AIR POLLUTION CONTROL DISTRICT

POLICY: Guidelines for Staff Processing and Investigation of Complaints

EFFECTIVE: September 14, 1993; July 1, 2021; November 3, 2025

Revised: November 12, 2026 POLICY NUMBER: 17

GENERAL:

The District will investigate all complaints within 24 hours after they are received, unless the Air Pollution Control Division Manager of Compliance determines special circumstances exist. Complaints received after regular business hours will be processed the next business day. Complaints received during the weekend will be investigated as soon as possible, but no later than the next business day.

At least 90% of all complaints will be investigated by a physical, onsite investigation.

All complaints reported to the District will be logged.

Clerical staff will prepare and maintain a Complaint Log to be kept in the front office. The log shall contain the following information: complaint number, date complaint reported to the District, inspector assigned to complaint, nature and location of complaint, name, address, and phone number of the reporting party.

Clerical staff will prepare and maintain a binder to be kept in the front office. The binder will be used for filing all completed complaint forms and related documentation for each complaint.

COMPLAINT RELAY PROCEDURES:

1. Clerical staff receiving the complaint fill out a Complaint Form (Exhibit A). If someone other than clerical staff receives the complaint, the information should be forwarded to the front office. If the on-call inspector receives the complaint after regular business hours or during the weekend, the inspector must complete the Complaint Form.

2. The Complaint Form is scanned and emailed to all inspectors and the Enforcement Division Manager.

3. The Enforcement Division Manager, or designee, will assign the complaint investigation to an inspector as soon as possible. If an inspector receives the complaint, he/she should follow up on the complaint with the Enforcement Division Manager, or designee, to verify it has been completed.

4. After the investigation has been completed, the inspector gives the completed Complaint Form and all related documents to the Enforcement Division Manager for completeness review.

5. The Enforcement Division Manager gives the completed Complaint Form and all related documents to clerical staff for logging and filing.

COMPLAINT LOGGING AND FILING PROCEDURES:

1. Completed complaint received and entered into Complaint Log.

2. Completed Complaint Form and all related documents scanned and saved in the computer database.

3. Completed Complaint Form and all related documents filed numerically in complaint binder.

4. Copies of completed Complaint Form and all related documents filed in source file, if applicable.

COMPLAINTS RECEIVED BY THE INSPECTOR:

When a complaint is received by an inspector in the field, the inspector will log the complaint when he/she returns to the office or call the front office and request a Complaint Form be filled out.

AREA-WIDE COMPLAINT EPISODES:

1. Area-wide complaint episodes are generally the result of an unusual occurrence, such as a large, accidental fire or an industrial incident resulting in emissions of air contaminants that are readily detected by the public.

2. When a complaint episode occurs which is of such magnitude that it cannot be handled by a designated inspector, enforcement division staff should immediately alert the Enforcement Division Manager in order to assign additional personnel to handle the situation.

3. Area-wide public notification will be done through the District website and/or social media.

ARB, EPA REFERRAL:

Complaints referred by the ARB or EPA are normally received by email. These complaints will be entered into the computer database and assigned as soon as possible. Inspectors will be sent a copy of ARB and EPA's written complaint as soon as it is received.

HANDLING DUPLICATE COMPLAINTS:

Multiple complaints from one household or from the same individual multiple times on the same day, regarding the same issue, will be considered as duplicate complaints and therefore be processed as one single complaint. Duplicate complaints will be logged by the District but would investigate such complaints as a single complaint. A complaint may be processed as a duplicate complaint for the following reasons:

1. A second complaint is received on the same day for the same source from the same person.

2. A second complaint is received on the same day from a related person in the same household.

3. The source of the complaint is located outside the District.

4. The source of the complaint is not within the scope of the District's authority.

In all cases, the reporting party should be contacted and advised of the District's actions or referred to a corresponding agency. If referred to another agency, District will provide contact information of corresponding agency to the reporting party and also establish contact with corresponding agency to provide information on the complaint.

COMPLAINT INVESTIGATION PROCEDURES:

The inspector will conduct a complaint investigation in accordance with the following guidelines:

1. Complaint responses will take precedence over all other assignments, with the exception of violations in progress.

2. After a complaint has been assigned, the inspector must decide whether to first begin with investigating the alleged or suspected source or make initial contact with the reporting party to obtain additional information prior to investigating the alleged or suspected source.

