

# Pinal County Air Quality Enforcement Action

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 Air Quality Manager
  - Violations noted during inspection
  - Photos
  - Enforcement action is NOT determined at the site
- Determination of enforcement route
  - Informal Notice of Opportunity to Correct (NOC)
  - Formal Notice of Opportunity to Correct (NOC)
  - Notice of Violation (NOV)

# This is NOT a Notice of Violation ... or a Ticket

Pinal County Air Quality Control District  
P.O. Box 987, Florence, AZ 85132  
http://www.pinalcountyaz.gov  
(520) 866-6929



PINAL COUNTY  
wide open opportunity

## STATIONARY SOURCE INSPECTION ENTRY STATEMENT

Inspector Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Permit Holder: \_\_\_\_\_ Permit #: \_\_\_\_\_  
 Site Address: \_\_\_\_\_  
 Site Contact: \_\_\_\_\_ Contact Phone #: \_\_\_\_\_  
 I acknowledge that I have read and understand the Inspection Rights on the back of this form.  
 Acknowledged: \_\_\_\_\_  
 Signature Title Date

## INSPECTION REPORT

Criteria	Observed	Comments
1. Permit Posted?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
2. Annual regular compliance / compliance progress certification submitted?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
3. Semi-annual or annual compliance report submitted?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
4. Emissions inventory report submitted?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
5. Opacity threshold met?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
6. Source performance testing conducted?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
7. Record keeping complete?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
8. Any new or non-permitted equipment?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
9. Emissions control equipment operating efficiently?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
10. Any abnormal operations, shutdowns, or malfunctions?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
11. COM or CEM equipment operating appropriately?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
12. TIN R8E or West Pinal unpaved lots silt loading less than 0.33 oz/ft <sup>2</sup> or silt content 8% or less?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
13.	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
14.	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
15.	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	

Complaint # \_\_\_\_\_ N/A  Field Activity Report # \_\_\_\_\_ N/A   
 Were photographs taken? Y  N  Temperature: \_\_\_\_\_ Wind Direction: \_\_\_\_\_ Wind Speed: \_\_\_\_\_

## INSPECTION FINDINGS

Facility appears in compliance  Deficiencies have been observed

**Notice of Opportunity to Correct**  
 You must fix the following problems and provide written confirmation within \_\_\_\_\_ days

This report is *preliminary* and we WILL provide you with an additional written inspection report within 30 working days.  
 The forthcoming inspection report will review the deficiencies to determine if any were committed intentionally, not correctable within a reasonable time, a pattern of noncompliance, or a risk to any person, the public health, safety or welfare or the environment.  
 This report is final and we WILL NOT provide you with an additional written inspection report.

Contact refused to sign  No representative could be found from whom to seek a signature

Acknowledged: \_\_\_\_\_  
 Inspector's Signature Date

# 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 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 Notice of Violation is to read your permit
  - Have a copy of your permit readily accessible
  - Thoroughly read the document
  - Call and ask questions

# Informal Notice of Opportunity to Correct

- Minor violation of a standard
- Easily correctible
- Not listed in ARS § 41-1009.E
  - Committed intentionally
  - Not Correctable within a reasonable period of time
  - Evidence of a pattern of noncompliance
  - A risk to any person, the public health, safety or welfare or the environment

INSPECTION FINDINGS	
<input type="checkbox"/> Facility appears in compliance	<input type="checkbox"/> Deficiencies have been observed
<b>Notice of Opportunity to Correct</b>	
<input type="checkbox"/> You must fix the following problems and provide written confirmation within _____ days	
<hr/>	
<input type="checkbox"/> This report is <i>preliminary</i> and we WILL provide you with an official written inspection report within 30 working days.	
<input type="checkbox"/> The forthcoming inspection report will review the deficiencies to determine if any were committed intentionally, not correctable within a reasonable time, a pattern of noncompliance, or a risk to any person, the public health, safety or welfare or the environment.	
<input type="checkbox"/> This report is <b>final</b> and we WILL NOT provide you with an additional written inspection report.	

# Formal Notice of Opportunity to Correct

- Gives the source 30 days to provide a written correction plan
- The speed in which the plan is implemented will be reviewed
- No penalty
- No response or an inappropriate response may lead to a Notice of Violation



# 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

# 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
  - 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

# Supplemental Environmental Project

- An Order of Abatement by consent *may* contain a Supplemental Environmental Project (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

# Questions?

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