associated with Case No. 1325, and levy an administrative fine in the amount of \$0.00 to \$1,000.00 per day per violation to Sunstate Equipment Rental Co., LLC."

2-1-2022
Date

Francisco Vega
Francisco Vega P.E., MBA
Director
Washoe County Health District
Air Quality Management Division

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

**Notice of Violation No.
AQMV21-0047 and Supporting Documentation**

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

NOTICE OF VIOLATION No: AQMV21-0047

ISSUED TO

**Sunstate Equipment Rental Co., LLC
Location: 750 Rock Blvd., Reno, NV 89502
Permit Number: AAIR16-0836
Date of Issuance: December 10, 2021
Case No.: 1325**

The Air Quality Management Division of the Washoe County Health District (AQMD) has determined that Sunstate Equipment Rental Co., LLC is in violation of the Washoe County District Board of Health Regulations Governing Air Quality Management 040.080 Section C 1.d. Gasoline Transfer into Stationary Storage Containers (Phase I).

1. VIOLATION

- A. Failure maintain and operate the Phase I vapor control equipment in such a manner that prevents the release of vapors to the atmosphere.

2. BASIS OF VIOLATION

- A. Regulatory Authority
The Washoe County District Board of Health Regulations Governing Air Quality Management 040.080 Section C 1.d. Gasoline Transfer into Stationary Storage Containers (Phase I):

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.

- B. Facts to Constitute the Violation
During an annual compliance evaluation of the permitted equipment, a Senior Air Quality Specialist found the popped drybreak (vapor poppet) on the vapor return of the Phase 1 vapor recovery system of the above ground storage tank wedged open with a foreign object allowing for the release of gasoline vapors (VOC's) to the atmosphere. The foreign object wedging the vapor poppet open did not allow the vapor poppet cap to be reinstalled and therefore was found to not be installed at the time of inspection.

3. APPEAL PROCEDURE AND TIME LIMITATIONS


A. Appeal Procedure

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

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

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

12/10/2021
Date


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

WASHOE COUNTY HEALTH DISTRICT

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AIR QUALITY MANAGEMENT DIVISION

1001 East Ninth Street

Bldg B -

Reno, Nevada 89512

(775) 784-7200

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Public Health

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Permit #: AAIR16-0836

Permit Expiration Date: 07/31/2021

Permit Issued To:

Sunstate Equipment Rental Co., llc
750 S. Rock Blvd.
Reno, NV 89502

Mailing Address:

Sunstate Equipment Rental Co., llc
c/o Facility Manager
750 S. Rock Blvd.
Reno, NV 89502

Permit Description:

GASOLINE DISPENSING FACILITY - Modern Welding Company 2000 Gallon Split Above Ground Tank (500 Gallons Gasoline), (1) Gasboy Atlas Dispenser, (1) Gasoline Nozzle. CARB Executive Order# G-70-102-A

ANNUAL REPORTING REQUIREMENTS

Per Condition H of this Permit to Operate, the annual throughput/consumption figures for the previous calendar year must be submitted in writing to the AQMD no later than the 20th of June. The information requested may be submitted by email to AQMDpermitting@washoecounty.us.

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

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

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

“CONDITIONS OF OPERATION”

Standard Conditions of Operation

- A. This permit becomes void upon any change of ownership or address or any alteration of permitted equipment.
- B. A person who has been granted a Permit to Operate shall display the permit in a room or office on the premises which is readily accessible to air pollution control personnel for inspection or examination, and reasonably close to the equipment or other contrivance which is the subject of the permit.
- C. Any modification of the equipment other than normal repair and maintenance will require a new permit.

