

# District Enforcement Program and Enforcement Efforts in Stockton Community

AB 617 Community Steering Committee Meeting  
September 9, 2020

# Enforcement Program

- Enforcement of air quality rules is a critical element of continuing air quality progress & meeting federal health-based air quality standards
- District's Enforcement Program seeks to ensure businesses, individuals and municipalities comply 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

- Facility compliance inspections are conducted to determine compliance with health-protective local, state, and federal air quality regulations
- Compliance inspections are unannounced
- Compliance inspections involve a physical inspection of the facility, which includes observing the process/equipment in operation and a thorough review of required recordkeeping
- Inspectors utilize a variety of advanced detection and monitoring equipment to verify compliance with permitted emission standards

# Example of Inspections of Permitted Facilities



# Inspections of Permitted Sources (cont'd)

- In addition to 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 excess emissions are quickly taken care of
  - Observing third-party conducted equipment emissions testing

# Example of Inspections of Permitted Facilities cont'



# 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 and utilizes a multilingual translation services to assist residents who speak neither English nor Spanish
- Complaints can be filed by telephone, online, or mobile app
- Inspectors maintain active communication with the individual who reported the complaint to ensure that concerns are properly addressed

# Open Burning Regulations

- The open burning of residential waste (trash) 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 feasible alternatives available
    - The District has a Alternatives to Open Burring Grant program to increase feasibility
  - 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 in over 100 zones
    - Field staff regularly inspects 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



# Examples of Ag Burning Inspections



# Wood Burning Fireplaces and Heaters

- District allocates substantial resources to the enforcement of Wood Burning Fireplaces/Heaters rule
- On each mandatory curtailment day (Nov thru Feb), District 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
- District require third party certification for devices claiming EPA Certification

# Examples of Residential Wood Burning Inspections



# 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 Notifications or Dust Control Plans (DCPs) are required for majority of construction activities
  - District provides mandatory training class for those submitting DCPs
  - District staff reviews each 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

# Fugitive Dust Examples



# Violations and Penalties

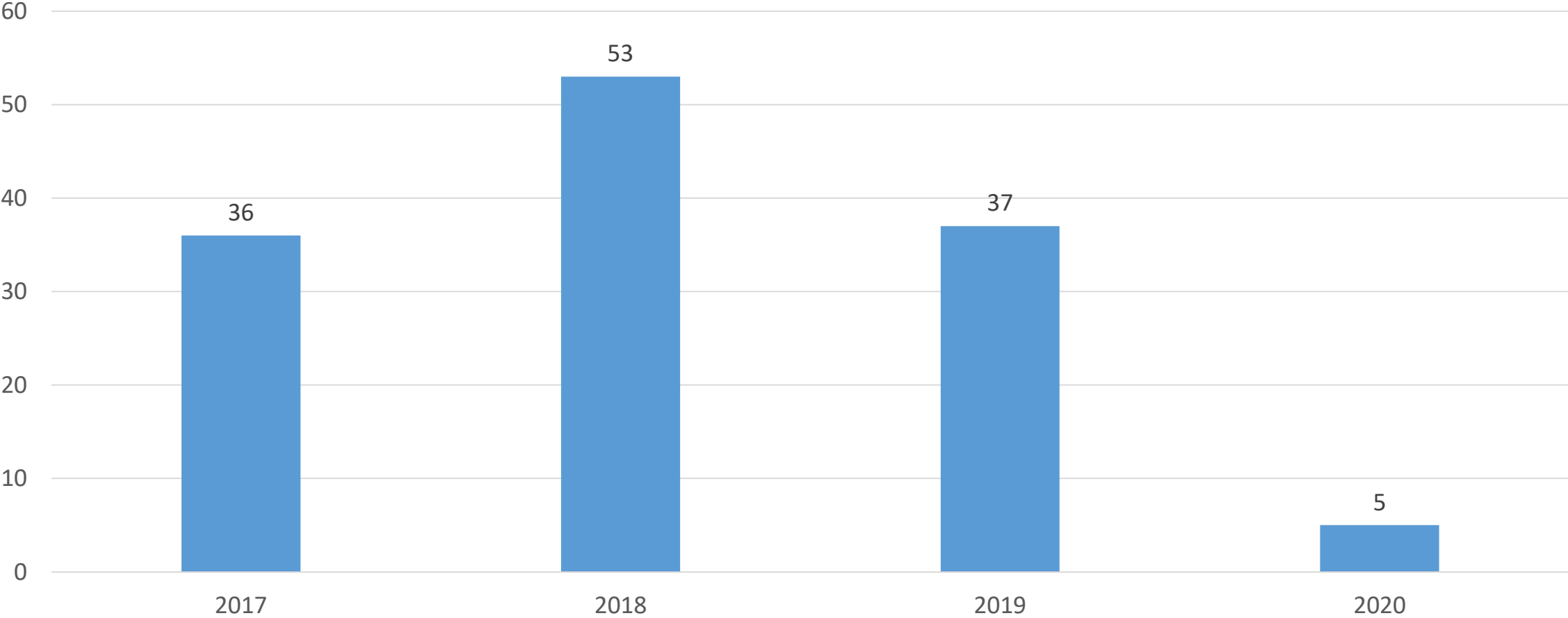
- Enforcement action is taken when an inspection discovers a violation, or when a violation is self-reported by a facility
  - Notices to Comply: limited subset of first-time minor violations that are administrative in nature or result in virtually no emissions
  - Notices of Violation: all other violations (generally result in the imposition of civil monetary penalties (fines) 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 pursues civil litigation (takes individual or business to court) to resolve the matter when mutual settlement cannot be reached

