

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

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Topic: Complaint Investigations

Distribution: All Policy Holders

This policy and procedure document provides guidance to inspectors in the response to and investigation of citizen complaints. It is the policy of the Regulatory Compliance Division to investigate all complaints which may result from air contaminant emissions. The purpose of complaint response is to determine the source of air pollutants which are affecting citizens within the District and to determine whether the quantities and types of emissions are in compliance with all District Rules and Regulations including: emission limitations, requirements for permits and prohibitions against creating a public nuisance.

The following procedure will be used when responding to a citizen complaint:

1. All complaints called into the District will be routed to the Regulatory Compliance Division clerk.
2. The Division clerk will log the complaint into the complaint log and assign it a sequential number. If the complaint is received in the North County Office, the receiver will contact the South County RCD Clerk for a number within a 24 hour period.
3. The Division clerk will then complete the Complaint Receipt Form (see attached form ENF-9) with the following information:
 - a. Date complaint received
 - b. Time complaint received
 - c. Name of complainant (kept confidential)
 - d. Address and phone number of complainant
 - e. Name and location of source of air pollution (if known)
 - f. General nature of complaint (e.g odor, dust, etc.)
4. The Division clerk will transmit the Complaint Receipt Form to the inspector in whose area the complaint originates. If the inspector is in the field, the Division clerk will attempt to contact the inspector on the radio. If the clerk fails to get a response, the inspector will be paged on the beeper. If the inspector does not respond, the complaint will be referred to an enforcement supervisor for assignment to an alternative inspector.

5. The inspector will respond to and investigate the complaint using the following procedure:
 - a. The inspector will contact the complainant either by phone or in person as soon as possible (in any case not to exceed 24 hours) and conduct an interview to obtain a statement and description of the complainant's experience.
 - b. The inspector will go to the area where the complainant experienced the impact and attempt to verify the existence of the phenomenon described by the complainant.
 - c. The inspector will attempt to ascertain the specific emission source causing the complaint.
 - d. If the inspector is able to determine a potential source of the emissions, he/she will proceed to the facility, property or activity, gain access and conduct an inspection in a manner consistent with the procedures in the Inspection Procedures and Access policy and procedures documents (I.B., I.D.). If more than one source could potentially be the source of emissions causing the complaint, the inspector will conduct an inspection of each source.
 - e. The focus of the inspection will be to determine the specific emission point or process which is producing the condition responsible for the complaint.
 - f. The inspector will determine the compliance status of the emission source with District rules and/or permit conditions.
 - g. If more than one complaint has been received against the same source within a 10 day period, the inspector will evaluate the compliance status of the source with the District prohibition against creating a public nuisance. This evaluation will be conducted using the procedures outlined Section IV in "Nuisance".
 - h. If the investigation results in finding a violation of any District Rule, the inspector will proceed according to the guidelines outlined in Section VII "Enforcement Actions."
 - i. If the inspector finds that the source of the complaint is in compliance with all District Rules, or if the inspector is unable to determine the source of the complaint, the investigation will be suspended.
 - j. The inspector will document all findings of the investigation in the Complaint Investigation Report (see attached form).

- k. Within two working days of receipt of the complaint, the inspector will contact the complainant to inform them of the results of the investigation. If the duration of the investigation exceeds two working days, the inspector will contact the complainant with a progress report prior to completion of the investigation.
- l. The Complaint Investigation Report will be prepared and reviewed according to the guidelines in Section I.F. "Inspection Reports."
- m. Confidentiality of complainant identity and complaint investigation results will conform with the disclosure requirements outlines in Attachment A.

ATTACHMENT A

Public Records Act Disclosure Requirements for
Information Contained in Investigatory Files

Records of complaints to, or investigations conducted by, any state or local agency for correctional, law enforcement, or licensing purposes, are exempt from the disclosure requirements of the Public Records Act. Specific information contained in such files, however, must be disclosed unless to do so would endanger the safety of a witness or other person involved in the investigation, or unless the disclosure would endanger the successful completion of the investigation or related investigation. This information includes:

1. Names and addresses of any persons involved in, or witnesses other than confidential informants to, the incident;
2. The description of any property involved;
3. The date, time, and location of the incident;
4. All diagrams;
5. Statements of the parties involved in the incident;
6. The statements of all witnesses, other than confidential informants, to the victims of an incident or an authorized representative thereof, and insurance carrier against which a claim has been or might be made, and any persons suffering bodily injury or property damage or loss, as a result of the incident;
7. The time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed for any other incident investigated is recorded, the time, date of the report, the name, age, and current address of any victim.

The above notwithstanding, nothing in section 6254 requires the disclosure of that portion of the investigative files which reflect the analysis and conclusions of the investigating officer.

Finally, pursuant to Government Code section 6254.7, notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets, are public records.

County of Santa Barbara
Air Pollution Control District

Complaint and Investigation Report # _____

Complainant: _____ C NC* Telephone: _____

Address: _____

¹ If complainant prefers confidentiality, circle C; if complainant does not indicate this preference, circle NC.

Smoke Dust Odor Other _____

Source: _____

Address: _____

INVESTIGATION

Statement of Complainant: _____

Statement of "Source": _____

Statement of Investigator: _____

Disposition:

Case Closed Follow-up

Date: _____

Investigated By: _____

Date: _____