WASHOE COUNTY HEALTH DISTRICT

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AIR QUALITY MANAGEMENT DIVISION

1001 East Ninth Street

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Public Health
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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 AST Phase I

Equipment: (1) Modern Welding Company 2000 Gallon Split Above Ground Tank (500 Gallons Gasoline), (1) Gasboy Atlas Dispenser, (1) Gasoline Nozzle

Control Device: Mfg Required Maintenance

GDF AST Phase I Conditions of Operation:

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

Additional Conditions

Process Type

Additional Conditions of Operation

Insignificant Sources

Not Applicable

Additional Address Covered Under This Permit

Not Applicable

VAPOR RECOVERY INSPECTION SHEET

STATION Sunset Equipment ADDRESS 750 S. Rock Blvd.
 CITY Reno ZIP 89502 CONTACT Eric Fischer
 OWNER/OPERATOR Sunstate Equipment Rental PHONE (775) 473-4509
 NUMBER OF DISPENSERS (GASOLINE) 1 NUMBER OF NOZZLES (GASOLINE) 1
 NUMBER OF PRODUCT GRADES (GASOLINE) 1 NUMBER OF NOZZLES (DIESEL) 1
 FOR EACH DISPENSER

Date 6/1/21
 Permit# AAIR16-0836
 INSP JJeppson
 VN# /

DEFECTIVE OR NON-OPERABLE EQUIPMENT

| | | | | | | | | | | | | | | | | | | | |
|---------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| NOZZLE NUMBER | | | | | | | | | | | | | | | | | | | |
| GAS GRADE | | | | | | | | | | | | | | | | | | | |

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

All OK!

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

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

X - corrected on site

REMARKS: Vapor poppet held open with metal wire. Alerted Mr. Fischer. Believer delivery driver with Golden Gate left wire in poppet. Corrected during inspection.

OPERATOR (X)

Unless otherwise noted all equipment must be repaired or replaced within 7 working days of the inspection of Violation for permit conditions (Section 030.2175 - Operations Contrary to Permit, Washoe County)



Eric Fischer
 Branch Manager
 750 S. Rock Blvd.
 Reno, NV 89502
Phone: 775-473-4509
 Cell: 775-225-0462
 Emergency After Hours: 775-530-6110
 Email: eric.fischer@sunstateequip.com

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

Name of Facility Sunstate Equipment Rental
 Facility Address 750 S. Rock Blvd.
 Permit Number AAIR16-0836 Avg. Mon. Throughput 136 g

EQUIPMENT

Storage Tank(s) Above X Below _____
 Phase I Vapor Control 2-Point X Coaxial _____
 Phase II Vapor Control Balance _____ Vac Assist _____ None X
 Number of Pressure/Vacuum Vent Valves Installed 1

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

Monthly Throughput < 10,000 gallons y/n
 . Minimize spills Y
 . Clean up spills expeditiously Y
 . Cover gasoline containers/fill pipes w/gasketed seal N - see comments
 . Min. gasoline sent to open collection system Y
Monthly Throughput ≥ 10,000 gallons
 . Load storage tank using submerged fill _____
Monthly Throughput ≥ 100,000 gallons
 . Use vapor tight caps for liquid fill & vapor connections _____
 . Install Pressure/Vacuum Vent Valves on vent pipes _____

COMPLIANCE TESTING (Per CARB Executive Order and Local Policy)

| | |
|--|--|
| <u>Balance Phase II Vapor Recovery (UST)</u> | <u>Assist Phase II Vapor Recovery (UST)</u> |
| <i>(Testing required if throughput over 240,000 gal/year)</i> | <i>(Testing required if installed regardless of throughput)</i> |
| Date of last Static Pressure Decay Test _____ <i>Required every 3 years)</i> | Date of last Static Pressure Decay Test _____ <i>(Required annually)</i> |
| Date of last Dynamic Backpressure Test _____ <i>Required every 3 years)</i> | Date of last A/L Test _____ <i>(Required annually)</i> |
| Date of last P/V Vent Test _____ <i>Required to be installed and tested every 3 years</i> | Date of last P/V Vent Valve Test _____ <i>(Required to be installed and tested every 3 years)</i> |

VR Phase I Vapor Recovery Only Facilities

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

Above Ground Storage Tank

(Testing requirements per the Permit to Operate)
 Date of last Static Pressure Decay Test 7/7/20
(Required annually)
 Date of last P/V Vent Valve Test 7/16/19
(Required to be installed and tested every 3 years)

Comments: Vapor cap not in place, poppet held open with a metal wire,

Inspector: Jeff Jeppson Date: 6/1/21

Photographs

Sunstate Equipment Rental Company
750 South Rock Blvd.
Taken on June 1, 2021



Photograph 1

Date: June 1, 2021

Photo showing the vapor poppet held open with a metal wire. The vapor cap was not engaged and is resting on top of the tank to the right of the poppet.

