

NORTHERN NEVADA PUBLIC HEALTH
AIR QUALITY MANAGEMENT DIVISION
1001 East Ninth Street Suite B171
Reno, Nevada 89512

NOTICE OF VIOLATION No.: AQMV25-0018 **ISSUED TO**

Smith's Food & Drug Centers, Inc.
Location: 175 Lemmon Drive, Reno, NV 89506
Permit Number: AAIR16-0800
Date of Issuance: October 3, 2025
Case No.: 1585

Northern Nevada Public Health, Air Quality Management Division (AQMD) has determined that Smith's Food & Drug Centers, Inc. is in violation of District Board of Health Regulations Governing Air Quality Management PART 040.080 - Gasoline Transfer and Dispensing Facilities.

1. VIOLATION

Failure to comply with the provisions on Permit to Operate AAIR16-0800. Specifically, Condition of Operation No. 10 and Condition of Operation No. 11.

Condition of Operation No. 10: The owner/operator must conduct and pass a 2 Inch WC Static Pressure Performance Test of Vapor Recovery System annually to demonstrate compliance with the California Air Resource Board (CARB) Executive Orders.

Condition of Operation No. 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.

2. BASIS OF VIOLATION

A. Regulatory Authority

The District Board of Health Regulations Governing Air Quality Management paragraph 040.080.C.1.b.:

A "District Approved Vapor Control System" is utilized, preventing the release to the atmosphere of not less than 95 percent by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving the transfer of fuel from the distribution vehicle to the stationary storage vessel.

B. Facts to Constitute the Violation

On March 23, 2023, a 2 Inch WC Static Pressure Performance Test of the Vapor Recovery System was completed with passing results at Smith's Food & Drug Centers, Inc., 175 Lemmon Drive, Reno, NV 89506. The next test of this system was completed with passing

results on February 17, 2025. This is an exceedance of the testing interval indicated on the Permit to Operate.

On March 23, 2023, an Air to Liquid (A/L) Volume Ratio Test of the Vapor Recovery System was completed with passing results at Smith's Food & Drug Centers, Inc., 175 Lemmon Drive, Reno, NV 89506. The next test of this system was completed with passing results on February 17, 2025. This is an exceedance of the testing interval indicated on the Permit to Operate.

3. APPEAL PROCEDURE AND TIME LIMITATIONS

A. Appeal Procedure

Smith's Food & Drug Centers, Inc. is advised that within (10) working days of the receipt of this Notice of Violation, Smith's Food & Drug Centers, Inc. may submit a written petition for appeal to the Northern Nevada Public Health - Air Quality Hearing Board. The written petition for appeal shall be submitted to the AQMD at the following address:

Northern Nevada Public Health
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 Northern Nevada Public Health - District Board of Health with a recommendation for the assessment of an administrative fine of 500.00.

10/3/25

Date



Jeff Jeppson
Senior Air Quality Specialist, AQMD
Northern Nevada Public Health

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Smith's Food & Drug Centers, Inc.
Contact Name Jim Dye
Case Number 1585

I. Violation of Section 040.080 - GASOLINE TRANSFER AND DISPENSING FACILITIES

I. **Recommended Penalty** = \$ 500.00

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 = \$ 500.00



Senior AQ Specialist/Supervisor

10/3/25

Date

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

Company Name Smith's Food & Drug Centers, Inc.
Contact Name Jim Dye
Case Number 1585
Violation Number AQMV25-0018

Violation of Section 040.080 - GASOLINE TRANSFER AND DISPENSING FACILITIES
Permit Condition Condition of Operation No. 10 and 11

I. Base Penalty as specified in the Penalty Table = \$ **500.00**

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 \$ 500.00 x Adjustment Factor 1 = \$ **500.00**

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

Adjusted Penalty \$ 500.00 x Number of Days/Weeks/Months **1** = \$ **500.00**

Comment: Penalty by Rule

D. Economic Benefit

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

Comment: Penalty by Rule

Penalty Subtotal

Adjusted Base Penalty \$ 500.00 + Economic Benefit \$ 0.00 = \$ **500.00**

**Northern Nevada Public Health
Air Quality Management Division
Recommended Penalty Calculation Worksheet**

III. Penalty Adjustment Consideration

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

0%

Comment: _____

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

0%

, # of previous violations

+ 0%

Comment: _____

Total Penalty Adjustment Factors – Sum of A & B

0%

IV. Recommended Penalty

Penalty Adjustment:

\$ 500.00 x

0%

= \$ 0.00

Penalty Subtotal
(From Section II)

Total Adjustment Factors
(From Section III)

Total Adjustment
Value

Additional Credit for Environmental Investment/Training

- \$ 0.00

Comment: _____

Adjusted Penalty:

\$ 500.00

+/-

\$ 0.00

=

\$ 500.00

Penalty Subtotal
(From Section II)

Total Adjustment Value
(From Section III + Credit)

Recommended Penalty


Senior AQ Specialist/Supervisor

10/3/25
Date



November 3, 2025

Dear Joshua Restori:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6623 4339 93.

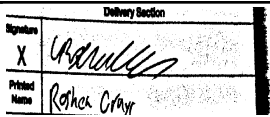
Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	October 14, 2025, 5:27 am
Location:	NASHVILLE, TN 37230
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	2.3oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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

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

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

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

July 13, 2022

Smith's Food & Drug Centers, Inc.
c/o Kroger Business License Dept
PO Box 305103
Nashville, TN 37230

RE: Incident of Noncompliance Associated with Case No. 1378

To whom it may concern,

On May 26, 2022 the Washoe County Health District, Air Quality Management Division (AQMD) identified an incident of noncompliance associated with Permit to Operate AAIR16-0800 located at 175 Lemmon Drive, Reno, NV 89506. Specifically, the Permit to Operate indicates:

Condition No. 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.

Condition No. 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.

A records review by the AQMD indicated that the 2 Inch WC Static Pressure Performance Test and the Air to Liquid (A/L) Volume Ratio Test were conducted and passed on 08/27/2020. The next 2 Inch WC Static Pressure Performance Test and the Air to Liquid (A/L) Volume Ratio Test was conducted and passed on 06/10/2022, which exceeding the testing interval indicated in the Permit to Operate.

Based on the information available, it has been determined that Smith's Food & Drug Centers, Inc. has allegedly violated the following Section of the District Board of Health Regulations Governing Air Quality Management:

040.080 (Gasoline Transfer and Dispensing Facilities) Section C (Standards) 1. (Gasoline Transfer into Stationary Storage Containers (Phase 1)):

b. A "District Approved Vapor Control System" is utilized, preventing the release to the atmosphere of not less than 95 percent by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving the transfer of fuel from the distribution vehicle to the stationary storage vessel.

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.

In response to the incident of noncompliance described above, the AQMD has made the determination to issue a **Warning** to Smith's Food & Drug Centers, Inc. under AAIR16-0800.

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.

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

If you have any questions regarding the information contained in this letter, please contact me at (775) 784-7232.

Sincerely,



Jeff Jeppson
Senior Air Quality Specialist
Air Quality Management Division
Washoe County Health District

Enclosed:

Attachment 1- Penalty Table

Attachment 2 - Recommended Penalty Calculation Worksheet

E-copy: AQMD Enforcement Group

Cert. Mail No.:

9171 9690 0935 0218 9203 19