

**SANTA BARBARA COUNTY**  
**AIR POLLUTION CONTROL DISTRICT**  
**ENFORCEMENT POLICIES AND PROCEDURES**

Policy No.	<u>3100.VII.D 2003</u>	Draft	_____
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Distribution:	<u>APCD Staff</u>		

This document establishes policy and procedures for the resolution of a Notice of Violation (NOV), including the preparation of base penalty amounts (based upon the gravity of the violation) and calculation of estimated economic advantage factors. As mentioned in RCD P&P VII.A (Notice of Violation), the NOV documents a violation of an Air Pollution Control District (APCD) rule(s), permit condition(s), the California Health and Safety Code (H&SC) or the Federal Clean Air Act. These violations are potentially subject to civil litigation, and in certain cases, criminal prosecution. It is the APCD's policy that all NOV's issued are handled in one of the following manners:

1. The case is settled internally through the Mutual Settlement Program.
2. The case is not settled through the Mutual Settlement Program, but is filed in Small Claims Court to seek a judgment.
3. The case is referred to the District Attorney (DA), California Air Resources Board, U.S. Environmental Protection Agency, or other agency with oversight in the area of question for prosecution. It is the APCD's policy to refer all cases having the potential for successful prosecution as criminal to one of the agencies listed above for review. Further, civil cases of sufficient gravity may also be referred by the Division Manager or Control Officer for further consideration of prosecution, as detailed later in this policy.
4. The NOV is rescinded. If an enforcement supervisor, upon approval by the Division Manager, determines that an NOV has been issued in error, it will be rescinded, the source notified, and no further action taken.

**MUTUAL SETTLEMENT PROGRAM**

The APCD policy is to negotiate a resolution of all violations referred to the Mutual Settlement Program. For the APCD to achieve its goal of clean air for Santa Barbara County residents, sources of air contaminants must be operated in accordance with local air pollution regulations. Compliant operators incur technical and financial obligations to achieve this objective. Sources failing to operate in accordance with all applicable regulations may enjoy a significant economic or competitive advantage over those that do. It is the APCD's policy to promote compliance for all sources and eliminate unfair advantages that noncompliant sources may possess.

To provide a deterrent, it is necessary for the APCD to establish monetary penalties for documented violations of air pollution law and regulations. The knowledge of the certainty of a penalty for any violation acts as an incentive for source operators to maintain compliance with APCD rules. However, some cases of minor administrative infractions

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warrant only small penalties that may be suspended for first-time violators. Non-monetary resolutions may also be appropriate in certain situations. This policy uses criteria that conform to applicable state and federal guidance.

Section 42402 of the H&SC establishes the APCD's authority to file civil claims against sources found in violation of air pollution laws and regulations. The Mutual Settlement Program provides an opportunity for the violator to settle the case out of court by paying a mutually agreed upon penalty. Conditions of settlement may include actions to be taken by the source to help prevent future violations, or actions that can be shown to result in a net air quality benefit.

## **PENALTY STRUCTURE**

A violation documented by the APCD, which is not rescinded or not referred to the District Attorney or other agency for prosecution, is followed by a request for settlement. The penalty may be monetary in nature. A portion of the penalty may be mitigated or suspended, as described later in this document. Any deviations from this policy must have Division Manager or Control Officer approval. The penalties are in addition to any economic benefit determined to be realized due to operating in violation (including avoided fees), which will also be assessed.

For first-time violations of air pollution laws and regulations enforced by the APCD, initial penalty offers are typically 10-25% of the maximum allowed by H&SC 42402, except as otherwise provided in this policy. Initial penalty requests for specific APCD rule violations and other common situations are listed at the end of this policy. The 10-25% initial offer guidance for first-time violations does not apply to violations that arise from an owner's or operator's negligence, failure to take corrective action, and/or willful and intentional emission releases, or to the knowing and intentional falsification of records. Policy guidance on these types of violations is presented below.