Jeppson, Jeff J

From: Eric Fischer <eric.fischer@sunstateequip.com>
Sent: Wednesday, June 2, 2021 2:47 PM
To: Jeppson, Jeff J
Cc: Restori, Joshua
Subject: RE: Sunstate Equipment Rental Company / AQMD Permit No. AAIR16-0836 / June 1, 2021

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

Thank you Jeff,

Inspecting this valve will be part of my daily checks. I appreciate your heads up and I welcome any further input.

Best.

Eric Fischer
Branch Manager
Sunstate Equipment Co., LLC
750 S Rock Blvd, Reno NV 89502
p 775-473-4509 m 775-225-0462
[Website](#) | [Email](#)



Trust
Rental Equipment you can depend on.

From: Jeppson, Jeff J <JJJeppson@washoecounty.us>
Sent: Wednesday, June 2, 2021 2:27 PM
To: Eric Fischer <eric.fischer@sunstateequip.com>
Cc: Restori, Joshua <JRestori@washoecounty.us>
Subject: Sunstate Equipment Rental Company / AQMD Permit No. AAIR16-0836 / June 1, 2021

Dear Mr. Fischer,

This email is in response to the Washoe County Health District Air Quality Management Division (AQMD) air quality evaluation and site visit at Sunstate Equipment Rental Company located at 750 S. Rock Blvd. on June 1, 2021. The evaluation was conducted as a routine compliance evaluation. At the time of the evaluation, the following incident of noncompliance was observed and documented:

- ***Permit Condition 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.***

At the time of the evaluation, the Phase I vapor adapter poppet was wedged open with a metal wire and the vapor adapter cap was not in place.

An Enforcement Case may be developed by the AQMD for this incident. You may be contacted in the future to discuss the details of the Case and any subsequent enforcement action associated with the incident of noncompliance.

Please ensure that the permitted equipment is being operated in compliance with the Permit to Operate at all times.

If you have any questions regarding this correspondence, please feel free to contact me using the information below.

Sincerely,

Jeff Jeppson

Senior Air Quality Specialist | Air Quality Management Division | Washoe County Health District

jjjeppson@washoecounty.us | O: 775-784-7232 | C: 775-772-7806 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

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**WASHOE COUNTY
HEALTH DISTRICT**
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Public Health [washoecounty.us]

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**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**

- 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 Sunstate Equipment Rental Co., LLC
Contact Name Annie Bodell
Case Number 1325

I. Violation of Section 040.080 C 1.d. Gasoline Transfer into Stationary Storage Containers

I. Recommended Penalty = \$ 1000.00

II. Violation of Section 0

II. Recommended Penalty = \$ 0.00

III. Violation of Section 0

III. Recommended Penalty = \$ 0.00

IV. Violation of Section 0

IV. Recommended Penalty = \$ 0.00

V. Violation of Section 0

V. Recommended Penalty = \$ 0.00

Total Recommended Penalty = \$ 1,000.00


Senior AQ Specialist/Supervisor

12/10/2021
Date

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

Company Name Sunstate Equipment Rental Co., LLC
 Contact Name Annie Bodell
 Case Number 1325
 Violation Number AQMV21-0047

Violation of Section 040.080 C 1.d. Gasoline Transfer into Stationary Storage Containers
 Permit Condition N/A

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

II. Severity of Violation

A. Public Health Impact

1. Toxicity of Release (For Emissions Exceedances)

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

Comment: Penalty by Rule

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

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

Comment: Penalty by Rule

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

B. Adjusted Base Penalty

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

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

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

Comment: One (1) day of violation was observed

D. Economic Benefit

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

Comment: Penalty by Rule

Penalty Subtotal

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

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

III. Penalty Adjustment Consideration

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

Comment: Penalty by Rule

B. Compliance History

Similar Violation < 12 months (300%) + 0%

Similar Violation < 3 years (200%) + 0%

Similar Violation > 3 years (150%) + 0%

Previous Unrelated Violations < 5years

5% x , # of previous violations + 0%

Comment: Penalty by Rule

Total Penalty Adjustment Factors – Sum of A & B 0%

IV. Recommended Penalty

Penalty Adjustment:

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

Additional Credit for Environmental Investment/Training - \$

Comment: _____

Adjusted Penalty:

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



Senior AQ Specialist/Supervisor

12/10/2021

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

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: Mark Safsten

PHONE: 602-683-2247

EMAIL: mark.safsten@sunstateequip.com

MAILING ADDRESS: 5552 East Washington St.

