

Enforcement Action: Pinal County Air Quality

AESA COMPLIANCE ASSISTANCE SEMINAR

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What You Should Learn Today

- Pinal County enforcement process
- Types of enforcement action
- Common violations
- How to avoid enforcement action

Overview of the Enforcement Process

- Site inspection
 - Complaint
 - Random inspection
- Report submitted to Environmental Program Manager
 - Violations noted during inspection
 - Photos
- Determination of enforcement route
 - Notice of opportunity to correct (NOC)
 - Notice of Violation (NOV)

Overview of the Enforcement Process: Notice of Opportunity to Correct

- 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 penalty fees
- No response or an inappropriate response may lead to a Notice of Violation

Overview of the Enforcement Process: Notice of Violation

- Used for more serious violations and when NOC failed to resolve the violation
- 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
- Utilized when penalties are sought
- No response could result in a referral to the Pinal County Attorney's Office

Overview of the Enforcement Process: Order of Abatement by Consent

- Utilized to collect penalties without going to court
- If the two parties can come to an agreement, a settlement document is created
 - Defines the penalty and the date the penalty is due
 - Outlines any corrective actions that need to be taken
 - Lists the legal ramifications for failure to abide by the agreement
- If the two parties cannot come to an agreement the situation may be referred to the Pinal County Attorney's Office

Overview of the Enforcement Process: Supplemental Environmental Project

- An Order of Abatement by consent *may* contain a SEP
- The SEP is carried out as part of the penalty
- Money spent to implement this project will count 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

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 Enforcement Action

- Most Notices of Violation (NOVs) have a common thread:
 - The operator did not read the permit
 - The operator did not understand the permit
 - 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

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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Questions?

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