

Agenda Date: October 16, 2014
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Dave Van Mullem, Air Pollution Control Officer

CONTACT: Craig Strommen, Compliance Manager (614-6786)

SUBJECT: Notice of Violation Reports

RECOMMENDATION:

Receive and file the attached summary of notices of violation issued and penalty revenue received during the months of August and September 2014.

DISCUSSION:

Pursuant to Section 40752 of the California Health and Safety Code, the Control Officer shall observe and enforce Part 3 and Part 4 of Division 26 of the Health and Safety Code, all orders, rules, and regulations prescribed by the District Board, all variances and orders prescribed by the District Hearing Board, and all permit conditions imposed pursuant to the District permit program.

In order to keep your Board informed of the enforcement actions taken by the Control Officer, the attached report lists a summary of the notices of violation issued and the penalties received during the months indicated.

A note regarding the NOV's issued to wineries in August: Wine producers in Santa Barbara County are required to maintain a permit when production is at a rate of over 1 ton of emissions. Those who fall under 1 ton of emissions must maintain a permit exemption¹. Both permit holders and exempt permit holders are required to submit an annual report showing their production levels (throughput).

¹ Example: Production rate of less than 60,000 gallons of Red Wine (25,000 cases) would generally be under the exemption level (30,000 cases for white wine).

The 36 violations issued in August represents 14% of the total wine producers operating in the county. The majority of these violations were for failure to submit annual reports. Many of these are being settled for minor penalties and in most cases that amount is being held in suspense with a provision that encourages future compliance.

As a background; in recent years bonded wine producers in Santa Barbara County have dramatically increased. According to the Alcohol and Tobacco Tax and Trade Bureau, this past year alone saw a 20% increase, for a total of 260 producers in the county (an increase of approximately 165 since 2009/10). With all the new producers, the District has taken a look at its internal process and is revising the winery inspection assignment metric to more accurately respond to dynamic changes in this industry. The District is also taking this opportunity to conduct outreach in an effort to reestablish communication with the wine industry, thus reducing, and hopefully eliminating, future violations.

Attachments (2)