

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

Policy No. I.C
Supersedes Date 11-14-90
Date February 8, 1993

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Pages 5

Topic: Using the Request for Information Form

Distribution: All Policy Holders

Section 42303 of the California Health and Safety Code authorizes the APCD to request from a permit holder any information required to substantiate compliance with permit conditions or applicable rules and regulations. Failure to respond to such a request made by the APCD is a violation of Section 42303, and the penalty for this violation may include suspension of the permit.

A 42303 letter should be used whenever an inspector or project manager needs information from a permit holder which 1) the APCD has previously requested but the permit holder has failed to provide, 2) is required by a condition of the permit but has not been submitted, or 3) is found to be necessary to determine the compliance status of the permit holder.

The Request for Information Form (attached) has been printed to produce carbonless copies, for ease of issuance in the field. The letter describes the potential for permit suspension as a consequence of failure to comply with the request, and this should be explained to the permit holder at the time of issuance. The staff member issuing the letter should carefully consider the amount of time required for the permit holder to comply with the request. Except in unusual circumstances, no less than 10 and no more than 20 days shall be allowed for response.

The staff member issuing a 42303 letter shall submit the copy to the division clerk, who will maintain a suspense file and will return the copy to the staff member on the date the requested information is due. This will provide access to the letters for supervisors and the division manager, in the event that phone requests from permit holders asking for clarification are received.

If the requested information has been received by the due date, the staff member will attach the copy of the 42303 letter to the submittal and the material will be filed. If the requested information has not been received, the staff member will make a recommendation for further action to his/her supervisor. Options for further action include issuance of a Notice of Violation for failure to comply with Section 42303, and initiation of permit suspension by sending the Notice of Intent to Suspend Permit to the permit holder.



County of Santa Barbara AIR POLLUTION CONTROL DISTRICT

26 CASTILIAN DRIVE, B-23, GOLETA, CA 93117

PHONE: (805) 961-8800

FAX (805) 961-8801

JAMES M. RYERSON
Air Pollution Control Officer

WILLIAM A. MASTER
Assistant Director

REQUEST FOR INFORMATION

AGENCY OR COMPANY NAME: _____

MAILING ADDRESS: _____

LOCATION OF EQUIPMENT: _____

REQUEST GIVEN TO: _____

Section 42303 of the California Health and Safety Code authorizes the Santa Barbara County Air Pollution Control District to require the holder of any permit to provide:

“... such information, analyses, plans, or specifications which will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by the source for which the permit was issued or applied.”

Your facility was recently inspected by a representative of the Santa Barbara County APCD. As a result of this inspection and pursuant to the above cited Section, the following information is required:

Please provide this information by _____ to the Inspector who signed this request at the letterhead address.

In accordance with Section 42304 of the California Health and Safety Code, failure to provide the requested information by the date specified above may result in the suspension of your permit(s).

DATE

SBCAPCD INSPECTOR



Santa Barbara County
Air Pollution Control District

Certified Return Receipt

NOTIFICATION
OF
REINSTATEMENT OF PERMIT

Date

EQUIPMENT LOCATION:

Dear _____:

On _____, I wrote your company a letter suspending the following air pollution permit(s):

This action was taken because your company failed to supply records as requested in a Request for Information issued on _____. The District has now received the requested records. Your air pollution Permit(s) to Operate for the location shown above are hereby reinstated pursuant to Health and Safety Code Section 42305. The effective reinstatement date is _____.

If you have any questions concerning this action, please call _____ at () _____.

Sincerely,

James M. Ryerson
Air Pollution Control Officer

JMR:amd
Filename

cc: Engineering Division
Source File
RCD Chron File



Santa Barbara County
Air Pollution Control District

Certified Return Receipt

REQUEST FOR INFORMATION - SECOND NOTICE
AND

NOTIFICATION
OF
INTENT TO SUSPEND PERMIT

Date

EQUIPMENT LOCATION:

Dear _____:

On _____, the District Inspector, _____, issued your company a Request for Information requesting records needed to determine compliance (copy attached). This information is necessary to evaluate the status of your permitted equipment regarding Rule 206. California Health and Safety Code Sections 42303 and 42304 authorize the District to request air pollution emission information from a company and state that persons who fail to provide such information may have their operating permits suspended. As of this date, we have not received the requested records from your company located at the above equipment address. By this notification the District is providing you with an additional opportunity to respond to our request.

HOWEVER, YOU ARE HEREBY NOTIFIED THAT AIR POLLUTION PERMITS GRANTED TO YOU WILL BE SUSPENDED AS OF _____ UNLESS YOU PROVIDE THE REQUESTED INFORMATION BY THAT DATE.

Continued operation of equipment for which a Permit to Operate has been suspended may be punishable as a misdemeanor, or civil penalties or injunctive relief may be sought pursuant to Health and Safety Code Sections 42400 and 41513.

The permit(s) and/or application(s) which will be suspended as of _____, are:

To reinstate your operating permit(s) after suspension, you must submit a completed permit application along with the filing fee, in addition to all records concerning your air pollution emissions as requested on the attached Request for Information. Payment of all outstanding fees and penalties must accompany your permit application in order for it to be complete.

Name
Date
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You may appeal the suspension of Permit(s) with a petition for a hearing within ten (10) days of the receipt of this notice. This is pursuant to District Rule 209, Appeals, in the form and manner prescribed in District Regulation V, Hearing Board, and Rule 210.IV.B. Permit Appeal. The petition must be filed with the Clerk of the Hearing Board, 105 East Anapamu Street, Santa Barbara, Ca 93101, along with a filing fee in the amount of \$400.00. A copy of the petition must also be submitted to the District at the above address.

I urge you to submit this data to avoid the necessity for me to take further enforcement action. If you have any questions about this action or need assistance, please call _____ at _____.

Sincerely,

James M. Ryerson
Air Pollution Control Officer

JMR:amd
Filename

Attachment

cc: Engineering Division
Source File
RCD Chron File

