

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM

December 2, 2024

TO: FRAQMD BOARD OF DIRECTORS
FROM: Christopher D. Brown, AICP, APCO
SUBJECT: FFY 2023-2024 Compliance & Enforcement Program Update

RECOMMENDATION:

This is an “Informational Only” Item

PROGRAM HIGHLIGHTS:

822 inspections (89% of goal)

Compliance Rate (inspections that found no violations) 95%

129 Complaints from the public

70 Notices of Violation issued

34 Notices to Comply Issued

BACKGROUND:

The compliance division supports the mission of the District to promote and improve the air quality through inspections of permitted and non-permitted sources, complaint response, administration of the open burn program, and enforcement of local, state, and federal air quality regulations. Our goals are to provide sources with assistance in complying with air quality rules and regulations and when they cannot comply, to apply an appropriate level of enforcement action proportionate to the non-compliance.

The enforcement of air quality regulations must concentrate first on obtaining compliance and second, providing an effective deterrence for non-compliance. We are committed to fair, reasonable, and equitable treatment of all regulated sources. The compliance assistance activities include a full range of educational and technical assistance such as courtesy facility reviews, quick response from inspectors to inquiries, assistance in completing applications, and the distribution of self-inspection guidelines. We work with individual companies, industry

groups, trade associations, small business assistance programs, and green business programs to promote self-compliance with air regulations.

The District has three field-based inspection staff under the direction of the Compliance Supervisor that conducts the following:

1. manage the open burn permit program including inspections of open burn locations and allocating burn acres with reporting to state agencies,
2. inspect permitted and potential air pollution sources to verify compliance, investigate reported breakdowns, and review and report the Title V Full Compliance Evaluations,
3. inspecting and verifying compliance with the agricultural engine registration program,
4. enforce the State's Portable Equipment Registration Program (PERP),
5. enforce the State's specified Air Toxic Control Measures (ATCM's) including truck idling, naturally occurring asbestos (NOA), dry cleaning, chrome towers, and diesel engines,
6. enforce Memorandum of Understandings (MOU) with CARB regarding landfill gas and oil & gas,
7. oversee the implementation of the Prescribed Fire Information System (PFIRS) CAPCOA grant program, and
8. respond to citizen complaints about air pollution.

Compliance staff are responsible for seven Title V sources, 696 permitted sources, 938 open burn permits, and 300 agricultural engine registrations issued within the District. Each inspector specializes in specific industry groups when fully staffed such as power plants, auto-body shops, oil & gas production, and gas stations. Routine inspections help ensure emission reductions written into regulations are achieved in practice.

The current goal for the District is to inspect all source permits at least annually. Gasoline Dispensing Facilities (GDF) are generally inspected twice per year, once for source testing and once for compliance. Title V sources are inspected with a Full Compliance Evaluation (FCE) annually and are reviewed quarterly with Partial Compliance Evaluations (PCE). Agricultural engines are inspected upon registration and as needed. All rice burn permit locations are inspected prior to allowing open burning. Other burn permit locations are inspected as needed. All complaints are investigated promptly.