3. Every effort will be made by the inspector to avoid obvious identification of the reporting party, and the reporting party will not be identified to anyone who is not an employee of the District, unless necessary due to legal action.

4. After the investigation is complete, the inspector will contact the reporting party with the results. If the reporting party is not available, the inspector will leave a message, if possible.

INSPECTOR CONDUCT:

The following guidelines will be followed when conferring with the reporting party:

1. Inspectors will identify themselves by name and agency in a friendly manner.

2. Inspectors will be courteous and objective.

3. The reporting party will be allowed to tell their story without unnecessary interruptions. When facts appear, the inspector should repeat them aloud for verification and write them down.

4. After the reporting party has expressed themselves, the inspector should proceed with a line of questions which will determine the cause, nature, and source of the air pollution problem cited in the complaint.

5. Inspectors will explain the laws involved and evidence necessary to proceed with enforcement action. Inspectors will not promise any legal action nor commit the District to any course of action.

6. Inspectors will not solicit complaints.

INSPECTION OF ALLEGED SOURCE:

The inspector will check the alleged or suspected source premises, or adjacent areas, for

emissions complained of (smoke, dust, open fire, odors, or other). This may require driving around in the area surrounding the source. The inspector will write and document how this was done. Additionally, the inspector will note in the report whether or not another potential source of the emission was found. If evidence of emissions which could cause the complaint are found, the inspector will track the emissions upwind from the alleged or suspected source by visual or olfactory observations.

If no evidence of emissions is found, the inspector will ask the reporting party for a description of the emissions and for other information which may help to determine their source, such as time of day and weather conditions.

After identifying the emissions and their source, the inspector, using the process of elimination, will check all possible areas surrounding the alleged or known source to exclude any other potential source.

When inspecting source premises the inspector should:

1. Identify him/herself and explain that he/she is investigating a complaint.

2. Ask to see the responsible person at the source.

3. Ask pertinent questions based on the information acquired from the investigation.

4. Inspect the equipment and/or operation and compare actual operating conditions, cycles, and times of operation with the times and frequencies of complaint(s). Evaluate any permitted or unpermitted processes that could be attributing and/or generating emissions.

5. Obtain wind direction and velocity information, if appropriate, and establish the specific equipment or process responsible for the emissions. This involves inspecting all vents, stacks, and openings where the emissions occur or may occur, and checking for Permits to Operate for equipment or dust control plans for construction and earthmoving activities.

When conducting inspections, all safety measures will be followed as outlined in Policy 23, Safety While Conducting Inspections.

COMPLAINT CONFIRMATION:

A confirmed complaint means either an inspector, another employee of the District, or a reliable reporting party is able to testify that a particular operation, or combination of operations, is the source of the air contaminants. Confirmation may be accomplished in the following ways:

1. Personal observation by an inspector or another District employee of a release of air contaminants taking place. Such release is, or can potentially be, in violation of an Air District Regulation, Permit Condition, State Regulation, or Federal Regulation.

2. Personnel from other agencies (i.e., Environmental Health Department, Fire or Police Departments) who have knowledge and documented the problem may be used to confirm a complaint.

3. The identification of a source of air contaminants that is supported by data, such as operational records, wind charts, and air monitoring devices that show a correlation between complaints and source activities.

PUBLIC NUISANCE:

RULE 407
CALIFORNIA HEALTH AND SAFETY CODE SECTION 41700

"No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which cause, or have a natural tendency to cause injury or damage to business or property."

