

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM

December 6, 2021

TO: FRAQMD BOARD OF DIRECTORS  
FROM: Christopher D. Brown, AICP, APCO  
SUBJECT: FFY 20-21 Compliance & Enforcement Program Update

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**RECOMMENDATION:**

This is an "Informational Only" Item

**BACKGROUND:**

The compliance division supports the mission of the District to promote and improve the air quality through inspections of permitted and non-permitted sources, complaint response, administration of the open burn program, and enforcement of local, state, and federal air quality regulations. Our goals are to provide sources with assistance in complying with air quality rules and regulations and when they cannot comply, to apply an appropriate level of enforcement action proportionate to the non-compliance.

The enforcement of air quality regulations must concentrate first on obtaining compliance and second providing an effective deterrence for non-compliance. We are committed to fair, reasonable, and equitable treatment of regulated sources. The compliance assistance activities include a full range of educational and technical assistance such as courtesy facility reviews, quick response from inspectors to inquiries, assistance in completing applications, and the distribution of self-inspection guidelines. We work with individual companies, industry groups, trade associations, small business assistance programs, and green business programs to promote self-compliance with air regulations.

The District has four field-based inspection staff that inspect air pollution sources, verify compliance at permitted, open burn, and agricultural engine sources; investigate breakdowns, document violations, administer the settlement program, report to ARB & EPA, manage the PFIRS and Oil & Gas grants, enforce the State's Portable Equipment Registration Program (PERP), and respond to citizen complaints about air pollution.

We are responsible for about 660 permitted sources, about 1,000 open burn permits, and about 330 Agricultural Engine Registrations issued within the District. Each inspector

specializes in specific industry groups such as power plants, auto body shops, dry cleaners, and gas stations. Routine annual and unannounced inspections help ensure emission reductions written into regulations are achieved in practice.

Currently, all District permits are inspected at least annually. Gasoline Dispensing Facilities (GDF) are inspected twice per year, once for the source testing and once for compliance. Title V sources are inspected with a Full Compliance Evaluation annually and quarterly reviews for partial compliance evaluations. Complaints are investigated promptly.

This season of the COVID pandemic has caused challenges to the inspection program and introducing 1 new staff member this last year caused a reduction in the normal annual inspections in federal fiscal year (FFY) 2020-2021. Some sources were not inspected during the year. However, District activities have continued to ensure our sources continue to comply with all applicable regulations.

**DISCUSSION**

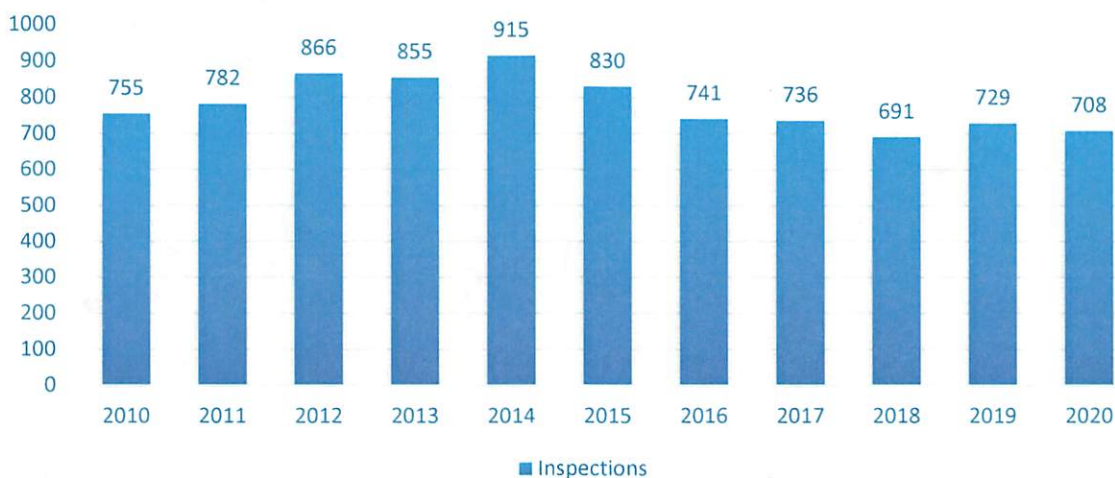
Table 1 summarizes District inspection activities for October 2020 through September 2021.

**Table 1 – FFY 20-21 Inspection Total Summary**

<u>Inspection Type</u>	OCT-DEC	JAN-MAR	APR-JUN	JUL-SEP	Year Totals
Annual	49	121	127	204	<b>501</b>
ATC to PTO	2	17	22	14	<b>55</b>
Complaint	1	0	2	0	<b>3</b>
Re-Inspection/Testing	35	78	54	32	<b>199</b>
<b>Total Inspections</b>	<b>87</b>	<b>216</b>	<b>205</b>	<b>250</b>	<b>758</b>

Table 2 shows inspection totals for the past ten calendar years.

**Table 2 – Inspection Totals by Calendar Year**



The District evaluates permitted sources for compliance and determines the appropriate enforcement action for each violation documented. Insignificant or minor violations may receive an On-Site Correction or Notice to Comply in accordance with adopted rules and guidelines. Emission violations receive a Notice of Violation. In FFY 20-21, the District issued 43 Notices of Violation (NOV), 1 Notice to Comply (NTC), and 18 On-Site Corrections (OSC) to permitted sources.