# Enforcement Activities in the Stockton Community

- From January 2017 through May 2020, the District:
  - Conducted 332 inspections and investigations of permitted facilities
  - Received and responded to 131 air quality complaints from the public
  - Issued 212 enforcement actions associated with violations of air pollution rules and regulations

# Number of Complaints Received/Investigated

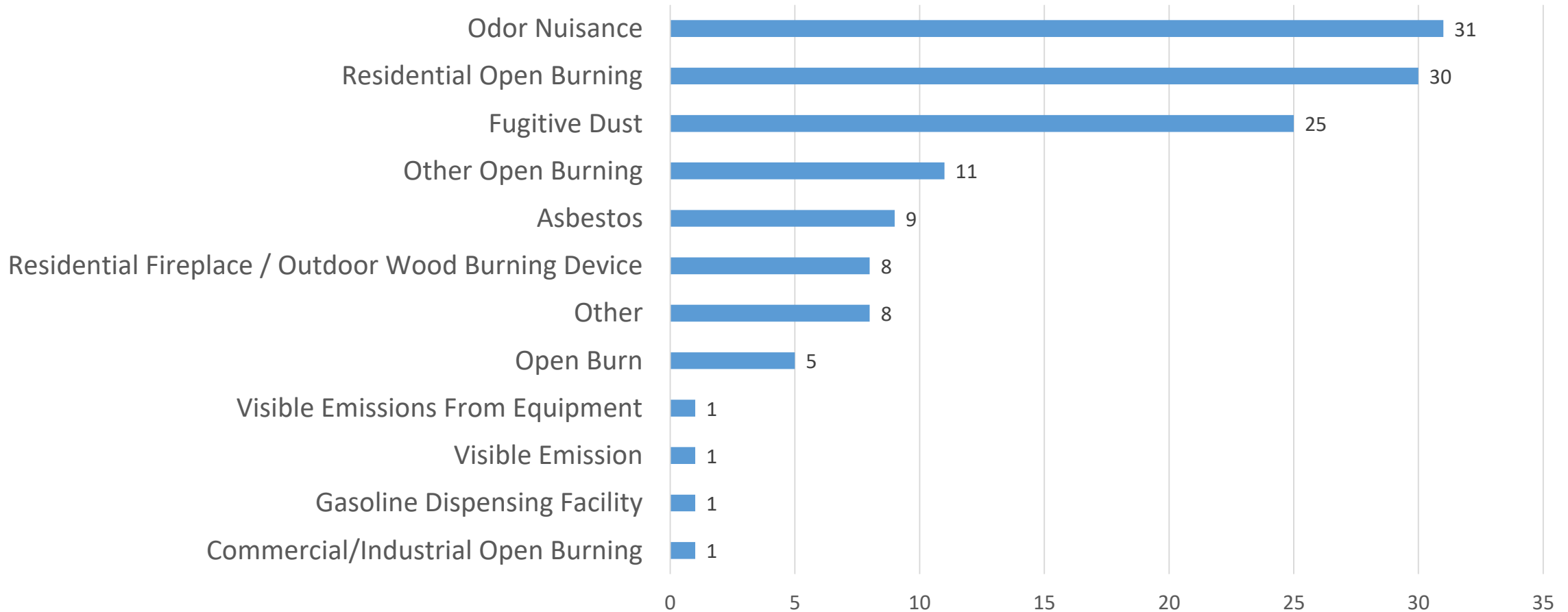
January 2017 to May 2020





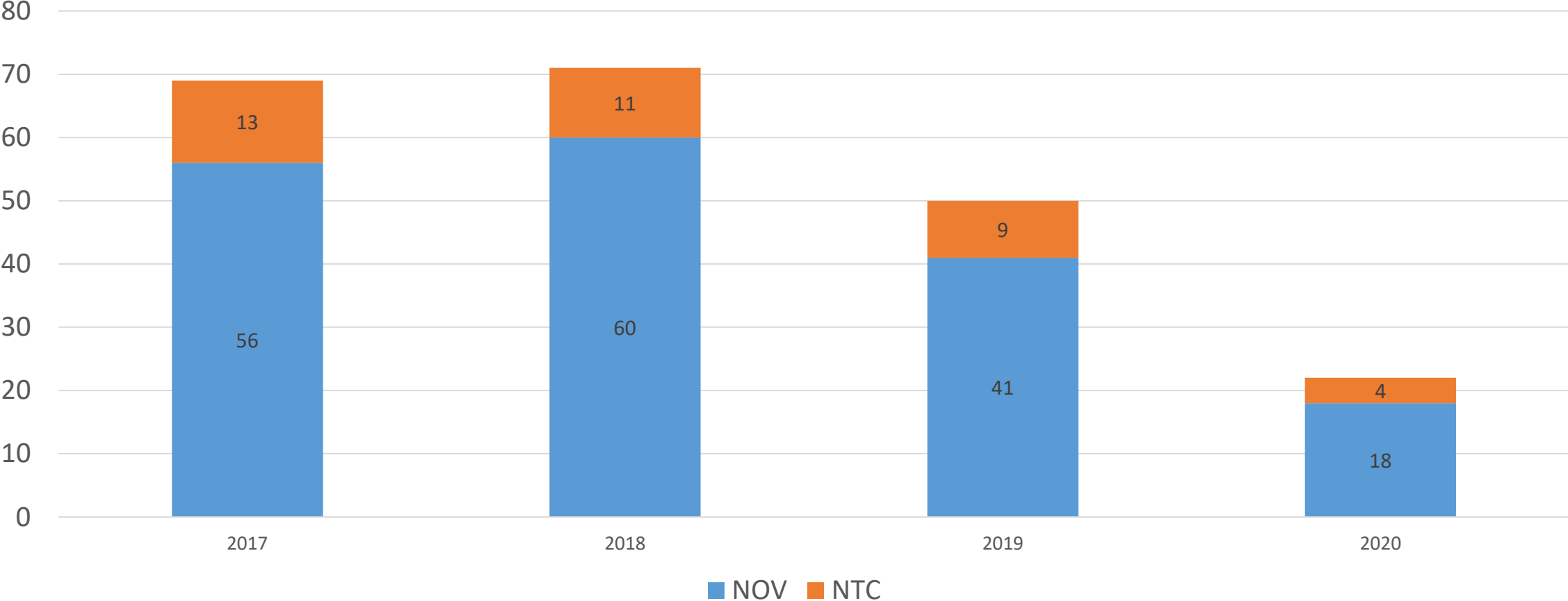
# Number of Complaints by Type

January 2017 through May 2020



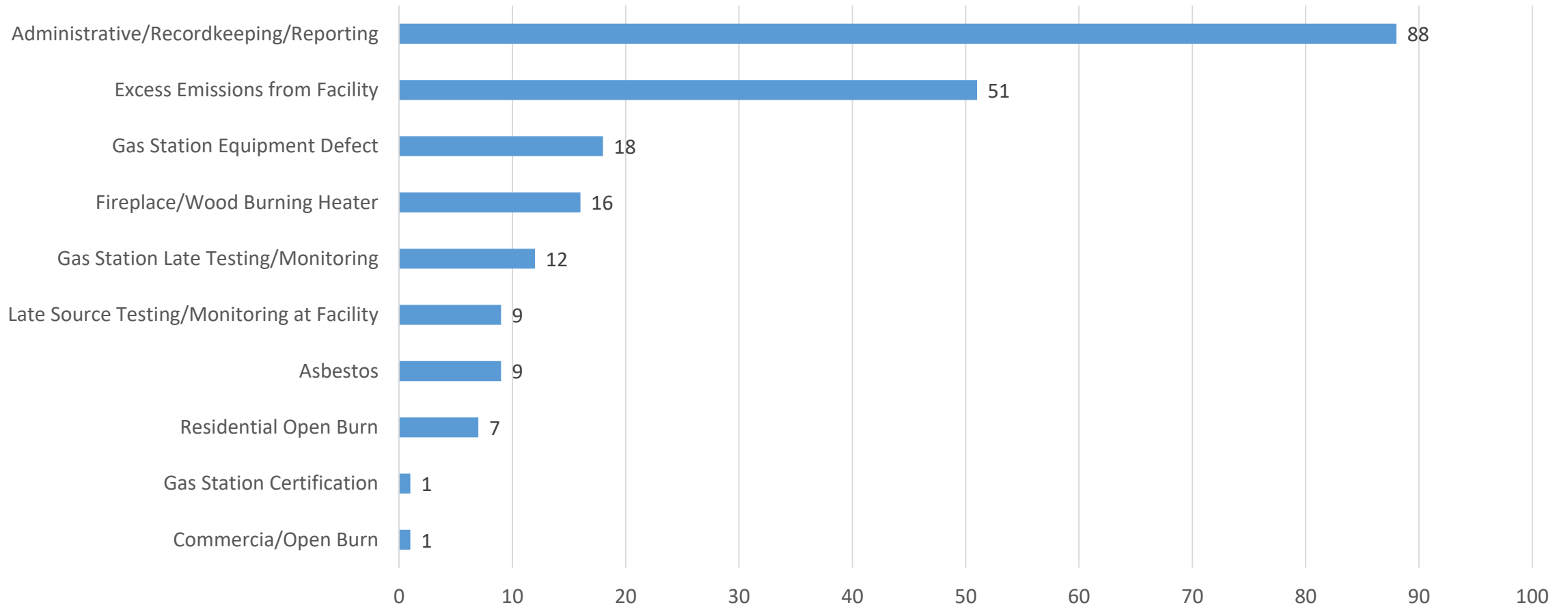
# Number of Enforcement Actions by Year

January 2017 to May 2020



# Enforcement Actions by Type

January 2017 to May 2020



# 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
- Enhanced enforcement to reduce fugitive dust emissions from sources subject to District Regulation VIII
- 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