1. Exemptions

   Rule 407 and Health and Safety Code, Section 41700, do not apply to odors from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

2. Criteria

   A nuisance can occur under a variety of conditions and circumstances. The following criteria are general guidelines to be considered in determining whether a nuisance has occurred, and can go beyond the criteria listed below, taking into consideration for example the nature of the complaint and/or the resulting damage. The final determination of the occurrence of a nuisance remains the responsibility of District management.

   a. When five complaints from different individuals have been confirmed in a 24-hour period. One household represents one complaint.

   b. When ten complaints from different individuals have been confirmed in a 7-day period. One household represents one complaint.

   c. When less than five complaints have been confirmed in a 24-hour period, but special circumstances are present, such as when there are a limited number of affected people in the vicinity of an offending source, or a representative of a school complains on behalf of the students or staff.

   d. The receipt of one or more confirmed complaints, with required documentation, from a public agency.

   e. When a source is discharging air contaminants that cause injury to a person or damage to a business or property, one confirmed complaint may be grounds to classify the occurrence as a nuisance.

3. Chronic, Ongoing Nuisances

   For those sources of emission which have been determined by the Enforcement Division Manager to be responsible for chronic, ongoing nuisance situations in a given community, the regular procedure for confirmation of odor complaints will not be required in all cases. Confirmations can be allowed when all of the following conditions are met:

   a. An inspector detects the emissions within a reasonable distance of the reporting party's address within two hours of the time of the complaint.

   b. The inspector confirms that the emissions in the community on the day in question are

attributable to the given source's operations.

4. The inspector confirms at least one other complaint against the source on a face-to- face basis, in the general vicinity of the reporting party's given address.

CIVIL INJUNCTION, ABATEMENT ORDER, PERMIT REVOCATION, and OTHER REMEDIES:

Persistent public nuisance cases will be initially handled through an office conference and, when appropriate, also under CH&SC Section 42402. When the problem cannot be resolved at the office conference level, an Abatement Order may be sought under CH&SC Section 42451 or a Civil Injunction under CH&SC Section 41513.

In all actions brought before the Hearing Board for the abatement of a nuisance, the reporting parties must be notified of the Hearing.

COMPLAINT INVESTIGATION REPORT AND OUTCOME:

The inspector shall complete a Complaint Investigation Report and submit it to the Enforcement Division Manager for review and approval within ten (10) business days of the complaint investigation being completed. The Enforcement Division Manager may grant an extension of time for completing and submitting the report upon request by the inspector. At a minimum, the Complaint Investigation Report must contain the following information:

1. Complaint number, date, and time received.
2. Reporting party name, address, and phone number.
3. General nature of complaint received (smoke, dust, open fire, odors, or other) and location of the source of air pollution.
4. Start date and time of investigation.
5. Name of inspector investigating complaint.
6. A statement from the reporting party.
7. All areas inspected, including names, addresses, phone numbers, and contact persons for all suspected sources.
8. Source's statement (if available).
9. Outcome of the complaint (i.e., In Compliance, No Further Action, NOV Issued, Notice to Comply Issued, Problem Not a Violation, Unable to Verify Problem).
10. Inspector's observation and investigation.
11. Attachments of pictures, documents, or any other supporting documentation taken or provided during inspection.
12. Was an explanation of Rule 407 provided to the reporting party and to the source?
13. Was reporting party informed of investigation results?

When the investigation has been completed, the inspector will contact the reporting party(s) and notify them of the results of the complaint investigation, unless they have specifically requested to not be notified or the reporting party was anonymous and did not provide contact information. Approved Complaint Investigation Reports will be submitted by the Enforcement Division Manager, or their designee, to the District Front Office for final filing.

Complaint follow-up investigations shall be conducted when necessary, and the follow-up shall be referenced in the initial complaint investigation.

If more than one complaint has been received against the same source within a 10-day period, the inspector will evaluate the compliance status of the source with the District prohibition against creating a public nuisance.

Belen Leon-Lopez
Air Pollution Control Officer

(Exhibit A)

IMPERIAL COUNTY
AIR POLLUTION CONTROL DISTRICT
COMPLAINT # _____

Date	Time	Initial	Supplemental

Complainant Name: _____

Complainant Address: _____

_____

Phone: _____

Smoke:	Dust:	Open Fire:	Ag Related:	Odors:	Other:

Statement of Source (Inspector's Report):

Inspector's Observation and Investigation:

Explained Rule 407, Nuisance?	Yes	No
Offered Nuisance Complaint Form?	Yes	No

Source: Yes:___No: _____

Informed Reporting Party of Investigation Results? Yes No
Investigation Started (Date/Time): Investigation By:

Inspector's Signature: Date: