

District Enforcement Program and Enforcement Efforts in Shafter Community

AB 617 Community Steering Committee Meeting
July 22, 2019

Enforcement Program

- Enforcement of air quality rules is a critical element of continuing air quality progress and federal health-based air quality standards
- District's Enforcement Program seeks to ensure compliance with local, state, and federal regulations through fair, consistent and comprehensive enforcement and compliance assistance related activities
- Program objectives are set forth in local, state, and federal laws
- Each year, District performs inspections at over 9,000 permitted facilities and responds to approximately 3,000 public complaints Valley wide

Inspections of Permitted Sources

- Routine inspections are conducted to determine compliance with a multitude of health-protective local, state, and federal air quality regulations targeting both criteria and toxic pollutants.
- Compliance inspections are unannounced whenever possible
- Compliance inspections involve a physical inspection of the facility, including observing the equipment operating and a thorough review of required recordkeeping
- Inspectors utilize a variety of advanced detection and monitoring equipment to verify compliance with permitted emission standards

Inspections of Permitted Sources (cont'd)

- In addition to routine compliance inspections, District staff visit and inspect these sources for a variety of other reasons, including:
 - Complaint investigations
 - Start-up inspections of all newly permitted and modified equipment
 - Breakdown investigations, to ensure that any equipment breakdowns are promptly corrected and that any resultant excess emissions are expeditiously abated
 - District conducted and third party equipment source testing

Complaint Response

- District operates a robust complaint response program
- Complaints are addressed promptly and given the highest level priority for District field staff
- Inspectors are on-call 24 hours a day, 365 days a year
- District provides a bilingual telephone complaint line
 - Utilize multilingual translation services to ensure all communities within the Valley are served
- Complaint be filed by telephone, online, or mobile app
- Inspectors maintain active communication with the complainant to ensure that the complainant's concerns are properly addressed

Open Burning

- The open burning of residential waste is illegal
 - The District promptly responds to all complaints regarding illegal burning and works closely with local fire agencies to encourage cross-reporting of incidents
- Agricultural burning in the San Joaquin Valley is closely regulated by the District and is conducted under permit
 - Legislation is phasing out such activity, but burning is still allowed for a few crop types where there are no economically or technologically feasible alternatives available
 - The District uses its state-of-the-art Smoke Management System to determine when, how much, and where burning may occur; to protect public health; and to prevent significant deterioration in air quality or a violation of an ambient air quality standard
 - Burn allocation is based on the air quality forecast and meteorological conditions
- Field staff regularly inspect burn sites, both before and during burning, to ensure that (1) only authorized materials are burned and (2) best management practices are implemented to mitigate any potential smoke impacts

Wood Burning Fireplaces and Heaters

- District allocates substantial resources to the enforcement of Wood Burning Fireplaces/Heaters rule
- On each mandatory curtailment day, District's inspectors are assigned to perform proactive surveillance
 - Ensure surveillance is conducted regularly in all areas
 - Focus on areas where non-compliance with the rule has been historically high and/or where public complaints regarding burning have been common
- Conduct surveillance and complaint response on weekdays, weekends, holidays, and during nighttime hours
 - District uses ultra-low light imaging cameras to aid in detecting and documenting violations during nighttime hours

Fugitive Dust

- District rules limits fugitive dust emissions from construction, demolition, earthmoving, bulk material storage, open areas, and unpaved roads and vehicle/equipment traffic areas
- District rules limit carryout/trackout onto paved public roads
- Construction Notification or Dust Control Plan (DCP) is required for majority of construction activities
 - District provides mandatory training class for those submitting DCPs
 - District staff reviews each Construction Notification and DCP prior to the start of project to ensure that operators have planned to utilize required work practices to mitigate fugitive dust emissions
 - District staff regularly inspect sites and respond to complaints regarding fugitive dust

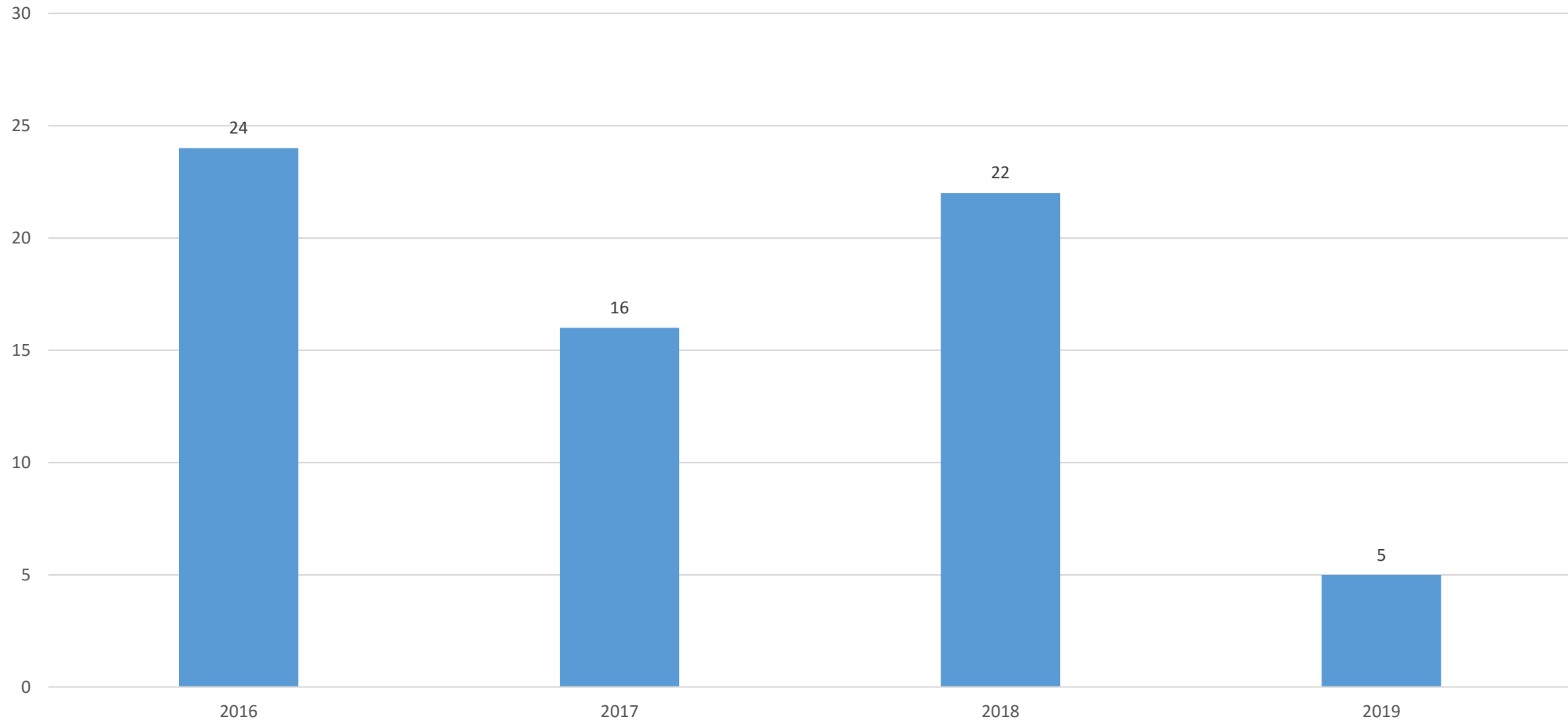
Violations and Penalties

- Enforcement action is taken when an inspection discovers a violation, or when a violation is self-reported by a facility
 - Notices to Comply: limited subset of first-time minor violations that are administrative in nature or result in de minimis emissions
 - Notices of Violation: all other violations (generally result in the imposition of civil monetary penalties that are assessed consistent with state law)
- Per state requirements, the District operates a mutual settlement program to resolve violations
 - Provides the party alleged to be in violation an opportunity to discuss the matter and attempt to negotiate case resolution
 - Most cases lead to a mutual settlement
 - District may pursue civil litigation to resolve the matter when mutual settlement cannot be reached

