

Staff Report
Board Meeting Date: October 23, 2025

DATE: October 16, 2025
TO: District Board of Health
FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nnph.org
SUBJECT: Recommendation for the Board to uphold an uncontested citation issued Maverick, Inc., Case No. 1580, Notice of Violation No. AQMV25-0015 with a \$500.00 Administrative Penalty for failing to utilize the District Approved Vapor Control System found in Permit to Operate No. AAIR18-1148 causing the release of gasoline vapors to the atmosphere while distributing gasoline to an underground storage tank. (FOR POSSIBLE ACTION)

SUMMARY

Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV25-0015 be **upheld** and an Administrative Penalty in the amount of **\$500.00** be levied against Maverik, Inc. for failure to comply with the provisions of Permit to Operate AAIR18-1148, specifically Condition No. 2: All gasoline transfer and dispensing facilities must operate in accordance with Section 040.080 if the Board of Health Regulations Governing Air Quality Management, specifically, 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. This action is a **minor violation** of the Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.080 (Gasoline Transfer and Dispensing Facilities) Section C (Standards) Subsection 1 (Gasoline Transfer Into Stationary Storage Containers) Subsection b.

District Health Strategic Priorities supported by this item:

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

PREVIOUS ACTION

None

BACKGROUND

Please refer to the attached NOV No. AQMV25-0015 for specific information. The NOV contains the facts associated with the incidents of noncompliance and supporting documentation relevant to the NOV.

NOV No. AQMV25-0015 and associated documentation supporting the NOV were sent certified mail to the offices of Maverik, Inc. and received on September 15, 2025. The certified mail contained instructions for filing an appeal of the NOV to the Air Pollution Control Hearing Board and the "Appeal Petition to the Air Pollution Control Hearing Board" form.

An appeal of NOV No. AQMV25-0015 was not exercised by Maverik, Inc. within the 10-day appeal timeframe pursuant to paragraph 020.000.C.3 Appeal Procedure and Maverik, Inc. consented to the violation and the penalty. As such, NOV No. AQMV25-0015 was determined to be final by the AQMD with a penalty amount of \$500.00.

FISCAL IMPACT

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

RECOMMENDATION

Staff recommend the Board uphold an uncontested citation issued to Maverik, Inc., Case No. 1580, Notice of Violation No. AQMV25-0015, with a \$500.00 Administrative Penalty.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the item should be pulled from the Consent Agenda for discussion. Possible alternatives are:

1. The Board may determine no violation of the regulations has occurred and dismiss Notice of Violation No. AQMV25-0015; or
2. The Board may determine to uphold Notice of Violation No. AQMV25-0015 and levy any Administrative Penalty in the range of \$0.00 to \$500.00 per day per violation for the minor violation.

POSSIBLE MOTION

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

1. "Move to uphold an uncontested penalty issued to Maverik, Inc., Case No. 1580, Notice of Violation No. AQMV25-0015 with a total Administrative Penalty of \$500.00."

Or, should the Board wish to consider an alternative motion the item should be pulled from the Consent Agenda for discussion and, the possible motion may be:

1. "Move to dismiss Case No. 1580, Notice of Violation No. AQMV25-0015, issued to Maverik, Inc." or
2. "Move to uphold Case No. 1580, Notice of Violation No. AQMV25-0015, and levy an Administrative Penalty in the amount of (range of \$0.00 to \$500.00) per day per violation, with the matter being continued to the next meeting to allow for the Maverik, Inc. to be properly noticed."