

Responding to a Notice of Violation

Pinal County Air Quality Workshop

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Common Violations

- Did not maintain the required records
- Did not submit the required reports
- Changed the process/equipment without a permit revision
- Added capacity to the process without a permit revision
- Did not maintain pollution control equipment
- Did not conduct stack test (performance test)
- Did not pay annual permit fee
- Discovery of unpermitted equipment



Ways to Prevent a NOV

- Most Notices of Violation (NOVs) have a common thread:
 - The operator did not read or alternatively did not understand the permit issued to them.
 - The operator did not include all equipment in original permit.
- The best way to prevent a NOV is to read your permit.
 - Have a copy of your permit readily accessible
 - Thoroughly read the document
 - Call and ask questions

Types of NOVs

- NOVs issued to Title V sources or Synthetic Minor 80% (SM80s) must be reported to EPA Region 9
 - Once reported to EPA the NOV is labeled as a High Priority Violation (HPV)
 - EPA will review any action affecting a major source or a SM80 and may over file
- NOVs issued to non Title V sources, Synthetic Minors less than 80%, and minor sources are generally not reported to EPA
 - EPA can always over file if they feel we incorrectly categorized the violation or did not pursue it to an appropriate extent.



Overview of the process

- Issuance of a Notice of Opportunity to Correct (NOC)
 - Utilized for minor infractions
 - Gives the source 30 days to provide a written correction plan
 - The speed in which the plan is implemented will be reviewed
 - No response or an inappropriate response may lead to an NOV



Overview of the process

- Issuance of a Notice of Violation (NOV)
 - Utilized when penalties are sought
 - Gives the source 30 days to respond
 - The response could refute the violations
 - The response could explain why the situation occurred
 - The response could explain how the situation has been resolved
 - No response could result in a referral to the Pinal County Attorney's Office



Overview of the process

- Issuance of an Order of Abatement by Consent (OAC)
 - Utilized to collect penalties without going to court
 - If the two parties can come to an agreement, a settlement document is created
 - The document spells out the penalty, the date the penalty is due, any corrective actions that need to be taken, and legal ramifications.
 - If the two parties cannot come to an agreement the situation may be referred to the Pinal County Attorney's Office
 - The Pinal County Attorney's Office may file an action in Superior Court



Overview of the process

- Creation of a Supplemental Environmental Project (SEP)
- An Order of Abatement by consent *may* contain a SEP
 - The SEP is carried out as part of the penalty. The source will spend money to implement this project and as a portion of the penalty.
 - Clearly defined goals, reporting and milestones will be required
 - The SEP must result in emission reductions related to the violation

Summary

- Compliance is the goal
- The process outlined here is for Pinal County Air Quality
 - Other County Air Quality Agencies follow a similar process
 - Other County Departments have different procedures set forth in statute and rule
- **Read your permit and ask questions**



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