Compliance Program

Board of Directors Santa Barbara County Air Pollution Control District

Our Mission: To protect the people and the environment of Santa Barbara County from the effects of air pollution.

Aeron Arlin Genet Director / APCO

Kaitlin McNally, Compliance Division Manager October 19, 2017





Compliance

- Conforming to a rule or regulation
- Requires being aware of, understanding, and taking steps to meet the regulatory requirements





Compliance Program Goals

- Protect Public Health & the Environment
- Treat Sources Fairly & Equitably
- Educate Sources & Public
- Motivate Sources to Comply
- Be Responsive to the Public



What We Do

- Inspections
- Record Review
- Compliance Assistance
- Emission Measurements
- Complaint Response





Notice of Violation (NOV)

- Documents non-compliance
- Informs source that rule, regulation, permit condition violated
- Initiates corrective action
- Stops the violation and reduces air pollution





Mutual Settlement

- Agreement between Air Pollution Control Officer & NOV recipient
- Outside the purview of the Board
- Monetary penalties
- Goals:
 - Level-playing field
 - Deterrent





Assessing Penalties

- 1. Extent of harm to public health, safety, and welfare
- 2. Nature and persistence of the violation
- 3. Compliance history
- 4. Preventive efforts taken
- 5. Innovative nature and magnitude of effort necessary to comply
- 6. Efforts taken to attain compliance prior to the violation
- 7. Cooperation
- 8. Financial burden
- 9. Economic benefit



Inspection & NOV Accomplishments

- January 1, 2015 –
 September 29, 2017:
 - 2,029 facility inspections
 - Average 61 facility inspections/month
 - -422 NOVs
 - Average 13 NOVs/month





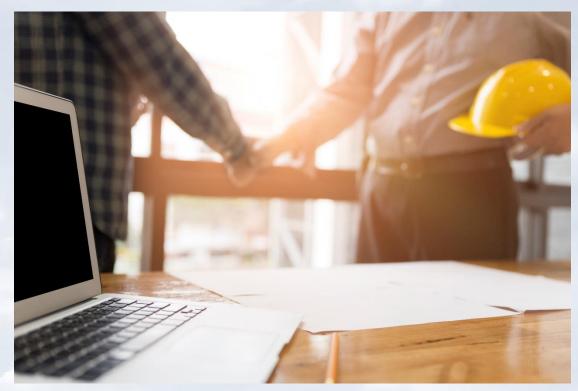
Mutual Settlement Accomplishments

- January 1, 2015 September 29, 2017:
 - 54% NOVs complied with, settled, and penalties paid
 - 15% NOVs with settlement initiated, but not finalized
 - 31% NOVs with settlement not yet initiated
 - Average 177 days between NOV issuance & settlement initiated
 - Average 51 days between settlement initiated & penalty payment



Mutual Settlement Improvement Goals

- More timely settlement of NOVs
- Better settlement negotiation outcomes
- Increase inspector efficiency
- Avoid settlement of NOVs before compliance achieved





Mutual Settlement Improvements

- Assigned advanced journey-level inspector
- Established performance metric: Send 50% of initial mutual settlement letters within 90 days of NOV issuance
- Revised mutual settlement agreement template
- Implemented paperless internal mutual settlement filing system
- Refer NOVs to mutual settlement after compliance achieved



Recent State Legislation

- AB 617 enacted July 2017
- Increased max penalties from \$1,000 to \$5,000
- Annually adjusts max penalties based on California CPI





Next Steps

- Strive to meet new performance metric
- Continue identifying and implementing program improvements
- Incorporate new legislation into Mutual Settlement Program



Questions?