The APCD may reduce or suspend a penalty in some circumstances. In determining whether and how much of the penalty to reduce or suspend, the APCD will, in accordance with H&SC Section 42403, take into consideration all relevant circumstances. These include, but are not limited to, the following:

1. The extent of harm caused by the violation
2. The nature and persistence of the violation
3. The length of time of the violation
4. The frequency of past violations
5. The record of maintenance
6. The unproven or innovative nature of the control equipment
7. Any action taken by the source to mitigate the violation
8. The financial burden to the source
9. Any other circumstances deemed relevant.

Factors 1, 2, and 4 are taken into account when the initial penalty calculations are made. The penalty request is included in a Mutual Settlement agreement letter, which is sent to the responsible person by certified mail. This letter includes the offer of settlement and gives the person an opportunity to meet with APCD personnel to discuss any considerations relevant to the case.

Repeat or successive violations are defined as: 1) violations of the same or related rule(s) or permit condition(s), 2) violations following previous violations which occurred within the past three-year period, or 3) instances where the source was made aware of these violations previous to the occurrence of the new one.

## **PROCEDURAL (ADMINISTRATIVE) VIOLATIONS**

California H&SC Section 42402(a) establishes a maximum penalty of \$1000 per day for procedural violations. Except as provided in this policy or as directed by a Division Manager, all initial penalty requests for procedural violations carry a standard \$250/500/1000 scale for 1st/2nd/3rd violations respectively. Maximum penalties are requested for all violations beyond the third occurrence. Each day, during any portion of which a violation occurs, may be considered a separate offense.

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## **PROCEDURAL (ADMINISTRATIVE) VIOLATIONS AT A TITLE V SOURCE**

California HS&C Section 42402 (b) (1) (2) (B) establishes a maximum civil penalty of \$10,000 per day for procedural violations of federally enforceable requirements that occur at a Title-V source. Except as provided in this policy or as directed by a Division Manager, all initial penalty requests for procedural violations of federally enforceable requirements carry a standard \$2,500/5,000/10,000 scale for 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> violations respectively. Maximum penalties are requested for all violations beyond the third occurrence. Each day during any portion of which the violation occurs may be considered a separate offense.

## **EMISSION VIOLATIONS**

The California H&SC identifies criminal and civil violations for the emission of air contaminants and specifies certain not-to-exceed penalties for these violations. This section addresses only civil violations since, as noted above, cases which document emission violations arising from known or suspected criminal behavior are to be referred by the Control Officer to the District Attorney for prosecution. As used herein, *emission* means *air contaminant emission* and *emission violation* means *air contaminant emission violation*. These emission violations and associated Mutual Settlement penalty offers are discussed below. The Division Manager and/or the Control Officer may choose to review any emission violation case with, or refer the case to, the District Attorney or other law enforcement agency for consideration of further action, according to the gravity of the violation.

### **Nuisance Causing Actual Injury**

Any person who operates an emission source in violation of APCD Rule 303 and/or H&SC 41700 that causes actual injury to the health and safety of a considerable number of persons or the public is liable for a civil penalty of not more than \$15,000 [H&SC 42402(c)]. "Actual injury" is defined at 42400(d) as, "any physical injury that, in the opinion of a licensed physician and surgeon, requires medical treatment involving more than a physical examination." Prior to offering settlement for such violations, the Mutual Settlement Inspector, in consultation with the Inspector Supervisor or Division Manager, shall ensure that credible documentation of actual injury, as defined, exists from the appropriate medical personnel and is part of the violation file. Initial penalty offers for such violations shall be \$15,000, and shall be reduced only as directed by a Division Manager or the Control Officer. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Negligent Emission Violation**

The civil penalty for a negligent emission release is \$25,000 [H&SC 42402.1(a)]. Except as provided elsewhere in this policy or as directed by a Division Manager, initial penalty offers for negligent release violations shall be \$5,000/12,500/25,000 for 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> and subsequent violations, respectively. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Negligent Emission Violation Causing Great Bodily Injury or Death**

Any person who negligently releases emissions in violation of APCD Rule 303 and/or H&SC 41700 that cause great bodily injury or death to any person is liable for a civil penalty of not more than \$100,000 [H&SC 42401.1(b)]. "Great bodily injury" is defined at Sec. 12022.7(e) of the California Penal Code, and means "a significant or substantial physical injury." The Mutual Settlement Inspector, in consultation with his/her Supervisor or Division Manager, shall ensure that credible documentation of great bodily injury (as defined) or death exists in the form of medical records and/or other evidence and is part of the violation file. It is the policy of the APCD that documented violations involving great bodily injury or death shall be referred to the District Attorney for prosecution. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

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### **Emission Violation with Failure to Take Corrective Action**

Any person who releases emissions in violation of any emission-limiting order, rule, regulation or permit of the California Air Resources Board, APCD (or its Hearing Board), and who knew of the emission but failed to take corrective action within a reasonable period of time given the circumstances, is liable for a civil penalty of not more than \$40,000 [H&SC 42402.2(a)]. "Corrective action" is defined at H&SC 42400.2.b. Prior to issuance of any initial penalty offer, the Division Manager or his/her designee shall review the basis and documentation of the violation with County Counsel and/or the District Attorney to consider referral and to ensure the offer is commensurate with the violation. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Emission Violation with Failure to Take Corrective Action (Injury or Death)**

Any person who owns or operates an emission source in violation of H&SC 41700 that causes great bodily injury or death to any person, and who knew of the emission but failed to take corrective action within a reasonable period of time considering the circumstances, is liable for a civil penalty of not more than \$250,000 [H&SC 42402.2(b)]. "Great bodily injury" is defined at Sec. 12022.7(e) of the California Penal Code, and means "a significant or substantial physical injury." The Mutual Settlement Inspector, in consultation with his/her Supervisor or Division Manager, shall ensure that credible documentation of great bodily injury (as defined) or death exists in the form of medical records and/or other evidence and is part of the violation file. It is the policy of the APCD that documented violations involving great bodily injury or death shall be referred to the District Attorney for prosecution. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Willful and Intentional Emission Violation**

Any person who willfully and intentionally releases emissions in violation of any emission-limiting order, rule, regulation or permit of the California Air Resources Board, APCD (or its Hearing Board), is liable for a civil penalty of not more than \$75,000 [H&SC 42402.3(a)]. Prior to issuance of any initial penalty offer, the Division Manager or his/her designee shall review the basis and documentation of the violation with County Counsel and/or the District Attorney to consider referral and to ensure the offer is commensurate with the violation. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Willful and Intentional Emission Violation (Risk of Injury or Death)**

Any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury or death, releases emissions in violation of H&SC 41700 that result in an unreasonable risk of great bodily injury or death to any person is liable for a civil penalty of not more than \$125,000; if the violator is a corporation, the civil penalty may be up to \$500,000 [H&SC 42402.3(b)]. "Great bodily injury" is defined at Sec. 12022.7(e) of the California Penal Code, and means "a significant or substantial physical injury." The Mutual Settlement Inspector, in consultation with his/her Supervisor or Division Manager, shall ensure that credible documentation of great bodily injury (as defined) or death, or the unreasonable risk of such, exists in the form of medical records and/or other evidence and is part of the violation file. It is the policy of the APCD that documented violations involving great bodily injury or death, or the unreasonable risk of such, shall be referred to the District Attorney for prosecution. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **Willful and Intentional Emission Violation (Injury or Death)**

Any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury or death, releases emissions in violation of APCD Rule 303 and/or H&SC 41700 that result in great bodily injury or death to any person is liable for a civil penalty of not more than \$250,000; if the violator is a corporation, the civil penalty may be up to \$1,000,000 [H&SC 42402.3(c)]. "Great bodily injury" is defined at Sec. 12022.7(e) of the California Penal Code, and means "a significant or substantial physical injury." The Mutual Settlement Inspector, in

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consultation with his/her Supervisor or Division Manager, shall ensure that credible documentation of great bodily injury (as defined) or death exists in the form of medical records and/or other evidence and is part of the violation file. It is the policy of the APCD that documented violations involving great bodily injury or death shall be referred to the District Attorney for prosecution. The H&SC states that each day during any portion of which a violation occurs is a separate offense.

### **FALSIFICATION OF DOCUMENTS WITH INTENT TO DECEIVE**

Any person who knowingly and with intent to deceive falsifies any document required to be kept pursuant to any rule, regulation, order or permit of the California Air Resources Board, APCD (or its Hearing Board), is liable for a civil penalty of not more than \$35,000 [H&SC 42402.4]. Prior to issuance of any initial penalty offer, the Division Manager or his/her designee shall review the basis and documentation of the violation with County Counsel and/or the District Attorney to consider referral and to ensure the offer is commensurate with the violation.

### **ECONOMIC BENEFIT**

"Economic benefit" is the advantage a person gains over complying companies by operating in violation. This advantage can be in the form of costs deferred or avoided by the violator or by gaining a competitive advantage in the marketplace.

After determining that a violation exists and that a Notice of Violation is to be issued, the inspector should interview the operator and other associated parties to gather information necessary to estimate the length of time the non-complying conditions existed and the amount of time and costs saved as a result of the source failing to comply. This analysis should be included when filling out the Enforcement Action Recommendation (ENF-13) form.

Avoided or delayed costs can include:

- Permitting fees
- Control equipment purchase and installation costs
- Source testing costs
- Consultant costs
- Record keeping costs
- Maintenance costs

Data to be gathered may include:

- Difference in costs of complying materials/fuels vs. non-complying
- Throughput for the period in violation
- Profit margin per unit of product sold or produced
- Number of hours to perform required tasks
- Cost of paying staff or consultants

For significant violations, at supervisor or manager direction, the mutual settlement inspector shall utilize U.S. Environmental Protection Agency's penalty model (BEN).

Fees avoided due to violations of APCD Rule 201, operating without permits, shall be calculated by the mutual settlement inspector using the spreadsheet located at g:\public\excel\finel.xls. Avoided fees should be paid in addition to any penalties, and should be tracked as fee revenue rather than penalty revenue. Reduction or suspension of any portion of calculated economic benefit penalties or fees can only be done with Division Manager or Control Officer approval.

Additionally, the inspector should track the additional amount of time required to complete the inspection and all follow-up activities as a result of the violation.

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## PENALTY REDUCTION

Penalty reductions are possible if there are extenuating circumstances that fall under H&SC Section 42403 that have not already been considered when computing the initial penalty. All information presented by the source, including the costs of corrective action, will be considered when determining a final penalty.

## PENALTY SUSPENSIONS

To ease the financial burden of penalty payments and to provide an incentive for future compliance, a penalty suspension program has been established. Rather than requiring a source found in violation to pay the entire penalty at the time the violation is discovered, a suspension of a percentage of their payment may be offered. If additional violations of related APCD rules or permit conditions occur within three years, the suspended portion of the penalty may be assessed against the source in addition to a penalty for the new violation. However, if there are no further violations within the three-year period, the source will no longer be liable for the suspended amount. The mutual settlement staff may allow penalties to be collected on an approved schedule of installments not to exceed six months duration. If a source has obtained variance relief from an APCD rule or permit condition, a suspension may start at the expiration of that variance.

Penalty suspensions can be offered when the responsible party has taken steps to prevent future recurrences and the emissions did not result in a threat to public health, safety, or property damage. Penalties can be suspended in the following circumstances:

Actions Taken - Up to 25% of the penalty can be suspended if swift actions are taken to mitigate the violating situation.

Financial Burden - Up to 50% of the penalty can be suspended if the financial burden to the responsible party is significant.

Record of Maintenance - Up to 25% of the penalty can be suspended if the maintenance standards exceed standard modern practices for that particular operation.

Unproven/Innovative Control Equipment - Up to 25% of the penalty can be suspended upon consultation with the engineering staff for applicability with this element.

