



air pollution control district
SANTA BARBARA COUNTY

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



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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



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DISCOVERING NOVS

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



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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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NOTICE OF VIOLATION

12496

August 13, 2020
DATE OF VIOLATION

August 13, 2020
DATE OF VIOLATION

NAME CJF Farming PHONE (805) 896-7196

ADDRESS 125 W. Main Street, Santa Maria, CA 93458

LOCATION OF VIOLATION Corner of Mitchell and W. Foster Road (Northside)
Santa Maria, CA

FID # _____ PERMIT / REG / NOTIF # _____

YOU ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION
OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA A VIOLATION
HAS BEEN COMMITTED THROUGH THE FOLLOWING ACT: VIOLATION OF
DISTRICT RULE NO. 300

BY: by creating a public nuisance to an considerable number of persons on August 13, 2020.

ATTENTION: Immediate action must be taken if necessary to prevent violations from continuing. Return a
copy of this document within ten (10) days with a written description of the corrective action taken. Direct this
information to the attention of the individual who issued the notice of violation.

Served to: Juan Cisneros By: Aimee Long

Title: Air Quality Specialist

Sent Via email # _____ Date August 26, 2020

800-74-6666

Aimee Long, Air Pollution Control Officer

805.761.8000 2601 N. San Antonio Rd., Ste. A, Santa Barbara, CA 93110 @apcd.org @SantaBarbAPCD



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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



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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

 air pollution control district SANTA BARBARA COUNTY	Case No./Date	2021-05-01 / 03/03/2021
	Petitioner	Beacon West Energy Group, LLC
	Permit #	9100-04
	Date Rec'd	03/03/2021
	Time Rec'd	10:17 hours
FOR OFFICIAL USE ONLY		

**BEFORE THE HEARING BOARD
OF THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

In the Matter of the Application of) Beacon West Energy Group, LLC for) an Interim Variance from District Rules) 331.D - 1, 359.D.2.b, and 206, Part 7D) Permit to Operate 9100-04,) Conditions 9.C.1.b.v, 9.C.1.b.vi,) 9.C.1.e.i, 9.C.2.a, 9.C.2.b, 9.C.2.c,) 9.C.2.d, 9.C.6.b.a, 9.C.6.b.b,) 9.C.6.b.h, 9.C.9, 9.C.14 and 9.C.15.)	H.B. Case No. 2021-05-01 VARIANCE FINDINGS AND ORDER
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Beacon West Energy Group, LLC filed a Petition for Regular and Interim Variances on January 8, 2021. Interim Variance 2021-05-1 was granted on February 17, 2021 by Hearing Board Member Terence Decker. Said order is in effect from January 8, 2021 through April 7, 2021 (not to exceed 90 days), or the date a decision is made on the Regular Variance, or the date compliance is achieved, whichever occurs first.

A hearing of the Regular variance was held on March 3, 2021, in accordance with Health and Safety Code §40808. John Gussert and Keith Wenzel, represented the Petitioner, Annee Long represented the Santa Barbara County Air Pollution Control District (District).

This matter having been fully presented and duly considered, the Hearing Board makes the following findings and gives the following reasons for its decision:

1. Notice of the Hearing was duly given in the manner and for the time required by law.
2. Sworn testimony and argument on behalf of the Petitioner and the Air Pollution Control Officer were made, received, and considered.

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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.



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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
&
LOMPOC SANITARY LANDFILL
COMPLIANCE AGREEMENT

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

Effective Date: December 21, 2016 per November 8, 2017

Responsible Official: Larry Bann

Phone #: (805) 875-4200

Owner/Operator: City of Lompoc

Facility Name: Lompoc Sanitary Landfill (FID #174)

1. **Factual Basis of Agreement:**

- The City of Lompoc, hereinafter referred to as the "City", admits and agrees that the Lompoc Sanitary Landfill ("Landfill") is subject to California Air Resources Board Final Regulations Order titled "Mercury Emissions from Municipal Solid Waste Landfills" (Article 4, Sub-article 6, Sections 93040 to 93047b, Title 17, California Code of Regulations), hereinafter referred to as the "Landfill Regulations".
- The City admits and agrees that a Gas Collection and Control System (GCCS) was required to be installed and operated at the Landfill by July 9, 2016, per the Landfill Regulations.
- The City admits and agrees they were not able to install the GCCS necessary to comply with the requirements of the Landfill Regulations by July 9, 2016.
- The Santa Barbara County Air Pollution Control District, hereinafter referred to as the "District", and the City enter into this Agreement to address the violations of the Landfill Regulations, on or after July 9, 2016, due to City's inability to install and operate a GCCS. The District has documented this non-compliance with the issuance of Notice of Violation #10162. Each day or portion of a day in which the violations exist is considered a separate violation.
- During the effective period of this Agreement the District agrees not to take any further enforcement action, beyond that specified in this Agreement, regarding the City's failure to install and operate the GCCS. In the event the City fails to comply with the terms and conditions of this Agreement, the District may take action to enforce same. In the event the District is required to take action to enforce the terms and conditions of this Agreement, the District shall be entitled to recover all costs and fees, including its reasonable attorney's fees. If compliance is not attained by



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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



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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



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MUTUAL SETTLEMENT PROGRAM

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



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BOARD AUTHORITY

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



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CONTACT INFORMATION

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Compliance Division Manager

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