



AIR POLLUTION CONTROL DISTRICT

POLICY: NOTICE OF VIOLATION REPORTS

EFFECTIVE: October 18, 1993
November 6, 2023 (Last Revised)

POLICY NUMBER: 19

GENERAL:

The Notice of Violation Report provides necessary information to successfully prosecute the violator. It is the foundation for investigators, County Counsel and the District Attorney to pursue a case. Since the report may be entered as evidence, the inspector must provide accurate and complete information in clear and legible form.

REPORT DUE DATE:

Inspectors must submit the complete Notice of Violation Report to their supervisor for review within ten (10) working days following the date the Notice of Violation was issued. Any exception requires the approval of the Compliance Division Manager.

The Notice of Violation Report and Notices of Violation must be given to the Compliance Division Manager for approval.

FIELD NOTES:

To ensure that the Notice of Violation Report includes all pertinent information relevant to the Notice of Violation, the inspector will take field notes during the inspection, conduct interviews, and carry out a full site investigation. The field notes are a very important tool for keeping the sequence of events of an inspection clear, especially in lengthy investigations lasting several days or weeks. The field notes may be essential in recalling the facts of the inspection months or years later if a case goes to court. The field notes are not equivalent to a Notice of Violation Report; however, it is one of the tools to be used by the inspector to document the inspection. It is the inspector's job to collect and convey the information necessary so staff, County Counsel, and others will have a clear understanding of the facts associated with the Notice of Violation. The inspector will ask questions and maintain a broad focus on the problem, which results in the violation. The field notes will consist of brief phrases concerning specific events, observations, circumstances, persons, and other data recorded while fresh in the inspector's mind. The field notes will provide a basis for the report. Additionally they will reduce the need to communicate again with the parties involved, and ensure greater accuracy than memory can offer.

The inspector field notes forms may become evidence in case that a Notice of Violation is disputed; therefore, they shall be maintained in the case file and not be discarded or destroyed.

NOTICE OF VIOLATION REPORT REQUIREMENTS:

The Notice of Violation Report consists of information items (owner's name, address, company location, etc.), supporting information, a field sketch or map of the violating source's location, and a narrative account of conditions and event.

Most of the required information items are self-explanatory. The following guidelines are provided for those items which may require clarification.

- A. Completing Information Items:
1. Permit: Enter Permit Number, if permitted. Attach a copy of the Permit to the Notice of Violation.
 2. Name: Enter the legal name of the violator (example: ABC, Inc.; John James, dba ABC Company). Do not use initials, except when the legal name is the initials, such as "ABC Company."
 3. Source Type: Enter the type source as labeled in the ATC or PTO (example: Combustion, Aggregate, etc.).
 4. Notice of Violation Number
 5. Telephone Number: Enter the telephone number where the violator, or a corporate officer, can be contacted.
 6. Address: Enter the street address, city, and zip code of the main office of the violator. If the violator is a corporation, enter the address of the corporate office where a corporate officer or a designated agent is located. DO NOT use a post office box number, unless that is what is on file in the District's Permitting Database.
 7. Location of Violation: Enter the street address, city, and a zip code where the violation occurred. If the street number is not available, enter the block number (example: 9400 block "A" Street, or south side of "A" Street between 1st and 2nd Streets) or other information describing the location (e.g. GPS coordinates or cross streets/geographical reference points.)
 8. Violation: Describe the violation; enter either the District Rule or the Health and Safety Code Section. Enter date of violation and a short description of equipment and rule violated. Example: You are hereby notified that a violation of Rule 201, Permits Required, of the Imperial County Air Pollution Control District Rules and Regulations was committed on December 3, 2021 by operating a diesel generator, Model 623, without a Permit to Operate from the Air Pollution Control District.

9. Date: Enter date and time the Notice of Violation was served to the violator. If served by certified mail, enter "mailed certified mail, (date)."
10. Issued to: Enter name of owner, superintendent, corporate officer, person in charge, etc.

B. Supporting Information:

The following information may be part of the narrative of the Notice of Violation Report or attached to the report:

1. Weather: Indicate a one-word or two-word description of the weather (example: clear, sunny) and an estimate of the wind direction and speed. Identify how wind direction and speed were determined (example: Dwyer wind gauge).
2. Visible emissions at end of observation: Indicate whether emissions were visible at the end of the observation and record the Ringlemann number or percent opacity. List the Permit Number if the equipment involved is under Permit and, if it is, list the date of issuance of the Permit.
3. Excessive emissions recorded: List excessive emissions by Ringlemann number (R1) or opacity percentage (20%). Specify the contaminant (example: dust, smoke, acid, etc.).
4. Equipment/source description: Identify the type of facility (example: automobile assembly and coating plant).

C. Completing Field Sketch:

A sketch or aerial map which accurately recreates the scene can strengthen the District's case in court. A field sketch is required for all emission violations. The inspector will use the following guidelines:

1. Distance and direction from source: enter the distance and direction of the source from the inspector (example: distance could be one-half mile and direction to the southeast).
2. Background used to make observations: Enter information which will strengthen the validity of the observation (example: "blue sky" or "wall against building"). The background provides contrast for the visible emissions observed.
3. Location of sun or light source: Enter the direction of the sun or the light source in relation to the inspectors observation position (example: sun over right shoulder).

D. Completion the Narrative Account:

The narrative account should document the findings of the inspection, which supports issuing the Notice of Violation. This section will contain sufficient detail to clearly explain the essential elements of the compliance status determination. The narrative account must provide a chronological sequence of events related to the incident and

investigation. The report will be written in the third person. It must be clear and complete so that a person who does not have knowledge of the incident/source can learn from reading the account the following basic information: who committed the violation; which violation was committed; who observed it; who and when it happened; and, if known, the possible reason why it happened. There must be no inconsistencies between the information items and the narrative description of the event. If available, the Notice of Violation Report should include as attachments supplemental documentation in the form of photographs, visible emission evaluation, and source test results.

E. Inspector Identification

To finalize the Notice of Violation Report the inspector should sign the report. If it is not legible, print your name below the signature.

Approved


Belen Leon-Lopez
Air Pollution Control Officer