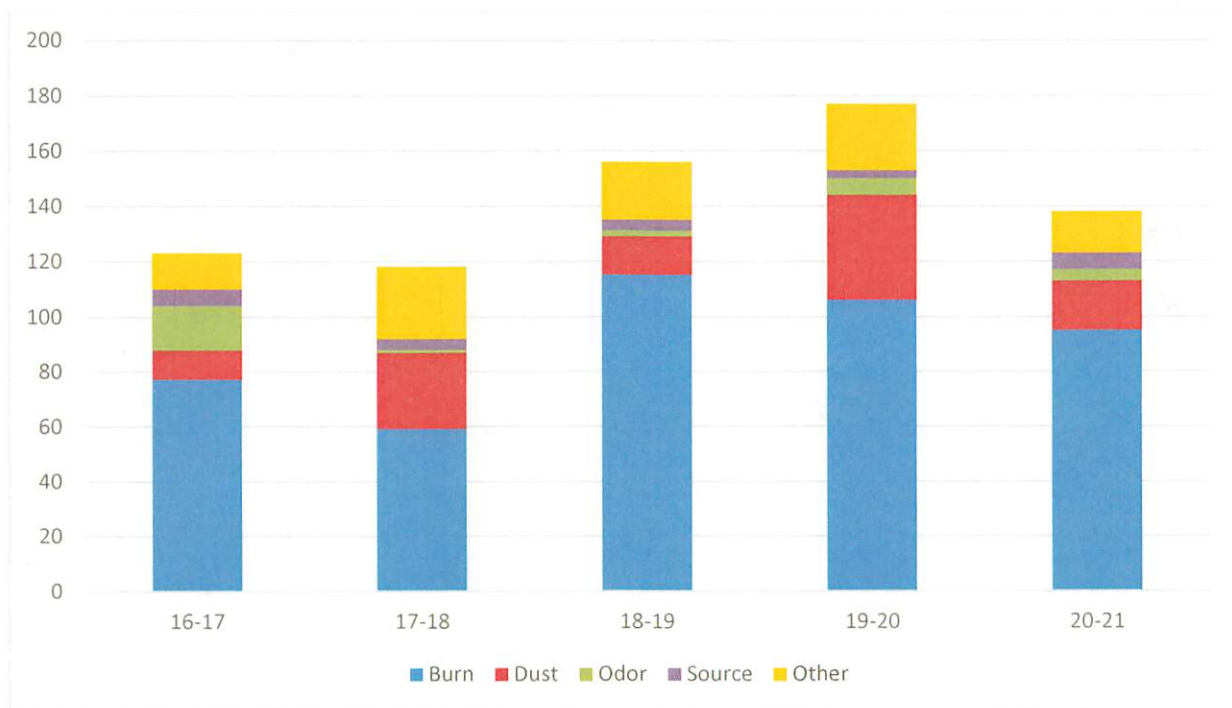
**Complaints**

In FFY 20-21, the District received and investigated 138 complaints, 9 of which were related to the same occurrence. Some complaints were determined to be either involving no air quality issues in the complaint, unidentifiable source of air quality problems, lack of identifying information, or the incident occurred in the past. Six complaints were regarding a permitted source. Four of these six were generated from the Cal/EPA Online Complaint System.

Ninety-five complaints were regarding smoke and/or illegal burning, 18 from dust, four from odors, and 15 from other emission, combination complaints, and/or non-emission sources. We issued 24 NOV's because of the complaint investigations. One NOV was issued at permitted source as a result of a complaint.

Table 3 summarizes complaint response for the last five years.

**Table 3 – Complaints over Last Five Years**



**Notices of Violations & Settlements**

The District issued 61 NOV's in FFY 20-21. We withdrew five NOV's due to evidence that no violation occurred, we did not dismiss any violations (0%) as a result of indicators like additional evidence, lack of strong evidence, unable to locate violator, and statute of limitations/stale cases. We settled and closed a total of 72 NOV's for a total of \$50,816.00. Forty-two cases were entered into the Suspended Penalty Suspension Program, a Board approved probationary program for first time violators. Thirty-eight NOV's issued in FFY 20-21 are pending settlement and/or closure.

The District did not file any new court cases in FFY 20-21.

On average, the District receives penalties of \$75,494 in a federal fiscal year, based on the last 5 years. This does not include any negotiated suspended penalties or mitigated penalties. These would be in addition to penalties received.

The following table summarizes historical NOV's issued by the District.

**Table 4 - NOV's Issued by Category**

Type of Violation	2016	2017	2018	2019	2020	FFY 20-21
Burn	22	25	26	20	24	18
Dust	0	0	5	0	2	0
Odor	0	0	0	0	0	0
Throughput	10	6	5	8	7	9
Agricultural Registration	0	0	1	2	2	2
Source	18	30	27	46	14	32
<b>Total</b>	<b>50</b>	<b>61</b>	<b>64</b>	<b>76</b>	<b>49</b>	<b>61</b>