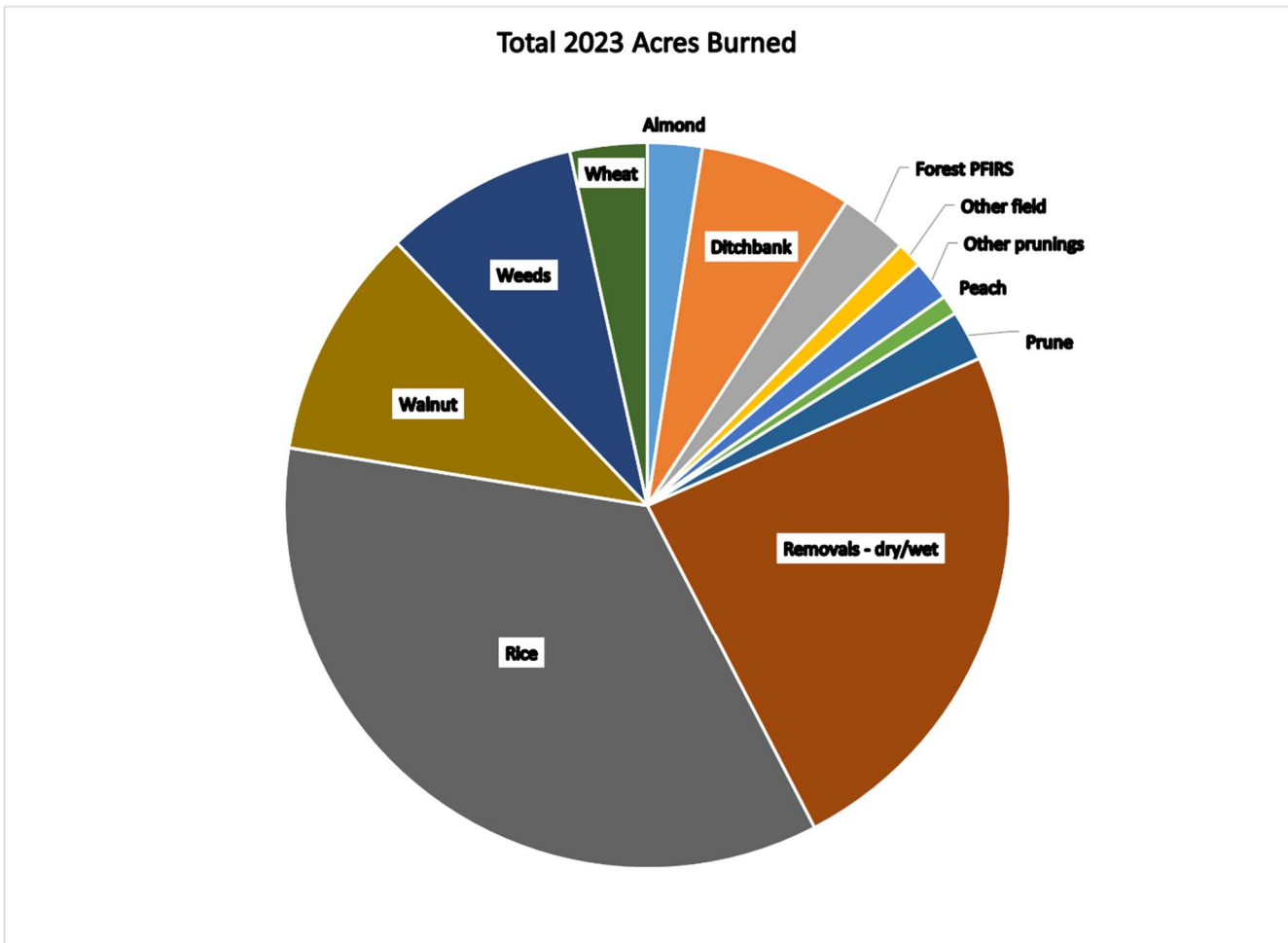
DISCUSSION

Open Burn Program

The open burn program is reported and tracked by calendar year. Below is data from the year 2023. The District does not currently permit residents for their disposal burning so long as there are no prohibited materials in their fires, and they follow the burn day and burn hours requirements for their area. Currently, recreational fires continue to be exempt from the open burning regulations.

The District has 938 active agricultural and nonagricultural burn permits in the District. Of these, 258 are rice grower permits. The current phase down for rice fields is at its maximum of 25% of the planted acres that can be burned. In 2023, the District logged 14,127.07 acres of vegetation burned. The highest percentage of crop types burned include rice, dry removals, ditch banks, and walnut crops. Table 1 shows a distribution of the crop types by percentage of total acres burned in 2023 for the top (greater than 100 acres) types.

Table 1 – Percentage of Crop Type Burned in 2023



The District continues to work closely with CalFire and their online permitting program for residents and agricultural permitted burners to receive their fire safety permits online. Fire safety permits are in addition to District permits for agricultural operations.

The intensive fall burn season is from about September 15th through the end of November or mid-December depending on the weather of each year. For the 2023 Intensive fall burn, Sutter County had 4,321.73 rice acres permitted to burn and burned 3,445 acres. Yuba County had 1,727.65 rice acres permitted to burn and burned 1,480.55 acres.

The District continues to pursue placement of additional monitoring stations in South Sutter County to aid in allocations. We have cleared purchase and placement in Robbins and Nicolaus and expect to have those monitors up and running soon.

Inspections

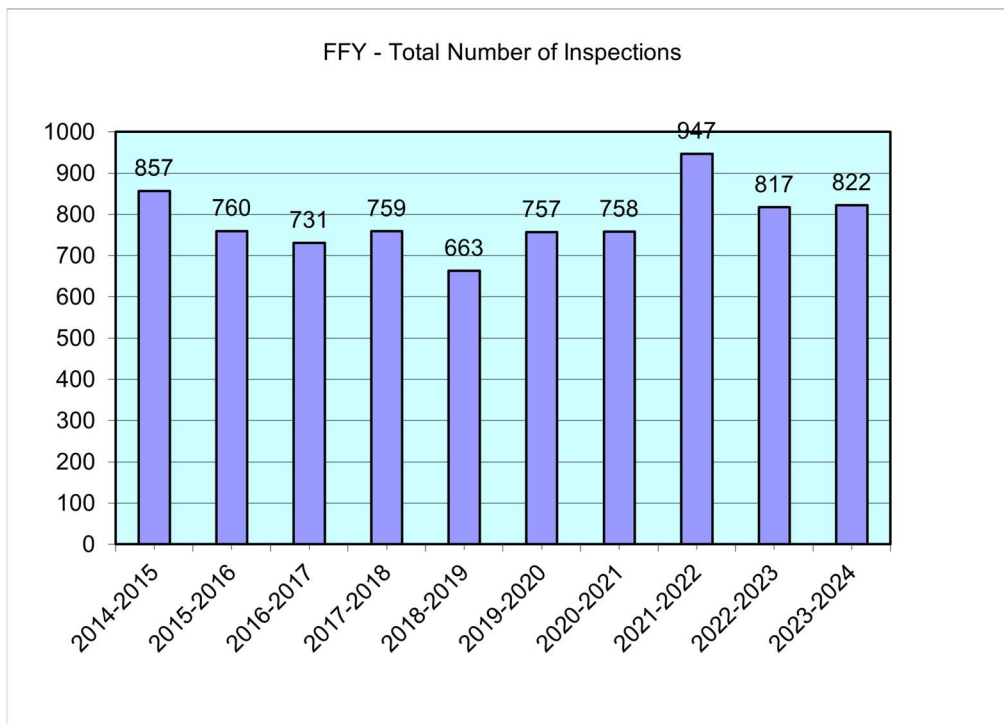
Table 2 summarizes District source inspection activities for October 2023 through September 2024. Compliance lost one staff member during the September-October period. One new staff member was onboarded in February of 2024. These staffing changes have resulted in us not meeting our goal of 100% being inspected for some source categories for the year. We were able to complete 89% of the annual inspections.

Table 2 – FFY 2023-2024 Inspection Total Summary

Inspection Type	OCT-DEC	JAN- MAR	APR-JUN	JUL-SEP	Year Totals
Annual	54	105	119	291	569
ATC to PTO	7	14	14	13	48
Complaint	0	0	0	0	0
Re-Inspection/Testing	45	62	56	42	205
Total Inspections	106	181	189	346	822

Table 3 shows inspection totals for the past ten federal fiscal years.

Table 3 – Inspection Totals by Year



In FFY 2023-2024, the District issued 28 NOV's, 4 NTC's, and 59 OSC's to permitted sources for documented alleged violations. The permitted source compliance rate for the 2023-2024 federal fiscal year is 97%.