Length of Occurrence of Violation - Up to 25% of the penalty can be suspended if the violator can prove that the violation occurred for only a brief period.

Other - Up to 25% of the penalty can be suspended based on any other factors not previously mentioned.

For first time administrative violations, the entire penalty may be suspended. For all emissions violations, the following applies:

1. First time violation - up to 75% suspension.
2. Second time violation - up to 50% suspension.
3. Third time or greater violation - no penalty suspension.

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## RECORD KEEPING

Mutual settlement agreement records are filed separately from the source's main file to facilitate retrieval of information necessary for case evaluation. This information can be made available upon request by a member of the public under the Public Records Act. Included in the mutual settlement files are:

1. Copies of all NOV's and related inspection reports and other pertinent documents.
2. Copies of all correspondence between the source and the APCD related to settlement.
3. Summaries of all telephone and office conferences related to settlement.
4. Calculations of economic benefit and the final penalty amount shall be sufficiently detailed to be defensible if challenged.
5. Justification for any fine reductions or suspensions employing the factors listed in H&SC 42403 utilizing the Mitigation/Suspension Checklist.

## SETTLEMENT GUIDELINES

After review by supervisory staff, NOV's will be assigned to the Mutual Settlement Inspector for disposition. The following shall serve as guide to settlement time lines.

1. After supervisory review, the Mutual Settlement Inspector shall prepare the mitigation checklist. The checklist will give direction to the clerk typist as to one or more of the following:
  - A. Preparation of a 42402 letter
  - B. A request for meeting letter
  - C. 100% suspension letter
  - D. No monetary penalty letter
  - E. Referral to District Attorney
  - F. Initial monetary penalties for IDS entry
  - G. Special circumstance settlement (Division Manager recommendation only)
2. All correspondence shall have a maximum of 30 days for response.

**MUTUAL SETTLEMENT PENALTIES**  
Initial Request Guidelines

<b>VIOLATION TYPE</b>		<b>PENALTY REQUEST</b> (dollars)
		<b>1st/2nd/3rd</b>
<u>Procedural:</u>		
No PTO/ATC		500/1000/2500* *per day
No PTO due to exceeding SCDP		125/500/1000
No PTO/ATC on-site		0/100/250
Late application for PTO/ATC		100/250/750
Late or no report/notification		100/250/500
Incomplete report		0/100/250
Late, incomplete, or no report/notification (asbestos)		1000/1000/1000
Failure to perform required testing		250/500/1000
Violations of ambient monitoring		100/250/500
No burn permit (on approved burn day)		100/250/1000
Failure to maintain required records		250/500/1000
Incomplete record keeping		0/250/500
Late or no variance report		500/1000/5000
 <u>Emissions: (Exceedance of emissions above permitted limits)</u>		
Hourly	< .5 lb	250/1000/2500
	.5-1 lb	750/2000/5000
	> 1 lb	2500/5000/10,000
Daily	< 5 lb	250/750/2500
	5-25 lbs	750/2500/5000
	> 25 lbs	2500/5000/10,000
Monthly	< 20 lbs	250/750/2500
	20-150 lbs	500/2500/5000
	151-500 lbs	1500/5000/10,000
	> 500 lbs	3500/10,000/25,000
Annual	< 250 lbs	250/750/2500
	250-1 Ton	1000/2500/10,000
	1-5 Tons	2500/7500/25,000
	> 5 Tons	25,000
 <u>Throughput Limits: (percent over limit)</u>		
	0-10%	250/1000/5000
	11-50%	1000/2500/10,000
	>50%	2500/10,000/25,000

