

Enforcement Overview

AB 617 Community Steering Committee Meeting
July 7, 2021

Enforcement Program

- Enforcement of air quality rules is critical element of continuing air quality progress & meeting health-based air quality standards
 - Program objectives are set forth in local, state, and federal laws
- 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

9,000
INSPECTIONS AT
PERMITTED
FACILITIES

PER YEAR

RESPOND TO
3,000
COMPLAINTS

PER YEAR

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 permit condition requirements and 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'



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
- Any violation identified through standard enforcement activities will include information for grant incentive options

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

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

Enforcement CERP Measures

- SS.1 Enhanced inspection frequency for facilities with emission related violation within the past 3 years
- FD.1 Enhanced enforcement to reduce fugitive dust emissions from sources subject to District Regulation VIII
- HD.5 Enhanced enforcement of the statewide anti-idling regulation
 - Partner with CARB and community to target enforcement of state's idling diesel regulation, especially near sensitive receptors such as schools

SS.1 Enhanced Inspection Frequency

- The District will increase the frequency of inspections at each facility within the Stockton community that has had an emission-based violation over the past 3 years.
- The facilities will be inspected at least twice per calendar year for the next 5 years or until the facility has 4 consecutive inspections without an emission violation, whichever occurs first.
- The goal of this strategy is to limit the potential for localized air quality impacts at these permitted facilities.
- The District will provided quarterly enforcement updates to the CSC.

FD.1 Enhanced Enforcement to Reduce Fugitive Dust Emissions From Sources Subject to District Regulation VIII

- The District will conduct enhanced enforcement within the Stockton Community for the next 5 years:
 - Conduct at least 1 targeted enforcement effort within the Stockton Community during both the 2nd and 3rd quarters for the next 5 years.
 - Identify sites with dust control plans and construction notifications within the area and conduct inspections at these sites.
 - Conduct site inspections at areas that have a history of dust complaints or suggested by the CSC.
- The District will provided quarterly updates related to Regulation VIII compliance activities to the CSC.

HD.5 Enhanced Enforcement of The Statewide Anti-idling Regulation

- The goal of this strategy is to limit the potential for localized emissions from heavy duty vehicles for failure to comply with the state's heavy duty anti-idling regulation.
- Enforcement will include anti-idling surveillance to occur at least once per quarter for the next 5 years.
- Suggestions from the CSC about areas to conduct these inspections are welcome.



CSC Quarterly Update

- Report quarterly and in the annual report update that would include the following key areas of focus:

- SS.1 Enhanced Inspection Frequency

- Number of stationary source inspections, including the type of inspection (eg., compliance, start-up, breakdown, etc.)
- Number of enforcement actions taken, including the number of those that were emissions related



South Central Fresno Enforcement Update Wednesday, February 10, 2021

Covering enforcement activities in the community from 7/1/20 through 12/31/20:

Residential Wood Burning – District Rule 4901

- District requirements in effect from Nov 1 – Feb 28/29 each year
- CERP commitment: Enhanced enforcement (four hours of enforcement on each wood burning curtailment day)
- 6 public complaints responded to – 1 confirmed violation
- 47 violations found in all from complaints and enhanced enforcement

Illegal Open Burning – District Rule 4103

- One targeted enforcement effort during each quarter
- 14 public complaints responded to (0 agricultural burning, 2 commercial/industrial burning, 12 residential open burning)
- 5 violation notices issued

Fugitive Dust – District Regulation VIII

- CERP commitment: At least one targeted enforcement effort during the 2nd (April through June) and 3rd (July through September) quarters, which tend to be the driest times of the year and most likely to have issues with fugitive dust from earthmoving activities
- One targeted enforcement effort during the 3rd quarter
- 42 construction project sites inspected for compliance with District and state regulations

Statewide Anti-Idling Enforcement

- One targeted enforcement effort during the 3rd and 4th quarters
- No violations of CARB's truck and bus regulation observed

Stationary Source Inspections

- CERP commitment: Increased inspection frequency at facilities with emission violations in the last 3 years
- 141 total stationary source inspections (113 compliance inspections, 1 start-up inspection, 2 follow-up inspections, 8 source test observations, & 17 breakdown investigations)
- 23 violations found – 7 were emissions related


Public Complaints

- 31 total public complaints responded to in the community (12 residential open burning, 6 fugitive dust, 6 fireplace burning, 2 commercial/industrial open burning, 2 odor nuisance, 2 alleged facility violations, 1 visible emissions from equipment)
- Complaints can be reported to the District by:
 - Telephone: (800) 870-1037
 - The District website: www.valleyair.org/complaints
 - Through the District mobile app (Valley Air app)

Learn more: community.valleyair.org

CSC Quarterly Update

- FD.1 Enhanced Enforcement of District Regulation VIII Fugitive Dust Requirements
 - Number of construction project sites inspected
- HD.5 Enhanced Enforcement of the Statewide Anti-Idling Regulation
 - Number of violation notices issued for CARB's truck and bus regulation violations

**San Joaquin Valley**
AIR POLLUTION CONTROL DISTRICT

Shafter Community Enforcement Update

Monday, June 14, 2021

Covering enforcement activities in the community from 1/1/2021 through 3/31/2021:

Residential Wood Burning – District Rule 4901

- District requirements in effect from Nov 1 – Feb 28/29 each year
- CERP commitment: Enhanced enforcement (four hours of enforcement on each wood burning curtailment day)
- 1 public complaint received
- 7 violation notices issued

Illegal Open Burning – District Rule 4103

- CERP commitment: One targeted enforcement effort every quarter
- 5 violation notices issued
- 6 public complaints investigations performed
 - 4 residential open burning
 - 2 agricultural burning

Statewide Anti-Idling Enforcement

- CERP commitment: Targeted enforcement effort every quarter
- No violations of CARB's truck and bus regulation observed

Stationary Source Inspections

- CERP commitment: Increased inspection frequency at facilities with emission violations in the last 3 years
- 38 total stationary source inspections (32 compliance inspections, 3 follow-up inspections, 2 grant inspections, 1 source test observation)
- 4 total violations discovered (1 procedural/administrative violation, 3 emissions related)

Public Complaints

- 8 total public complaints responded to in the community
 - 1 odor
 - 1 pesticide spraying
 - 4 residential open burning
 - 2 agricultural open burning
- Complaints can be reported to the District by:
 - Telephone: (800) 870-1037
 - District website: www.valleyair.org
 - Through the District mobile app (Valley Air app)

Learn more: community.valleyair.org

**San Joaquin Valley**
AIR POLLUTION CONTROL DISTRICT

CSC Annual Report

- Complaints that are responded to will be presented in the CSC annual report which will include the following data:
 - Date/Time the complaint was received
 - Owner/operator/responsible party
 - Property address
 - Complaint type
 - Complaint description
 - Resolution
 - Resolution description



CSC Annual Report

- Enforcement actions taken will be presented in the CSC annual report which will include the following data:
 - Date
 - Type (NOV, NTC, RCAT)
 - Violation number
 - Who the violation was issued to
 - Facility ID if applicable
 - Location
 - Description of violation
 - Rules violated
- Facility inspections

[2020 Enforcement Report](#)
Updates to Enforcement Plan Attachments

[South Central Fresno AB 617 Community](#)

[San Joaquin Valley Air Pollution Control District](#)