

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
ENFORCEMENT POLICIES AND PROCEDURES

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Topic: Documentation of Minor Emission Violations

Distribution: APCD Staff

This policy and procedure provides guidance regarding the documentation of non-recurrent, minor emissions-related violations that occur at sources that have good compliance records. It is the intent of this policy to recognize that, while it is necessary to document them, some emission violations occur so rarely, produce such low levels of excess emissions, and are usually so quickly corrected by the source, they may be documented in a manner different from other types of violations. Also, since such violations are commonly settled through the APCD Mutual Settlement Program for no monetary penalty, another purpose of this policy is to streamline the settlement process. This policy defines minor emission violations and describes the manner in which such violations will be documented and settled.

Definitions

- A. *Minor emission violation* means any violation of an emission-related standard in an APCD rule or permit that meets all of the following criteria:
1. Does not produce excess emissions of more than one pound per day; and
 2. Does not exceed an emission-related permit or rule limit by more than an amount that may cause the production of excess emissions of more than one pound per day; and
 3. For fugitive leaks regulated under APCD Rule 331, does not exceed the maximum number of allowable leaks per inspection period designated in Table 1 by more than 1 excess leak; and
 4. Did not occur for more than 30 days prior to detection; and
 5. Does not occur for longer than 24 hours after detection (except for fugitive leaks regulated by Rule 331, in which case the repair schedule of the rule applies); and
 6. If discovered by the source, is reported to the APCD within 7 days after detection; and
 7. Does not create a public nuisance or endanger the health, welfare, or repose of the public, or damage private property; and
 8. In the opinion of the APCO, excess emissions of any toxic air contaminant do not pose an undue risk to the public; and
 9. The same violation, attributable to the same cause, has not occurred at the facility in the last two years; and
 10. Has not occurred at a facility that has received a Notice of Violation (NOV) in the last six months, for a related violation; and
 11. Within 7 days of detection of the violation by either the source or the APCD, the source provides all documentation necessary to determine that all criteria listed above are met.

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B. *Minor Infraction Notice (MIN)* means an APCD form used to document a minor emission violation.

Policy

If the Air Pollution Control Officer (APCO), or his legally appropriate agent, finds that a violation of APCD rules or permit conditions is a minor emission violation, as defined above, the APCO, may choose to document a minor emission violation by issuing a Minor Infraction Notice (MIN). The APCO, or his legally appropriate agents, are the sole authorities to determine if a violation meets the criteria necessary to be designated as a minor emission violation.

Procedure

After verification that the violation meets all of the above criteria and has been corrected within 24 hours of detection, a minor emission violation shall be documented by the issuance of a Minor Infraction Notice (MIN). Otherwise a NOV shall be issued. For sources not subject to 40 CFR Part 70, the MIN is the only action taken to document the violation and the violation will be considered settled for no monetary penalty. For sources subject to 40 CFR Part 70, the MIN shall be referred to the Mutual Settlement Program for settlement disposition. It is expected that most minor violations that occur at Part 70 sources will be settled for no monetary penalty. However, pursuant to 40 CFR Part 70.11(a)(3)(I), all violations that occur at sources required to have Part 70 federal operating permits shall be subject to the collection of civil penalties. Consequently, the determination of the settlement disposition of minor emissions violations that occur at Part 70 sources will be made on a case by case basis.

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