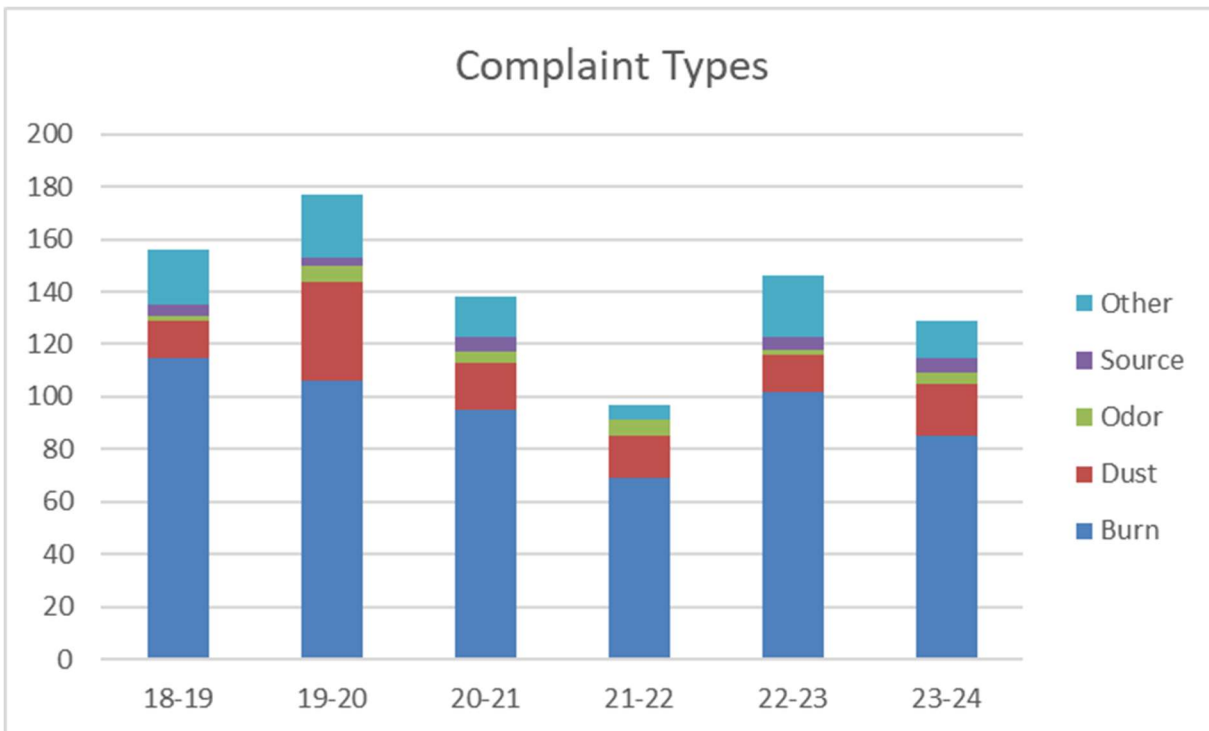
Complaints

In FFY 2023-2024, the District received and investigated 129 complaints, 29 of which were related to the same occurrence. Some complaints were determined to be either involving no air quality issues in the complaint, unidentifiable source of air quality problems, lack of identifying information, or the incident occurred in the past. Six complaints were related to a permitted source, and none were related to the agricultural engine program.

Eighty-five complaints were regarding smoke and/or illegal burning, 20 from dust, four from odors, and fourteen from other emissions, combination complaints, and/or non-emission sources. There are some data inconsistencies due to open complaints that are still being investigated and complaints involving multiple categories. We issued 28 NOV's because of the complaint investigations. No NOV's were issued at permitted sources because of a complaint. We issued no NTC's because of a complaint and 32 OSC's.

Table 4 summarizes complaint responses for the last six years.

Table 4 – Complaints over Last Six Federal Fiscal Years



Notices of Violations

The District evaluates permitted sources and the regulated community for compliance and determines the appropriate enforcement action for each alleged violation documented. Insignificant or minor violations may receive an On-Site Correction (OSC) or Notice to Comply (NTC) in accordance with adopted rules and guidelines. Emission violations may receive a Notice of Violation (NOV).

The District issued a total of 70 NOV's in FFY 2023-2024. We withdrew four NOV's due to evidence that no violation occurred. We did not dismiss any violations (0%) because of indicators like additional evidence, lack of strong evidence, unable to locate the alleged violator, and statute of limitations/stale cases. Table 5 summarizes historical NOV's issued by the District by category type.

Table 5 - NOV's Issued by Category

Type of Violation	2020	FFY 20-21	FFY 21-22	FFY 22-23	FFY 23-24
Burn	24	18	14	18	16
Dust	2	0	2	1	1
Odor	0	0	0	0	0
Throughput	7	9	4	4	11
Ag Registration	2	2	9	3	1
Source	14	32	22	42	41
Total	49	61	51	68	70

Settlements and Court Actions

We settled and closed a total of 23 NOV's. Six cases were settled and closed for non-monetary mitigation costs totaling \$5,195. Seven cases were entered into the Suspended Penalty Suspension Program, a Board approved probationary program for first-time violators with penalties suspended of \$8,592. Total penalties collected in FFY 23-24 were \$64,115.00. This is a result of our compliance activities to ensure the community is protected and to establish a good pattern of compliance.

Forty NOV's issued in FFY 23-24 are pending settlement and/or closure. Of these, one was referred to the Hearing Board for an Abatement Order and remains unresolved. Five are in the process of a counsel 10-day letter. Nine are in the process of being filed in court or have been filed in court with outside counsel.

The average penalties collected over the last ten years are \$260,619. This is due in large part to activities as reported for the FFY 2021-2022 year involving large cases. The average penalties when you remove this anomalous year is \$81,470 per year. The following table summarizes penalties collected during each federal fiscal year for the past ten years.

Table 6 – Ten Years Penalties Received



CONCLUSION

During the period of October 1, 2023, through September 30, 2024, Compliance has overcome staffing shortages to complete 89% of the permitted source inspections and demonstrated our sources are 95% compliant with the regulations. Burn complaints continue to dominate the complaint actions the District must respond to for the community. Violations are resolved effectively through the adopted Mutual Settlement Process and Board approved Penalty Suspension Program and when necessary, through the courts.

The District compliance and enforcement activities continue to support the district’s goals to promote and improve the air quality of Sutter and Yuba counties. Through monitoring, evaluation, education, by implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, and enforcement of air quality regulations, we strive to provide a level playing field and for our compliant entities and keep penalties fair and consistent.