

Compliance Inspections and Enforcement

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What to Expect During an AQMD Inspection

- Unannounced
- Performed to determine and assure compliance with:
 - Applicable local (AQMD), state, and federal rule requirements
 - Permit conditions

Opening Conference

- Introduction
 - Inspector credentials / introductions and explanation of reason for the site visit
 - Safety requirements?
 - Determine the responsible party for the facility. If that person is not available, who will be the site representative that day?
- Verify basic site information
 - Facility name, ownership changes, contact info

Basics of Inspection

- What types of activities are occurring at the facility?
- This will determine which Rules will apply
- What permits have been issued to the facility? Any applications submitted recently?
- What equipment is onsite? PERP?

Rule 1133 Inspection

- Original registration for chipping and grinding activities and composting operations
- Annual updating of registration information
- Is the registration/update complete per R. 1133 (e)?

Rule 1133.1 Inspection

Chipping and Grinding Activities

- Any foodwaste taken here?
- How long is the greenwaste onsite? Is it used onsite or removed?
- Operational records for the past 2 years kept onsite (last 5 years available upon request within a week)

Rule 1133.1 (continued)

Records

- Registration/annual updates
- Greenwaste received (date, time, amount)
- Greenwaste removed (date, time, amount, location where it was transferred to)
- Conditions that limited normal operations (rainy days, etc.)

Rule 1133.1

Records (cont.)

- Temperature or moisture content measurements
- Dates and amount of curbside greenwaste chipped and ground
- How is moisture content measured? (per R.1133.1(e)?)
- Any exemptions apply?



Rule 1133.2 Inspection Co-Composting Activities

- Does this rule apply to the facility?
- New operations must be in an enclosure (see R. 1133.2 (d)(1) for specifics) or
- Approved Compliance Plan showing emission reduction of 80% for VOC and ammonia emissions
- Meet compliance schedule?

Rule 1133.3 Inspection

Greenwaste Composting Operations

- Rule Applicability? (Greenwaste composting operations that produce active or finished compost from greenwaste by itself or greenwaste in combination with manure or foodwaste)
- Check for possible exemptions
- Records for the past 2 years kept onsite (last 5 years available upon request)

Rule 1133.3 Inspection (continued)

Effective July 8, 2011:

(A) Chip or grind, as necessary, and use greenwaste for on-site composting

(B) Use foodwaste for on-site composting within 48 hours of receipt or cover foodwaste with finished compost until used

(per Local Enforcement Agency)

Rule 1133.3 (continued)

- Facilities composting greenwaste only, up to 20% manure, by volume, or up to 5,000 tons per year of foodwaste throughput:
- Cover active phase pile with finished compost within 24 hours of initial pile formation
- Turned for the first 7 days of the active phase of composting?

What to Expect During an AQMD Inspection

- For active phase, turn only wet piles (squeeze-ball test)
- Did the pile need to be turned for managing temperature or pathogen reduction?
- If the facility is composting >5,000 tons per year of foodwaste, and active phase composting with >10% foodwaste must use emission control device
 - Source test after implementation and every 3 years thereafter

Physical Inspection – General

- Verify each permit is current, posted, and consistent with description in permit. Review permit conditions
- Record equipment information (operating, manufacturer info, rating, condition)
 - Inspect all required usage, operational and testing records
 - Verify that data elements recorded accurately

Enforcement Activities

Under both federal and state law, the AQMD is under a legal obligation to make and enforce air pollution regulations. These regulations are primarily meant to ensure that the surrounding (or ambient) air will meet federal and state air quality standards. However, AQMD also has broad authority to regulate toxic and hazardous air emissions, and these regulations are enforced in the same manner as those which pertain to the ambient air quality standards.

Notice to Comply

A Notice to Comply (NC) may be issued during the inspection process to a business either:

- To request additional information needed to determine compliance with clean air requirements; or
- As a notice to correct a minor violation found during the inspection. Failure to take corrective action can lead to the issuance of a Notice of Violation

Notice of Violation

Receiving a Notice of Violation (NOV) means that a business or person is operating in violation of the law. Under the law, each day or part of a day that the violation continues is a separate violation and subject to daily penalties. Businesses that cannot achieve compliance immediately may seek a variance from the AQMD Hearing Board.

What to Expect During an AQMD Inspection

- Air pollution violations may result in either criminal or civil liability. Criminal cases are referred to state, county or city attorneys
- AQMD's enforcement authority for civil penalties can be found in the California Health and Safety Code Civil Penalties

What to Expect During an AQMD Inspection

- \$1,000 per Day Strict Liability (Section 42402(a))
- What this means in plain language is that a person who violates any provision of the Health and Safety Code or an AQMD rule, regulation, order or permit is strictly liable for a civil penalty of \$1,000 per day
- Civil penalties may go up to \$1,000,000 a day
- For more details about penalties, please see our website:

www.aqmd.gov/legal/enfauth.html

California Health and Safety Code Requirements

- The following factors are to be considered in assessing civil penalties:
 - (a) The extent of harm caused by the violation
 - (b) The nature and persistence of the violation
 - (c) The length of time over which the violation occurs
 - (d) The frequency of past violations
 - (e) The record of maintenance
 - (f) The unproven or innovative nature of the control equipment
 - (g) Any action taken by the defendant to mitigate the violation
 - (h) The financial burden to the defendant

Closing Conference / Follow-up

Inspector will:

- Review inspection findings with site representative and their compliance status
- For each compliance notice issued:
 - Explain each applicable requirement & the steps necessary to comply with each item
 - Specify the due dates for the facility to achieve compliance and that the inspector will return after that date for a follow-up inspection
 - For NOVs explain variance procedure & other options available to the facility to avoid future violation