



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 to the District address or via email to michelle@vcapcd.org or eric@vcapcd.org. You may request to have a telephone or office conference with District staff to discuss the proposed penalty.

The District considers all relevant information in determining the settlement amount. In fact, that amount may be reduced if special circumstances are involved. Key factors affecting settlements include:

- Extent of harm caused by the violation.
- Nature and persistence of the violation.
- Length of time the violation occurred.
- Frequency of past violations.

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.

- Maintenance record.
- Actions taken by the operator to mitigate the problem.
- Financial burden to the violator.

The maximum penalties established by the California Health & Safety Code range from \$1,000 to one million dollars per day of violation. If the Mutual Settlement Program fails to result in a settlement, your NOV may be referred for legal action.

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. If granted, a variance allows you to legally operate the equipment that is causing the violation while efforts are made to correct the problem.

The District has information available on its website (http://www.vcapcd.org/hearing_board.htm) that explains the variance process.

NEED INFORMATION?

To file for or ask for assistance with a variance, email Michelle Wood: Michelle@vcapcd.org or call her at (805) 645-1424.

To check the status of a Notice of Violation, email or call:

Michelle Wood, Michelle@vcapcd.org	(805)645-1424
Eric Wetherbee, Eric@vcapcd.org	(805)645-1496

Direct mail inquiries to:

**Compliance Division
Ventura County Air Pollution Control District
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Ventura, CA 93003**