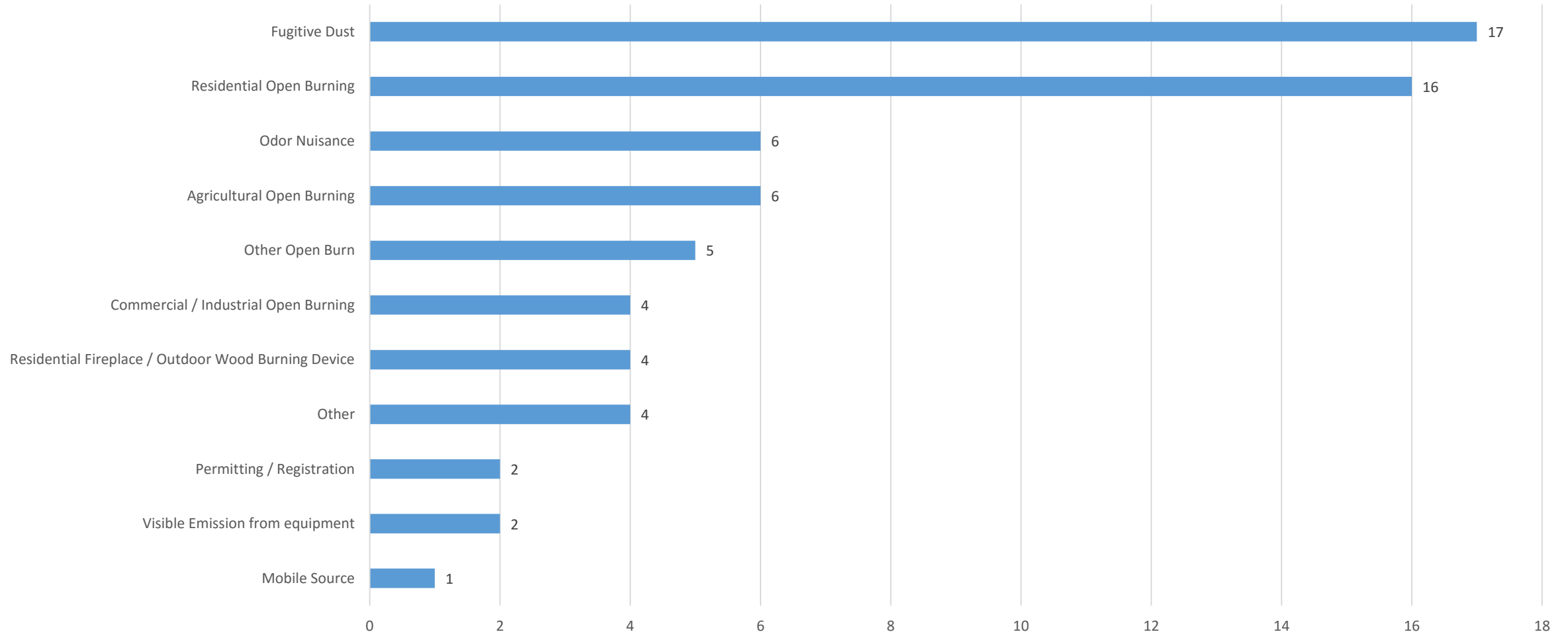
Enforcement Activities in the Shafter Area

- Since 2016, the District has:
 - Conducted inspections of 1,234 equipment units during 332 inspections of permitted facilities
 - Received and responded to 67 air quality complaints from the public
 - Issued 111 enforcement actions associated with violations of air pollution rules and regulations

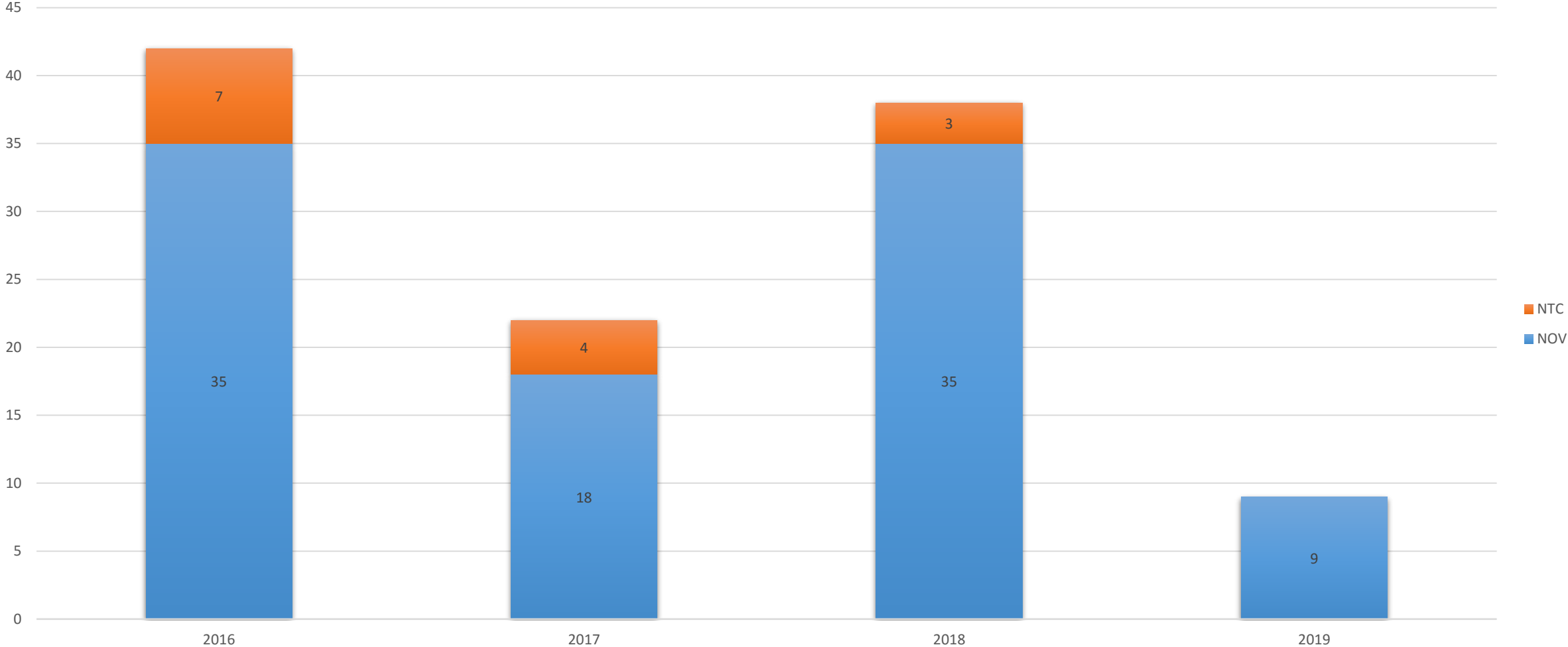
Number of Complaints Received/Investigated