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
ATCM	<b>Dry Cleaners</b> Liquid leaks Vapor leaks* 1 only 2-3 4 or more  Improper storage (perc, waste, perc-laden materials) Failure to achieve 45 (degrees F) during cool-down Prohibited equipment  *If shop is determined to have been making a diligent attempt to comply with the ATCM, 100% suspension will be considered. This section of the policy will be revised following results of a state-wide study on this issue.	500/2500/10,000  100/250/1000 250/500/750 500/1000/2000  250/1000/2500 250/1000/2500 2500/10000/25,000
301	<b>Circumvention</b>	Refer to County Counsel
302	<b>Visible Emissions</b> Sandblasting Stack (facility) Dust or stack (single piece of equipment)	500/1000/2500 1000/2500/7500 500/1500/5000
303	<b>Nuisance</b> Dust or odors (residential) Dust or odors (non-residential) Dust or odors (property damage) Public health hazard	500/1000/2500 2000/5000/10,000 2000/5000/10,000 5000/10000/25,000
304	<b>Particulate Matter</b> (northern zone)	2500/5000/15,000
305	<b>Particulate Matter</b> (southern zone)	2500/5000/15,000
306	<b>Dust and Fumes</b> (northern zone)	2500/5000/15,000
307	<b>Particulate Matter Emission Wt. Rate</b> (southern zone)	2500/5000/15,000
308	<b>Incinerator Burning</b>	1000/5000/15,000
309	<b>Specific Contaminants</b> A,B,C (Discharge of sulfur) D (Incinerator burning) E,F,G (Fuel burning equipment)	2500/5000/15,000 2500/5000/15,000 2500/5000/15,000
310	<b>Odorous Organic Sulfides</b>	1000/5000/15,000
311	<b>Sulfur Content of Fuels</b>  Gas fuels  Liquid Fuels	1000/2500/7500  1000/2500/7500

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
312	<b>Open Fires</b> (amounts may be cumulative) Compliant materials - no-burn day Improper materials Improper materials (toxic) No permit	100/750/2500 250/1000/2500 500/2500/7500 100/250/1000
314	<b>Reduction of Animal Matter</b>	500/1000/2500
316	<b>Storage and Transfer of Gasoline - Phase I</b> Short fill tube (9" or more) Inoperable fill tube (spring) Missing gasket Broken fill cap No cap No Phase I or Inoperative Control Device ...under 2,000 gallon ...over 2,000 gallon Permitting delivery without Phase I Missing fill tube	500/1000/2500 500/1000/2500 100/250/1000 100/250/1000 500/1000/2500 1000/2500/10,000 5000/10000/25,000 2500/5000/10,000 1000/5000/10,000
316	<b>Storage and Transfer of Gasoline - Phase II</b> Torn boot, faceplate Missing boot, faceplate Leaking nozzle, more than three (3) drops/minute Wrong nozzle for system, uncertified Missing flow restrictor Broken retractor Frozen swivel, after seven (7) day N/C Swivels without stops, after seven (7) day N/C Missing swivels, after seven (7) day N/C Missing latch device, after seven (7) day N/C Torn vapor hose, after seven (7) day N/C Torn vapor hose (hidden behind retractor collar)*	250/500/1000 250/500/1000 250/500/1000 500/1000/2500 500/1000/2500 100/250/1000 100/250/1000 100/250/1000 250/500/2500 250/500/2500 250/500/2500

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
	MPD missing required co-vent Use of tagged nozzle Loose boot Missing hold-open latch, after (48) hour N/C*(implying knowledge of violation)	250/500/2500 1000/2500/10,000 100/250/1000 250/500/2500
316	<b>Storage and Transfer of Gasoline – Testing</b> Failed A/L ratio (per nozzle) Low product flow Failed leak decay Assist systems – T*R*\$2,500 (\$250 minimum penalty) Balance systems – T*R*\$1,250 (\$125 minimum penalty) T= annual throughput (Mmgallons) R= (1 - test result/test requirement) Penalties doubled for each subsequent failure	250/500/1000 100/250/500
317	<b>Organic Solvents</b> B Discharge of uncontrollable emissions E Incineration of organic materials F Operation of control device G Failure to provide information	2500/5000/15,000 1000/2500/10,000 500/1000/2500 500/1000/2500
318	<b>Vacuum Producing Devices/Systems (southern zone)</b>	1000/2000/5000
319	<b>Asphalt Air Blowing (southern zone)</b>	1000/2000/5000
320	<b>Petroleum Solvent Dry Cleaners</b> B No control device C Allowing petroleum solvent to evaporate D Venting solvent without control device E Reporting requirements	2500/5000/15,000 1000/2500/5000 1000/2500/5000 100/250/500
321	<b>Control of Degreasing Operations</b> C General requirements D Requirements/cold degreasers E Requirements/vapor degreasers	500/2000/5000 500/2000/5000 500/2000/5000
322	<b>Metal Surface Coating Thinner and Reducer</b>	500/2500/5000
323	<b>Architectural Coatings*</b> Offering for sale (per category) Application	1000/5000/10,000 500/5000/10,000

