



Revisions to Rule 517 NOTICE TO COMPLY

AQMD Board Meeting 8-25-2009

Workshop and Public Hearing

NOTICE TO COMPLY – Agenda

◆ Workshop and Public Hearing

- Background
- Proposed Revisions
- Public Participation

◆ Receive Public Comments

◆ Adopt amended Rule 517

NOTICE TO COMPLY - Background

- ◆ Rule 517 adopted by EDCAQMD Board on Feb 15, 2000
- ◆ Rule implemented Health & Safety Code (HSC) Sections 39150-39153, which were adopted via AB 2937
- ◆ AB 2937 required air districts to adopt rules establishing conditions for issuance of a Notice to Comply (NTC) for minor violations
 - NTC is essentially a “fix-it” ticket
 - Provides opportunity to correct minor violations without the assessment of a fine or penalty, associated with a Notice of Violation (NOV)
 - Most air districts have rules or procedures to deal with minor infractions
- ◆ Original HSC Sections 39150 - 39153 included a specific sunset date of January 1, 2001. In 2000 the sunset date was amended to January 1, 2006.

NOTICE TO COMPLY - Proposed Revisions

- ◆ AQMD is taking steps to correct the existing deficiency in Rule 517 to confirm its legal viability and to expand its applicability to infractions associated with insignificant excess emissions:
 - References to HSC Sections 39150-39153 deleted
 - Modifications to allow for de minimis emissions added
 - Rule expiration provision deleted

- ◆ AQMD has been issuing NTCs since Rule 517 was adopted. During the past three years AQMD inspectors issued 243 NTCs. During the same time period 107 NOVs were issued.

- ◆ The rule is popular with regulated sources, because minor infractions are treated at appropriate level, avoiding NOVs.

NOTICE TO COMPLY – Public Participation

- ◆ No public workshop was held due to noncontroversial nature of the issue

- ◆ Public Outreach
 - Noticed in Mountain Democrat
 - Noticed in Tahoe Daily Tribune
 - Placed on AQMD website
 - Mailed to neighboring air districts and to California Air Resources Board
 - Mailed to all permitted sources

- ◆ No comments received to date

NOTICE TO COMPLY – Recommendations

- ◆ Make findings of Necessity, Authority, Clarity, Consistency, Nonduplication and Reference for amendments to Rule 517
- ◆ Adopt amended Rule 517