

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM

December 5, 2022

TO: FRAQMD BOARD OF DIRECTORS
FROM: Christopher D. Brown, AICP, APCO
SUBJECT: FFY 21-22 Compliance & Enforcement Program Update

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 three field-based inspection staff under the direction of the Compliance Supervisor that inspect air pollution sources, verify compliance at permitted, open burn, and agricultural engine sources; investigate breakdowns, document violations, enforce the State's Portable Equipment Registration Program (PERP), and Specified Air Toxic Control Measures (ATCM's), and respond to citizen complaints about air pollution. The Supervisor administers the settlement program and manages the ARB & EPA reporting requirements and oversees the implementation of the Prescribed Fire Information System (PFIRS) and Oil & Gas grants.

We are responsible for 676 permitted sources, 957 open burn permits, and 319 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 (FCE) annually and are reviewed quarterly with Partial Compliance Evaluations (PCE). Complaints are investigated promptly.

DISCUSSION

Inspections

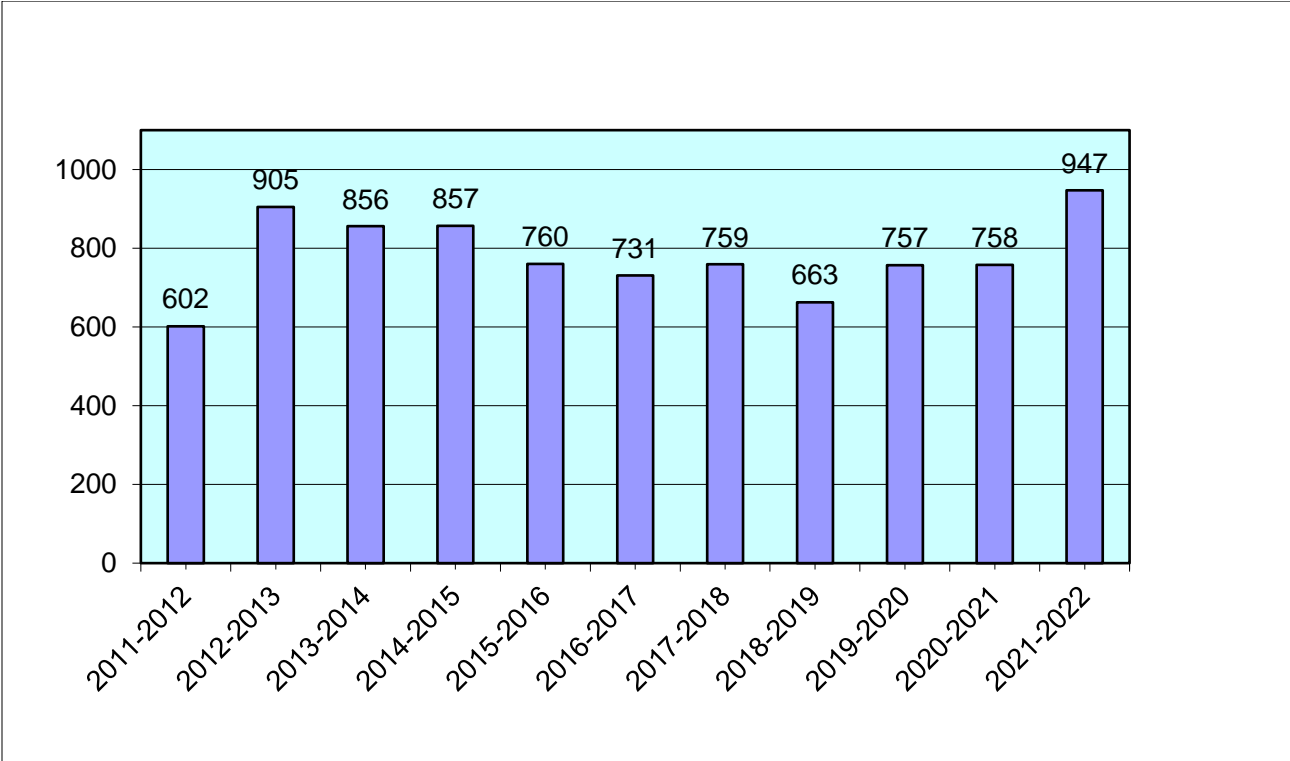
Table 1 summarizes District source inspection activities for October 2021 through September 2022.

Table 1 – FFY 21-22 Inspection Total Summary

Inspection Type	OCT-DEC	JAN- MAR	APR-JUN	JUL-SEP	Year Totals
Annual	148	120	221	193	682
ATC to PTO	17	10	28	16	71
Complaint	0	0	0	0	0
Re-Inspection/Testing	49	49	62	34	194
Total Inspections	214	179	311	243	947

Table 2 shows inspection totals for the past ten federal fiscal years.

Table 2 – Inspection Totals by FF Year



The District evaluates permitted sources for compliance and determines the appropriate enforcement action for each alleged violation documented. Insignificant or minor violations may receive an On-Site Correction (OSC) or Notice to Comply (NTC) in accordance with adopted rules and guidelines. Emission violations may receive a Notice of Violation (NOV). In FFY 21-22, the District issued 27 NOVs, 8 NTCs, and 43 OSCs to permitted sources for documented alleged violations. Permitted source compliance rate for the 2021-2022 federal fiscal year is 97%.

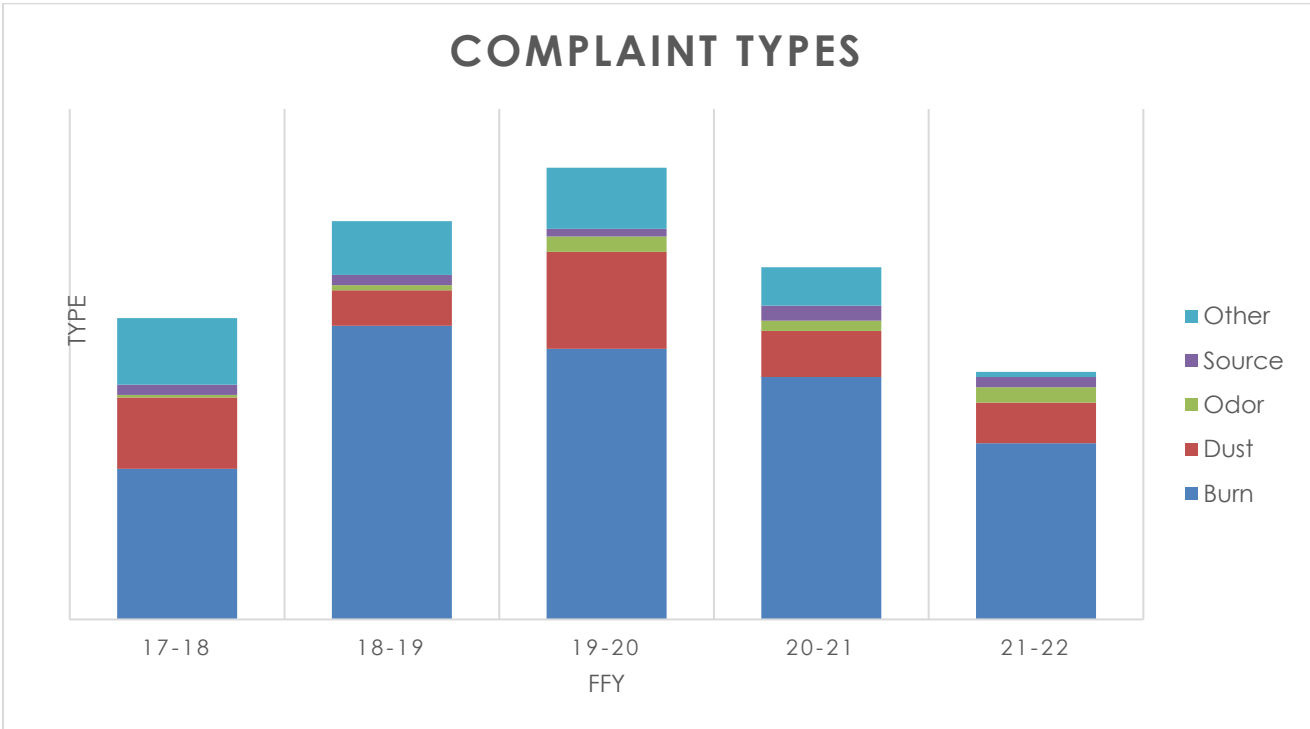
Complaints

In FFY 21-22, the District received and investigated 97 complaints, 12 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. Four complaints were regarding a permitted source, and none were related to the agricultural engine program.

Sixty-nine complaints were regarding smoke and/or illegal burning, 16 from dust, six from odors, and six from other emission, combination complaints, and/or non-emission sources. We issued 17 NOV's because of the complaint investigations. No NOVs were issued at permitted sources because of a complaint.

Table 3 summarizes complaint response for the last five years.

Table 3 – Complaints over Last Five Federal Fiscal Years



Notices of Violations & Settlements

The District issued 51 NOV's in FFY 21-22. We withdrew four NOV's due to evidence that no violation occurred, we did not dismiss any violations (0%) because 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 12 NOV's for a total of \$23,633.00. Two cases were entered into the Suspended Penalty Suspension Program, a Board approved probationary program for first time violators. Thirty-three NOV's issued in FFY 21-22 are pending settlement and/or closure. Two cases were resolved through compliance agreements for penalties and other actions. Total penalties collected in the 21-22 FFY are \$1,976,837.38. This is a result of compliance activities to ensure the community is protected during the energy crisis and to establish a good pattern of compliance.

The District did not file any new court cases in FFY 21-22. One previous court case closed during the FFY 21-22 which also increased total penalties for the fiscal year.

On average, the District receives penalties around \$60,000 in a federal fiscal year, however due to the unique situation this past year, average penalties are showing at \$460,616 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 by category type.

Table 4 - NOV's Issued by Category

Type of Violation	2017	2018	2019	2020	FFY 20-21	FFY 21-22
Burn	25	26	20	24	18	14
Dust	0	5	0	2	0	2
Odor	0	0	0	0	0	0
Throughput	6	5	8	7	9	4
Agricultural Registration	0	1	2	2	2	9
Source	30	27	46	14	32	22
Total	61	64	76	49	61	51

CONCLUSION

The District compliance and enforcement activities continue to support the district's goals to promote and improve the air quality of Sutter and Yuba counties. Through monitoring, evaluation, education, by implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, and enforcement of air quality regulations, we strive to provide a level playing field and for our compliant entities and keep penalties fair and consistent.