CITY: Phoenix

STATE: AZ

ZIP CODE: 85034

PHYSICAL ADDRESS: 750 SOUTH ROCK BLVD

CITY: Reno

STATE: NV

ZIP CODE: 89502

EQUIPMENT OR PROCESS REGISTERED WITH CONTROL OFFICER? YES NO

APPEAL OF ORDER

APPEAL OF VIOLATION

VIOLATION NUMBER: AQMV21-0047 DATE RECEIVED: Dec. 10, 2021

REGULATION INVOLVED: SECTION: 040.080 C.I.d Gasoline Transfer
into Stationary Storage Containers

BASIS FOR APPEAL/VARIANCE: We recognize that the observed violation
is accurate. In our investigation we could not determine who is
responsible for propping that cap, but we do recognize our responsibility
to make sure the broken cap was replaced and inspected regularly.
I have attached a picture of the current valve cap and examples
of our regular equipment inspections. I respectfully request a
reduction of the proposed penalty, given our historical record of clean
inspects

PRINT NAME - MARK SAFSTEN

SIGNATURE Mark Safsten

DIRECTOR OF RISK

20 Dec. 2021

TITLE

DATE

Revised 08-2021



**WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST**

Date 8-31

Inspector Jorge

Branch Reno

Signature Jorge

Instructions: Mark a check in each box as completed and note any action taken or problems identified in the comments. Please note N/A in any space that does not apply to your branch.

| ITEM | ✓'d | Comments |
|---|-----|----------|
| ABOVE GROUND FUEL TANKS (To Include Propane Storage Tank) <ul style="list-style-type: none"> Inspect outer tank shells for leaks or obvious damage. Confirm all signs are in place and in good repair. | ✓ | |
| <ul style="list-style-type: none"> Inspect pumps, dispensers, lines, hoses, gaskets, and caps for leaks or obvious damage. Gloves and eye protection are at propane dispenser. | ✓ | |
| <ul style="list-style-type: none"> Conduct manual interstitial leak detection test on gasoline and diesel tanks (place dry stick in leak detector pipe-this area should be dry-if any fluids found notify store manager). Spill kit is available and stocked. Additionally confirm all liquid level devices are properly operating and manually check fuel level in tank. Check all vapor adapters and covers/access points and make sure all are closed and not propped open. | ✓ | |
| 55-GALLON DRUMS-NEW AND USED OILS AND ANTIFREEZE <ul style="list-style-type: none"> Inspect new oil and all waste drums for proper labeling and leaks or obvious damage. Covers are in place and the area is clean. | ✓ | |
| <ul style="list-style-type: none"> Inspect secondary containment for leaks or spills | ✓ | |
| OVERHEAD OIL LINES/GREASE GUNS <ul style="list-style-type: none"> Verify that air compressor is turned off at night or hoses are disconnected from pumps. Inspect overhead lines and fittings for leaks or damage. | ✓ | |
| <ul style="list-style-type: none"> Inspect all grease gun hoses/whips. Insure there are not kinks or bulges, replace as necessary | ✓ | |
| <ul style="list-style-type: none"> Inspect the regulator and pressure gauge to ensure they are operating as designed. | ✓ | |
| NEW AND USED BATTERIES <ul style="list-style-type: none"> Inspect ALL batteries for cracks, leaks, or spills. Inspect USED battery secondary containment's for structural integrity and any spills. Battery charging area is free of ignition sources. Face shield and gloves are available at battery charge area. | ✓ | |

Q-24
D-33

**WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST**

Date 9-16-21

Inspector Jorge

Branch Hono

Signature _____

Instructions: Mark a check in each box as completed and note any action taken or problems identified in the comments. Please note N/A in any space that does not apply to your branch.

