



NOTICE OF VIOLATION

The Ventura County Air Pollution Control District (APCD) is mandated by the *California Health & Safety Code* to protect public health by making and enforcing rules regarding air emissions. Violation of these air quality rules can result in monetary penalties, or, in serious cases, in civil or criminal prosecution. If a facility violates a District rule, permit condition, or state air quality law, there are specific steps that must be taken immediately to resolve the problem. These steps are outlined here along with answers to some common questions about Notices of Violation.

WHAT IS A NOTICE OF VIOLATION?

A Notice of Violation (NOV) is the APCD's official notice that a facility has violated a District rule or permit condition, or a state air pollution law. The primary purpose of an NOV is to initiate corrective action and reduce air pollution. If you or your business receives an NOV, it means you are operating in violation of the law.

MUTUAL SETTLEMENT PROGRAM

In most cases, violations can be resolved through the District's in-house Mutual Settlement Program. This gives you the chance to settle your case directly with the District rather than in court.

When your NOV is referred to the Mutual Settlement Program, the District will send you a written settlement offer, which may require a monetary penalty and may specify actions for you to take to ensure continued compliance with APCD rules and permit conditions. You must respond to the letter by the deadline specified, either by letter at the District address or via email to the appropriate Settlement Officer – Michelle Wood or Neil Hammel (michelle@vcapcd.org or neil@vcapcd.org). You may request to have a telephone or office conference with the Settlement Officer to discuss the proposed penalty.

The District considers all relevant information in determining the settlement amount. Key factors affecting settlements include:

- Actions taken by the operator to mitigate the problem.
- Financial burden to the violator.
- Extent of harm caused by the violation.
- Nature and persistence of the violation.
- Maintenance record.
- Frequency of past violations.
- Length of time the violation occurred

If you receive an NOV, what should you do?

You should take immediate action to prevent the violation from continuing or recurring. Under state law, each day or part of a day that you are in violation is considered a separate violation, so it is in your best interest to act immediately to bring your facility back into compliance.

Within 10 days of receiving an NOV, you must advise the APCD in writing of the corrective action you have taken to resolve the violation. Your letter should explain what caused your operation to be in violation, how you achieved compliance and how you are going to prevent any recurrence of the violation.

When discussing an NOV with staff, always provide all information you believe is critical in considering your case. We will review written correspondence and all available information to decide whether the NOV will be handled internally or referred for civil or criminal prosecution.

Our decision depends on the gravity of the violation. In most cases, violations can be resolved through the Mutual Settlement Program, which offers you an opportunity to settle out of court by reaching an agreement with the District. Serious or repeated violations showing blatant disregard for the law and public health may be referred for criminal prosecution.

Pursuant to California Health and Safety Code sections 42402 et seq., the District is authorized to seek civil penalties of \$10,910 or more per day for violations of District rules.

LEGAL ACTION

Violations that the Mutual Settlement Program is unable to resolve may be referred to an independent enforcement agency, such as the Ventura County's District's Attorney's office, for formal resolution.

Unusually serious violations which could have been prevented or which show willful disregard for public health and air pollution control laws are not considered for the Mutual Settlement Program. These cases are referred directly to the Ventura County District Attorney's office.

REQUESTING A VARIANCE

If, due to conditions beyond your reasonable control, you cannot correct the violation immediately, and you must use the equipment or process that resulted in the violation, you may seek variance from the District's Hearing Board. This independent, quasi-judicial body was established by state law to consider variance requests. If granted by the Hearing Board, a variance allows you to legally operate the equipment that is causing the violation while efforts are made to correct the problem.

HEARING BOARD AND VARIANCE PROCESS

The District has information available on its website that explains the variance process:

http://www.vcapcd.org/agendas.htm#The_Hearing_Board

http://www.vcapcd.org/hearing_board.htm

NEED MORE INFORMATION?

To check the status of the settlement of a Notice of Violation, email, or call the appropriate Mutual Settlement Officer:

Michelle Wood, Michelle@vcapcd.org, (805)303-3703

Neil Hammel, Neil@vcapcd.org, (805)303-3827

To file for or ask for assistance with a Variance email Michelle Wood, Supervising Air Quality Specialist at Michelle@vcapcd.org or call, (805) 303-3703

Mail inquiries to:

Compliance Division
Ventura County Air Pollution Control District
4567 Telephone Road, 2nd floor
Ventura, CA 93003