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
	*Plus any lab testing costs for VOC content	
324	<b>Disposal of Solvents</b>	1000/5000/15,000
325	<b>Crude Oil Production and Separation</b> D Requirements for storage tanks E Requirements for produced gas H Requirements for inspection	1000/2500/5000 1000/2500/5000 250/500/2500
326	<b>Storage of Reactive Organic Compound Liquids</b> D Emissions reduction E Requirements for vapor loss control device F Requirements for all closure devices G Requirements for external floating roofs H Requirements for internal floating roofs I Requirements for inspection and reporting	1000/2500/5000 1000/5000/10,000 500/1000/2500 1000/2500/5000 1000/2500/5000 250/500/2500
327	<b>Organic Liquid Cargo Tank Vessel Loading</b> C Emissions from loading organic cargo	2500/5000/10,000
328	<b>Continuous Emissions Monitoring</b> C Requirements	500/1000/5000
329	<b>Cutback and Emulsified Asphalt Paving Materials</b>	500/2000/5000
330	<b>Surface Coating of Manufactured Metal Parts &amp; Products</b> ROC limits Application Equipment Labeling Open Container *(add additional 10% for each container) Open Waste Container	500/1500/5000 500/1500/5000 250/500/1000 250/750/1500 500/1500/5000
331	<b>Fugitive Emissions, Inspection and Maintenance</b> D Requirements - component category, inspection D.2 - Hatches E Requirements - repair Each additional violation per component category: Valves and flanges Failure to seal open-ended line Failure to replace failed component with BACT Failure to repair leaking component	250/1000/5000 500/1500/5000 1000/2500/5000 250/500/1000 250/500/1000 500/1000/2500 1000/2500/5000

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
332	<b>Petroleum Refinery Vacuum Systems, Wastewater Separators and Process Turnarounds</b>	1000/2500/5000
333	<b>Control of Emissions from Reciprocating ICE</b> D Emissions limits E Requirements - inspections F,G Requirements - compliance plans	1000/2500/5000 500/1000/2500 250/500/1000
334	<b>Control of Hexavalent Chromium Emissions from Chromic Plating and Chromic Acid Anodizing</b> No/inoperable control device Missing or inoperable amperage flow meter	1000/5000/10,000 250/500/1000
335	<b>Control of Hexavalent Chromium in Cooling Towers</b> Non-compliant concentration Deliberate addition of Hex chrome	500/1000/5000 1000/5000/10,000
336	<b>Control of Ethylene Oxide Emissions</b> No control device Excessive emission of EtO	1000/5000/10,000 1000/5000/10,000
337	<b>Surface Coating of Aircraft/Aerospace Parts</b> ROC limit (coatings, stripper) Low transfer efficiency equipment Labeling Open container *(add additional penalties for each container) Open Waste Container	500/2500/10,000 500/2000/5000 250/500/1000 250/1000/2500 500/1500/5000
338	<b>Control of Asbestos Containing Rock Surfacing Operations</b> Requirements	1000/5000/10,000
339	<b>Vehicle Refinishing</b> Low transfer efficiency equipment Coating without spray booth Non-compliant coating (surface prep/topcoat) Non-compliance - hobbyist (coatings and more than one vehicle per year) Open container/waste container	500/1000/2500 500/2500/5000 500/2500/7500 500/1000/5000 see Rule 330
340	<b>Control of Dioxins from Medical Waste Incinerators</b> Administrative Emissions	100/250/500 1000/5000/10,000