| ITEM | ✓'d | Comments |
|---|-----|----------|
| ABOVE GROUND FUEL TANKS (To Include Propane Storage Tank) <ul style="list-style-type: none"> Inspect outer tank shells for leaks or obvious damage. Confirm all signs are in place and in good repair. | ✓ | |
| <ul style="list-style-type: none"> Inspect pumps, dispensers, lines, hoses, gaskets, and caps for leaks or obvious damage. Gloves and eye protection are at propane dispenser. | ✓ | |
| <ul style="list-style-type: none"> Conduct manual interstitial leak detection test on gasoline and diesel tanks (place dry stick in leak detector pipe-this area should be dry-if any fluids found notify store manager). Spill kit is available and stocked. Additionally confirm all liquid level devices are properly operating and manually check fuel level in tank. Check all vapor adapters and covers/access points and make sure all are closed and not propped open. | ✓ | |
| 55-GALLON DRUMS-NEW AND USED OILS AND ANTIFREEZE <ul style="list-style-type: none"> Inspect new oil and all waste drums for proper labeling and leaks or obvious damage. Covers are in place and the area is clean. | ✓ | |
| <ul style="list-style-type: none"> Inspect secondary containment for leaks or spills | ✓ | |
| OVERHEAD OIL LINES/GREASE GUNS <ul style="list-style-type: none"> Verify that air compressor is turned off at night or hoses are disconnected from pumps. Inspect overhead lines and fittings for leaks or damage. | ✓ | |
| <ul style="list-style-type: none"> Inspect all grease gun hoses/whips. Insure there are not kinks or bulges, replace as necessary | ✓ | |
| <ul style="list-style-type: none"> Inspect the regulator and pressure gauge to ensure they are operating as designed. | ✓ | |
| NEW AND USED BATTERIES <ul style="list-style-type: none"> Inspect ALL batteries for cracks, leaks, or spills. Inspect USED battery secondary containment's for structural integrity and any spills. Battery charging area is free of ignition sources. Face shield and gloves are available at battery charge area. | ✓ | |

19 G
25 D

**WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST**

Date 10-12-21

Inspector Jorey

Branch RENO

Signature _____

Instructions: Mark a check in each box as completed and note any action taken or problems identified in the comments. Please note N/A in any space that does not apply to your branch.

| ITEM | ✓'d | Comments |
|---|-----|----------|
| ABOVE GROUND FUEL TANKS (To Include Propane Storage Tank) <ul style="list-style-type: none"> Inspect outer tank shells for leaks or obvious damage. Confirm all signs are in place and in good repair. | ✓ | |
| <ul style="list-style-type: none"> Inspect pumps, dispensers, lines, hoses, gaskets, and caps for leaks or obvious damage. Gloves and eye protection are at propane dispenser. | ✓ | |
| <ul style="list-style-type: none"> Conduct manual interstitial leak detection test on gasoline and diesel tanks (place dry stick in leak detector pipe-this area should be dry-if any fluids found notify store manager). Spill kit is available and stocked. Additionally confirm all liquid level devices are properly operating and manually check fuel level in tank. Check all vapor adapters and covers/access points and make sure all are closed and not propped open. | ✓ | |
| 55-GALLON DRUMS-NEW AND USED OILS AND ANTIFREEZE <ul style="list-style-type: none"> Inspect new oil and all waste drums for proper labeling and leaks or obvious damage. Covers are in place and the area is clean. | ✓ | |
| <ul style="list-style-type: none"> Inspect secondary containment for leaks or spills | ✓ | |
| OVERHEAD OIL LINES/GREASE GUNS <ul style="list-style-type: none"> Verify that air compressor is turned off at night or hoses are disconnected from pumps. Inspect overhead lines and fittings for leaks or damage. | ✓ | |
| <ul style="list-style-type: none"> Inspect all grease gun hoses/whips. Insure there are not kinks or bulges, replace as necessary | ✓ | |
| <ul style="list-style-type: none"> Inspect the regulator and pressure gauge to ensure they are operating as designed. | ✓ | |
| NEW AND USED BATTERIES <ul style="list-style-type: none"> Inspect ALL batteries for cracks, leaks, or spills. Inspect USED battery secondary containment's for structural integrity and any spills. Battery charging area is free of ignition sources. Face shield and gloves are available at battery charge area. | ✓ | |

