

## AIR QUALITY IN THE SAN JOAQUIN VALLEY

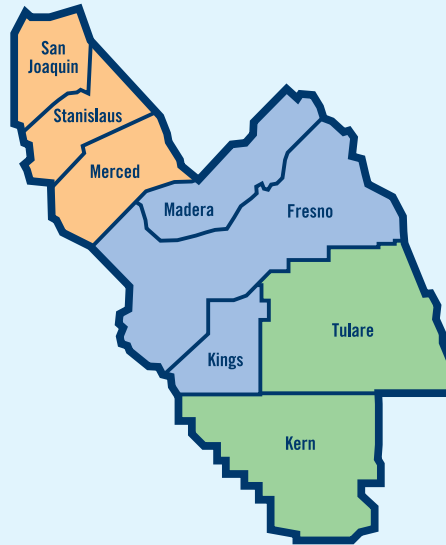
Despite years of air quality improvements, the San Joaquin Valley air basin fails to meet state and federal health-based standards for ozone and particulate matter. The Valley Air District has the authority to issue Notices of Violation to protect public health.

### WHAT IS A NOTICE OF VIOLATION?

A Notice of Violation (NOV) informs a person or business that a Valley Air District rule, permit condition or state law has been violated. An NOV is issued when a violation is observed or discovered.

The purpose of an NOV is to initiate corrective action that will stop the violation and to reduce air pollution. To provide an incentive for continuing compliance, NOV's may result in monetary penalties up to \$1,000,000 per day per violation, according to the California health & Safety Code, Section 42402. Serious or repeated violations that show blatant disregard for the law and for public health may lead to criminal prosecution.

For more information, visit [www.valleyair.org](http://www.valleyair.org) and select the Compliance menu. Or contact the nearest District office.



#### Northern Region

*Serving San Joaquin, Stanislaus and Merced counties*  
4800 Enterprise Way, Modesto, CA 95356-8718  
Tel: 209-557-6400 FAX: 209-557-6475  
Complaint Line: 1-800-281-7003

#### Central Region (Main Office)

*Serving Madera, Fresno and Kings counties*  
1990 E. Gettysburg Avenue, Fresno, CA 93726-0244  
Tel: 559-230-6000 FAX: 559-230-6061  
Complaint Line: 1-800-870-1037

#### Southern Region

*Serving Tulare and Valley air basin portions of Kern counties*  
34946 Flyover Court, Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585  
Complaint Line: 1-800-926-5550

Please visit our web sites:  
[www.valleyair.org](http://www.valleyair.org) & [www.healthyairliving.com](http://www.healthyairliving.com)



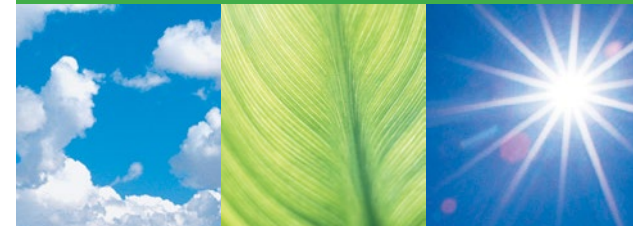
**HEALTHY AIR LIVING™**

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# NOTICE OF VIOLATION AND PROPOSED SETTLEMENT

When you have violated a  
rule, permit condition  
or state law



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT

1-800 SMOG INFO  
[www.valleyair.org](http://www.valleyair.org)

# Most violation notices are resolved through the Air District's Mutual Settlement Program

## When You Receive an NOV

The first thing to do is take immediate action to stop the violation and bring your operation back into compliance.

Within 10 days of the receipt of the NOV, provide the Valley Air District with a copy of the notice and a written description of the corrective action you have taken to

prevent continued or recurrent violations. Send the information to the attention of the inspector who issued the NOV or bring it to the regional office indicated on the NOV. If you have specific questions about an NOV you received, contact the inspector who issued it.



To apply for a variance, call the Compliance staff in the regional office in your area. In the Northern Region call 209-557-6400, in the Central Region call 559-230-5950, and in the Southern Region call 661-392-5500.

You will be charged a variance filing fee to help offset the costs of Hearing Board operations. The actual cost of a variance will depend on the type of variance(s) requested, and the associated noticing requirements. Return the completed variance petition to the regional office with the fee. Include supporting documentation such as copies of relevant Permits to Operate, purchase orders, test results and correspondence as the burden of proof is on the petitioner. A copy of the District Staff Report and Agenda will be faxed to you the week prior to the hearing.

## Resolving an NOV

A notice of violation can be resolved in one of two ways:

- by the Air District's Mutual Settlement Program, or as a last resort,
- by legal action

## Mutual Settlement

In most cases, violations can be resolved through the Valley Air District's Mutual Settlement Program.

This program offers both the Air District and you an opportunity to settle alleged violations without expensive and time-consuming litigation. When your violation is referred to Mutual Settlements, the District will send you a monetary settlement offer. It may also specify action to be taken by you to ensure continued compliance with the law. Alternatives to monetary settlements may also be considered on a case-by-case basis. Please respond to the settlement offer within the time indicated.



If you wish to discuss your case, a settlement conference can take place over the phone or in person. If you do not respond, or if the matter cannot be resolved, it will be referred to the District's legal counsel.

## Legal Action

The Valley Air District's legal counsel handles violations that Mutual Settlements is unable to resolve. The majority of the cases are settled out of court but may be pursued through the legal system. You may wish to retain an attorney to assist in matters referred to District legal counsel.

Unusually serious violations that could have been prevented or demonstrate willful disregard for public health and air pollution control laws may be referred to the District Attorney for criminal prosecution. Penalties may be as high as \$1,000,000 per day for each day of violation, or one year of jail, or both.

## When Rules Change

It is your responsibility to know the current rules. Be sure to familiarize yourself with all conditions of your District permit, especially if you receive a modified or re-evaluated permit.

A copy of the District's Rules and Regulations can be purchased from the District and also are accessible on the District's web site at <http://www.valleyair.org/rules/1ruleslist.htm>. To get more information about rule updates, public notices of workshops, board hearings, copies of draft and proposed rules or staff reports, you can call the nearest District office or sign up for one of the District's email lists. (Visit <http://www.valleyair.org/lists/list.htm>)

## Applying for a Variance

If you must continue the operations that caused the violation, you should consider immediately applying for a variance. A variance is an administrative order granting temporary relief from specific provisions of a District rule or permit condition. If approved, a variance allows you to continue operating while you take steps to come into compliance. If the violation is for creating a public nuisance or failure to obtain a permit, you are not eligible for a variance.

An independent regional Hearing Board reviews variance petitions. If the variance is approved, a facility can continue to operate under specific conditions while taking steps to come into compliance.