



## Legislation Text

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**File #:** 12-1518, **Version:** 1

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Acting as the Board of Directors of the El Dorado County Air Quality Management District:

Air Quality Management District recommending the Board adopt Resolution **187-2012** authorizing revisions to the El Dorado County Air Quality Management District Mutual Settlement Program Procedures and Guidelines.

**FUNDING:** Air Quality Management District Operations Budget, Index Code 433100.

**Background:**

In February 15, 2000, the El Dorado County Air Quality Management District Board of Directors passed Resolution 053-2000. Resolution 053-2000 established the Mutual Settlement Program Procedures and Guidelines as a procedural policy. The policy's Procedures and Guidelines delineate how the District is to take enforcement actions for Air Quality Violations by determining appropriate penalties, mutually settling for those penalties and referring cases to other agencies. Air District staff successfully resolved 22 cases in FY11/12 through the mutual settlement process.

**Reason for Recommendation:**

The El Dorado County Air Quality Management District is required to enforce its Rules and Regulations as set forth in El Dorado County Air Quality Management District Rule 226 and California Health and Safety Code, Sections 39002, 40000, 40001, 40702, and 40752.

The February 15, 2000, Procedures and Guidelines specify that penalties shall be assessed for Minor Violations. However, District Rule 517 as amended by the Board of Directors on August 25, 2009, specifies that a Notice to Comply (warning) be the only means by which a Minor Violation shall be addressed.

The February 15, 2000, Procedures and Guidelines reference and incorporate California Health and Safety Sections that have since changed. The number of penalty weighting gravity factors has changed from ten to eight. The number of civil penalty Sections has changed from five to seven. Maximum penalty amounts for CH & SC Sections 42402.1, 42402.2 and 42402.3 have changed.

The revised Procedures and Guidelines include an optional online Compliance Training Course that first time violators may successfully complete as an alternative to paying all or part of a monetary penalty. The Bay Area Air Quality Management District utilizes a Compliance Training Course and has determined it to be over 96% effective. Fewer than 4% of violators that have completed the Compliance Training Course are cited for a subsequent violation.

The revised Procedures and Guidelines also include a Supplemental Environmental Project option. Violators will have the option of proposing and implementing an environmental project in lieu of paying a portion of a monetary penalty, subject to approval by the Air Pollution Control Officer. Examples of acceptable Supplemental Environmental Projects include paving unpaved roadways and contributing to the District's Wood Stove Replacement Incentive program.

**Action to be taken following Board approval:**

Air District staff to implement revised Procedures and Guidelines for Air Quality violations.

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