G-10
D-33

**WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST**

Date 11-02-21

Inspector Jorge

Branch Poo

Signature Jorge

Instructions: Mark a check in each box as completed and note any action taken or problems identified in the comments. Please note N/A in any space that does not apply to your branch.

| ITEM | ✓'d | Comments |
|---|-----|----------|
| ABOVE GROUND FUEL TANKS (To Include Propane Storage Tank) <ul style="list-style-type: none"> Inspect outer tank shells for leaks or obvious damage. Confirm all signs are in place and in good repair. | ✓ | |
| <ul style="list-style-type: none"> Inspect pumps, dispensers, lines, hoses, gaskets, and caps for leaks or obvious damage. Gloves and eye protection are at propane dispenser. | ✓ | |
| <ul style="list-style-type: none"> Conduct manual interstitial leak detection test on gasoline and diesel tanks (place dry stick in leak detector pipe-this area should be dry-if any fluids found notify store manager). Spill kit is available and stocked. Additionally confirm all liquid level devices are properly operating and manually check fuel level in tank. Check all vapor adapters and covers/access points and make sure all are closed and not propped open. | ✓ | |
| 55-GALLON DRUMS-NEW AND USED OILS AND ANTIFREEZE <ul style="list-style-type: none"> Inspect new oil and all waste drums for proper labeling and leaks or obvious damage. Covers are in place and the area is clean. | ✓ | |
| <ul style="list-style-type: none"> Inspect secondary containment for leaks or spills | ✓ | |
| OVERHEAD OIL LINES/GREASE GUNS <ul style="list-style-type: none"> Verify that air compressor is turned off at night or hoses are disconnected from pumps. Inspect overhead lines and fittings for leaks or damage. | ✓ | |
| <ul style="list-style-type: none"> Inspect all grease gun hoses/whips. Insure there are not kinks or bulges, replace as necessary | ✓ | |
| <ul style="list-style-type: none"> Inspect the regulator and pressure gauge to ensure they are operating as designed. | ✓ | |
| NEW AND USED BATTERIES <ul style="list-style-type: none"> Inspect ALL batteries for cracks, leaks, or spills. Inspect USED battery secondary containment's for structural integrity and any spills. Battery charging area is free of ignition sources. Face shield and gloves are available at battery charge area. | ✓ | |

D- 33
G- 29

**WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST**

Date 12-10

Inspector Jorge

Branch _____

Signature _____

Instructions: Mark a check in each box as completed and note any action taken or problems identified in the comments. Please note N/A in any space that does not apply to your branch.

| ITEM | ✓'d | Comments |
|---|-----|----------|
| ABOVE GROUND FUEL TANKS (To Include Propane Storage Tank) <ul style="list-style-type: none"> Inspect outer tank shells for leaks or obvious damage. Confirm all signs are in place and in good repair. | ✓ | |
| <ul style="list-style-type: none"> Inspect pumps, dispensers, lines, hoses, gaskets, and caps for leaks or obvious damage. Gloves and eye protection are at propane dispenser. | ✓ | |
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| 55-GALLON DRUMS-NEW AND USED OILS AND ANTIFREEZE <ul style="list-style-type: none"> Inspect new oil and all waste drums for proper labeling and leaks or obvious damage. Covers are in place and the area is clean. | ✓ | |
| <ul style="list-style-type: none"> Inspect secondary containment for leaks or spills | ✓ | |
| OVERHEAD OIL LINES/GREASE GUNS <ul style="list-style-type: none"> Verify that air compressor is turned off at night or hoses are disconnected from pumps. Inspect overhead lines and fittings for leaks or damage. | ✓ | |
| <ul style="list-style-type: none"> Inspect all grease gun hoses/whips. Insure there are not kinks or bulges, replace as necessary | ✓ | |
| <ul style="list-style-type: none"> Inspect the regulator and pressure gauge to ensure they are operating as designed. | ✓ | |
| NEW AND USED BATTERIES <ul style="list-style-type: none"> Inspect ALL batteries for cracks, leaks, or spills. Inspect USED battery secondary containment's for structural integrity and any spills. Battery charging area is free of ignition sources. Face shield and gloves are available at battery charge area. | ✓ | |

D-13
G-16

