

Staff Report
Board Meeting Date: March 27, 2025

DATE: March 17, 2025
TO: District Board of Health
FROM: Francisco Vega, Division Director
(775) 784-7211, fvega@nnpd.org
SUBJECT: Recommendation for the Board to uphold an uncontested citation issued to EAN Holdings, LLC, Case No. 1544, Notice of Violation No. AQMV25-0002 with a \$500.00 penalty for failing to comply with permit requirements associated with Permit to Operate No. AAIR16-0205.

SUMMARY

Northern Nevada Public Health, Air Quality Management Division (AQMD) staff recommends Notice of Violation (NOV) No. AQMV25-0002 be **upheld** and a fine in the amount of **\$500.00** be levied against EAN Holdings, LLC for failure to comply with the provisions of Permit to Operate AAIR16-0205, specifically Condition No. 9: The owner/operator must conduct and pass a 2 Inch Static Pressure Performance Test of Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders. This action is a **minor violation** of the District Board of Health Regulations Governing Air Quality Management (DBOH Regulations), specifically Section 040.080 (Gasoline Transfer and Dispensing Facilities) Section C (Standards) Subsection 1 (Gasoline Transfer Into Stationary Storage Containers) Subsection b.

District Health Strategic Priority 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

EAN Holdings, LLC was previously issued violation AQMV24-0006 on February 20, 2024 for failing to conduct and pass a 2 inch Static Pressure Performance Test of Vapor Recovery System annually which was upheld by the DBOH on March 28, 2024.

BACKGROUND

Please refer to the attached NOV No. AQMV25-0002 for specific information. The NOV contains the facts associated with the incidents of noncompliance and supporting documentation relevant to the NOV.

NOV No. AQMV25-0002 and associated documentation supporting the NOV was sent certified mail to the offices of EAN Holdings, LLC and was received on February 13, 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. AQMV25-0002 was not exercised by EAN Holdings, LLC within the 10-day appeal timeframe pursuant to paragraph 020.000.C.3 Appeal Procedure and EAN Holdings LLC – Alamo consented to the violation and the penalty. As such, NOV No. AQMV25-0002 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 fine. All fine money collected is forwarded to the Washoe County School District to be used for environmentally focused projects for the benefit of the students.

RECOMMENDATION

Staff recommends the Board uphold an uncontested citation issued to EAN Holdings, LLC, Case No. 1544, Notice of Violation No. AQMV25-0002, with a \$500.00 fine.

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. AQMV25-0002; or
2. The Board may determine to uphold Notice of Violation No. AQMV25-0002 and levy any fine 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 EAN Holdings, LLC, Case No. 1544, Notice of Violation No. AQMV25-0002 with a total fine 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. 1544, Notice of Violation No. AQMV25-0002, issued to EAN Holdings, LLC" or
2. "Move to uphold Case No. 1544, Notice of Violation No. AQMV25-0002, and levy a fine 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 EAN Holdings, LLC to be properly noticed."