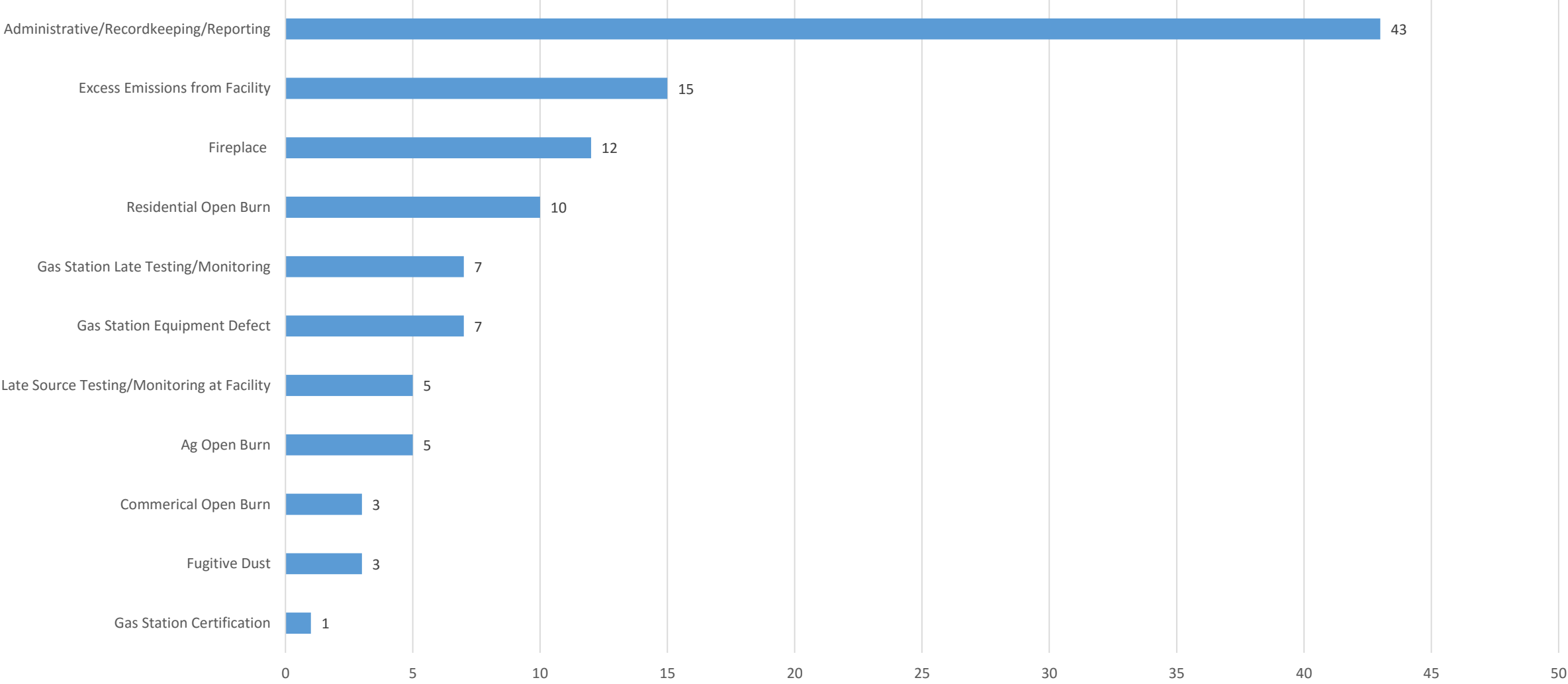
Number of Complaints by Type



Number of Enforcement Actions by Year



Enforcement Actions by Type



Potential Enhanced Enforcement CERP Measures

- Enhanced inspection frequency for facilities with emission related violation within the past 3 years
- Enhanced enforcement of residential wood burning fireplace and outdoor wood burning heater curtailments under Rule 4901
- Enhanced enforcement to reduce illegal open burning of residential waste/trash
- New pilot training program for conducting self-inspections at gas stations
- Partner with CARB and community to target enforcement of state's idling diesel regulation, especially near sensitive receptors such as schools