

ENFORCEMENT 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 August 19, 2021



OVERVIEW

- Enforcement Program Goals
- Notice of Violation
- Enforcement Options
 - Variance
 - Compliance Agreement
 - Order for Abatement
 - Civil/Criminal Prosecution
- Mutual Settlement Program
- Board Authority



ENFORCEMENT PROGRAM GOALS

- Protect public health and the environment
- Ensure air pollution control requirements are met
- Motivate and educate regulated sources
- Promote regulatory equity in the marketplace





NOTICE OF VIOLATION (NOV)

- Documents non-compliance with air quality requirements
- Initiates corrective action
 - Reduce air pollution
 - Comply with applicable requirements
- Monetary penalties
 - Incentive for continuing compliance



DISCOVERING NOVS

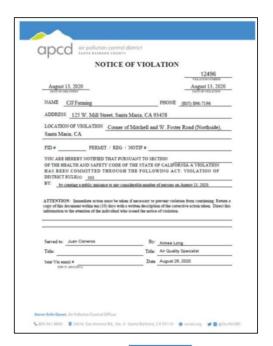
- On-site inspections
- Record review
- Complaint investigations
- Surveillance inspections
- Referrals from other agencies





ISSUING NOVS

- 3 years to issue and settle an NOV
- Issued same day or within a few days
- Complicated violations take longer to issue:
 - Review
 - Research
 - Documentation





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NOV RESPONSE

- Take immediate action to comply
- Each day of non-compliance is additional count of violation
- Respond within 10 days of issuance with corrective action taken
- District may re-inspect to verify compliance





ENFORCEMENT OPTIONS

- When compliance cannot be achieved in timely manner
 - Variance
 - Compliance Agreement
 - Order for Abatement
 - Civil/Criminal Prosecution
- District reviews options, communicates with source, and proceeds accordingly



VARIANCE

- Administrative order granted by Hearing Board
- No longer in violation
- Legally allows continued operations which do not comply
- Temporary relief from specific requirements
- Requires regular updates on compliance status and progress





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HEARING BOARD VARIANCE REVIEW

- The law, rule, regulation, or permit condition that has been or will be violated;
- The nature and severity of the violation;
- Whether the situation was beyond the source's reasonable control;
- Efforts taken to curtail operations, reduce and monitor emissions;
- The impact to the public; and
- The benefits and costs to the business.



COMPLIANCE AGREEMENT

- Still in violation
- Agreement between District and Source
- Outlines expeditious path to compliance
- Specific steps and deadlines
- Includes penalties and payment schedule

SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT δt LOMPOC SANITARY LANDFILL

COMPLIANCE AGREEMENT

I, the undersigned, on behalf of the City of Louspor, hereby admit and agree to the conditions set forth below.

Effective Dates: December 21, 2016 thru November 8, 2017

Phone #: (\$65) \$75-\$200

Owners Operators: <u>City of Lonnor</u>.

Facility Name Lemmos Senitary Landfill (FED 8774)

- 1. Excust Basis of Agreement
- a. The City of Lompoc, hereafter referred to as the "City", shallts and agrees that the Lompoc Sentiney Londfill ("Londfill") is subject to Colletenia Air Resources Board Final Regulation Order trided "Melanus Emissions from Municipal Solid Waste Londfills" ("Article 4, 5th article 6, Sections 39:3400 to 39:3475, Tole 17, Collfornia Code of Regulations.), hereafter referred to as the "Londfill Regulations".
- b. The City admits and agrees that a Gos Collection and Courtel System (GCCS) was required to be installed and operated at the Landfill by July 9, 2016, per the Landfill Regulation.
- The City admin and agrees they were not able to install the GCCS necessary to comply with the requirements of the Landfill Regulation by July 9, 2016.
- d. The Seam Berkers County Air Pollution Control District, hereafter referred to as the "District", and the City once into this Agreement to address the violation of the Landfill Regulation, on or shiften July 3 (2014), due to City 1 studie) us intent and openess of CCC. The District has documented this non-compliance with the insurance of Violation #10342. Each day or portion of 4 day which the violation settlin to consider a separate violation.
- During the effective period of this Agreement the District agrees not to take any further enforcement action, beyond that upon period at this Agreement, reporting the City's follow to mainth and the City of the City of this way to make the City of the Cit



ORDER FOR ABATEMENT

- More severe remedy for serious violators
- Sought by District
- Granted by Hearing Board for good cause and finding of violation
- Requires specific actions to comply or shut down operation

- Stipulated Order for Abatement:
 - Hearing Board is not required to find the facility is in violation, and
 - The conditions of the order are agreed in advance by the parties

CIVIL/CRIMINAL PROSECUTION

- Most serious remedy
- Violations which show blatant disregard for law
- Referred to Santa Barbara County District Attorney
- May seek injunction to stop continued operations or compel source to take action to comply
- Includes monetary penalties



MUTUAL SETTLEMENT PROGRAM

- After compliance achieved
- Agreement between APCO and NOV recipient
- Deterrent and level playing field
- Avoid the time and expense of litigation



BOARD AUTHORITY

- Monthly NOV reports
 - NOVs issued
 - Penalty payments received
- Outside the Board Purview
 - Decisions on enforcement options
 - Penalty negotiations and settlement



CONTACT INFORMATION

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