

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM  
December 7, 2020

TO: FRAQMD BOARD OF DIRECTORS  
FROM: Christopher D. Brown, AICP, APCO  
SUBJECT: Compliance Program Update

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RECOMMENDATION:

This is an "Informational Only" Item

BACKGROUND:

Compliance staffs support 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, investigate breakdowns, document violations, and respond to citizen complaints about air pollution. We are responsible for all 640 permitted sources and about 1,000 open burn permits 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 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 in 2020. However, District activities have continued to ensure our sources continue to comply with all applicable regulations. Table 1 and Table 2 summarize District inspection activities for 2019 and through October 2020.

**Table 1 – 2019 Inspection Total Summary**

<u>Inspection Type</u>	JAN- MAR	APR-JUN	JUL-SEP	OCT-DEC	Year Totals
Annual	51	114	235	84	<b>484</b>
ATC to PTO	15	16	13	15	<b>59</b>
Complaint	0	0	0	0	<b>0</b>
Re-Inspection/Testing	69	49	31	37	<b>186</b>
<b>Total Inspections</b>	<b>135</b>	<b>179</b>	<b>279</b>	<b>136</b>	<b>729</b>

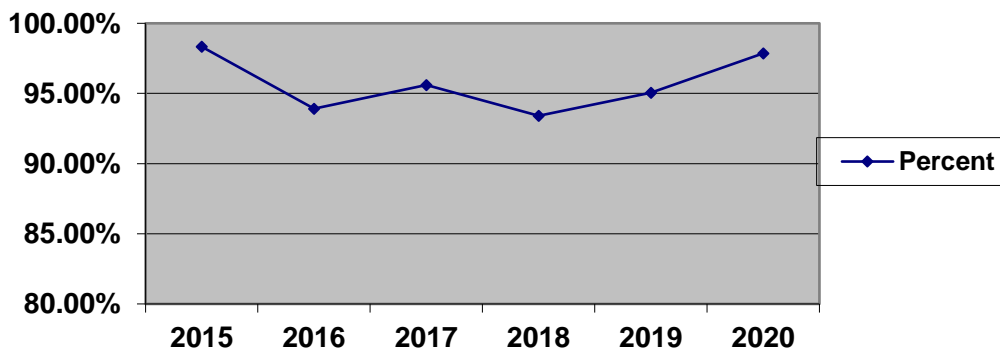
**Table 2 – 2020 Inspection Total Summary**

<u>Inspection Type</u>	JAN- MAR	APR-JUN	JUL-SEP	OCT**	Year Totals
Annual	157	79	249	22	<b>507</b>
ATC to PTO	12	8	14	1	<b>35</b>
Complaint	0	0	0	0	<b>0</b>
Re-Inspection/Testing	61	38	3	12	<b>114</b>
<b>Total Inspections</b>	<b>230</b>	<b>125</b>	<b>266</b>	<b>35</b>	<b>656</b>

\*\* Data only accrued through October 2020, does not include the full 2020 year

The District evaluates permitted sources for compliance and determines the appropriate enforcement action for each violation documented. Insignificant and minor violations receive an On-Site Correction or Notice to Comply in accordance with adopted rules and guidelines. Emission violations receive a Notice of Violation. Through October 2020, the District issued 21 Notices of Violation (NOV) and 33 Notices to Comply to permitted sources. Compliance rates for District permits are based on the percentage of the ratio of total facility inspections and Notices of Violations issued. The following table summarizes the compliance rates for the past five years and through October 2020.

**Table 3 - Compliance Rates**



**Complaints**

Through October 2020, the District received and investigated 157 complaints, 20 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 incident occurred in the past. Three complaints were regarding a permitted source. These were investigated via an annual inspection. Ninety-two complaints were regarding smoke and/or illegal burning, 31 from dust, five from odors, and 29 from other emission, combination complaints, and/or non-emission sources. We issued 25 NOV's because of the complaint investigations. No NOV's issued at permitted sources as a result of a complaint.

**Notices of Violations & Settlements**

FRAQMD issued 49 NOV's through October 2020. We dismissed one violation (1%) 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 15 violations for a total of \$15,580.00. Seven cases were entered into the Suspended Penalty Suspension Program, a Board

approved probationary program for first time violators. Twenty-six violations issued in 2020 are pending settlement and/or closure.

The District did not initiate new court cases in 2020. One case from previous years went to trial and won through the injunctive settlement process.

The following tables summarize historical NOV and settlement process of the District.

NOV's Issued Comparison

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

On average, the District receives penalties of \$72,341 in a fiscal year, based on the last 10 years. This does not include any negotiated suspended penalties or mitigated penalties. These would be in addition to penalties received.