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
341	<b>Landfills</b>	case specific
342	<b>Control of Oxides of Nitrogen (NOx) from Boilers, Steam Generators and Process Heaters</b> D Requirements - emission standard E Requirements - emission equipment: Meters Use of anhydrous ammonia G Requirements - testing: Failure to test	1000/2500/5000  1000/2500/5000 1000/5000/10,000  250/1000/2500
343	<b>Petroleum Storage Degassing</b> D Requirements - emission reduction E Requirements - calculations/compliance method	1000/2500/7500 250/2000/5000
344	<b>Petroleum Sumps, Pits &amp; Well Cellars</b> D Emission Reductions E Covers F Inspection & Maintenance H Sampling	1000/5000/15,000 1000/2500/5000 1000/2500/5000 1000/2500/5000
345	<b>Crew Supply Boats (reserved)</b>	
346	<b>Loading of Organic Liquid Cargo Vessels Requirements</b> D Loading Facilities Transfer without fill pipe Exceedance of TVP and/or control E Organic liquid cargo vessels: No VRS/non-compatible VRS Pressure relief device Over fill protection Non-compatible connection device F Operator inspection and repair: No annual inspection Failure to report leaks	1000/2500/5000 1000/2500/5000  1000/5000/15,000 500/1000/2500 250/1000/2500 1000/5000/15,000  250/500/5000 250/500/1000
347	<b>Medical Prosthetic Mfg. (reserved)</b>	
348	<b>Glycol Units (reserved)</b>	
349	<b>Polyester Resin Operations</b> Administrative	0/250/500

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
	Process and control Spray application, storage, and disposal Storage and disposal	500/2000/5000 500/2000/5000 250/500/1000
350	<b>Fugitive Dust</b> (reserved)	
351	<b>Surface Coating of Wood Products</b> ROC limits, transfer efficiency, clean-up ROC Sale of non-compliant coating Open container/waste container	500/1500/5000 1000/5000/10,000 see Rule 330
352	<b>Heaters</b> D Point of sale	250/2500/10,000
353	<b>Adhesives</b> ROC Limits Open containers Prohibition of Sale	500/5000/10,000 250/1000/5000 1000/5000/10,000
354	<b>Graphic Arts</b> Excessive VOC Controls Open containers *(plus additional penalty for each container) Labeling	500/1000/5000 500/1000/5000 250/1000/2500 250/500/1000
355	<b>Tail Gas Incinerator</b> (reserved)	
356	<b>Trucks</b> (reserved)	
357	<b>Electronics</b> (reserved)	
358	(reserved)	
359	<b>Flare and Thermal Oxidizers</b> Requirements - Compliance plan Emissions limits Visible emissions	250/500/1000 2500/5000/10,000 see "Rule 302"
360	<b>Large Water Heaters/Small Boilers</b> (reserved)	
361	<b>Cyclic Steam Wells</b> (reserved)	
401	<b>Agricultural Burning</b> Compliant burn materials, no-burn day Improper materials Improper materials (toxic)	250/1000/5000 250/1000/2500 500/2500/7500

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RULE	DESCRIPTION	PENALTY REQUEST (dollars) 1st/2nd/3rd
	No permit	100/250/1000
505	<b>Breakdowns, Late Reports</b>	0/500/1000
1001	<b>Subpart M NESHAP (asbestos)</b> Failure to notify Notification of D&R with less than 10 working days Start of D&R without compliant notification Violation - work practice requirement  No current abatement certification Failure to post warning devices (warning placards or tape) Visible emissions Supervisor without credentials	1000 250/500/1000 1000/5000/10,000 10,000/Refer to District Attorney for all subsequent violations  1000 500/1000/5000 2500/5000/10,000 1000/2500/5000

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