

Sector: <b>S/05</b>
<b>APCD2024-SITE-04593</b>
<b>APCD USE ONLY</b>

# NOTICE OF VIOLATION

Date(s) of Violation Start: **07/31/2024** End: \_\_\_\_\_

Date of Report: **08/30/2024**

Name: **Veolia**

Phone: **619-662-7687**

Violation Location: **2995 Clearwater Way**

City: **San Diego**

Zip: **92154**

Specifically, the following violation(s) of the San Diego Air Pollution Control District rules and/or federal or State of California regulations have occurred: (abbreviations: H&S = Cal. Health & Safety Code; CCR=Cal Code of Regulations; NESHAP= National Emission Standards for Hazardous Air Pollutants, NSPS= New Source Performance Standard, R=Rule)

Cited Rule(s)/Regulation(s)	
Law Type:	District Rules
Category:	Public Nuisance
Section:	51
Rule Description:	Nuisance
Equipment Type:	[56A] Sewage Treatment Facility
Violation Type:	Other
Description Of Violation:	By discharging 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 endanger the comfort, repose, health or safety of such person or the public or which cause or have a natural tendency to cause injury or damage to business or property. Specifically, by allowing the discharge of untreated wastewater into the Tijuana River Valley, which created and continues to create odors that affect a considerable amount of people in the surrounding community.
Corrective Action Required:	Operate and maintain equipment in a manner that demonstrates compliance with public nuisance rules and regulations.
Law Type:	California HS&C
Category:	HSC Nuisance
Section:	41700
Rule Description:	Nuisance
Equipment Type:	[56A] Sewage Treatment Facility
Violation Type:	Other
Description Of Violation:	Same as above.
Corrective Action Required:	Same as above.

Pursuant to California Health and Safety Code section 42400 et seq., any person who violates any Order, Rule, or Regulation of the Air Pollution Control District is guilty of a MISDEMEANOR. Each day a violation occurs constitutes a separate offense.

**YOU MUST ADVISE THE DISTRICT IN WRITING, WITHIN TEN BUSINESS DAYS, OF THE ACTION TAKEN TO CORRECT ALLEGED VIOLATION(S) OR THE REASON(S) YOU BELIEVE THE VIOLATION(S) DID NOT OCCUR. PLEASE SEND YOUR RESPONSE TO THE AIR POLLUTION CONTROL DISTRICT, [apcdcomp@sdapcd.org](mailto:apcdcomp@sdapcd.org) or ATTENTION: COMPLIANCE DIVISION, 10124 OLD GROVE RD, SAN DIEGO, CALIFORNIA 92131-1649.**

Inspector Name: Ana Lazo Flores

Date: 08/30/2024 Time: 1:00 PM

Inspector Signature:

Received by: Mark Wippler

Title: Operations Manager

Email Address: Mark.Wippler@veolia.com

Date: 08/30/2024

Signature: Issued Electronically

**PLEASE SEE THE NEXT PAGE OF THIS FORM FOR INFORMATION ON CIVIL PENALTIES AND THE DISTRICT'S VIOLATION SETTLEMENT PROCESS.**

## **WHAT A "NOTICE OF VIOLATION" MEANS**

You have just received a NOTICE OF VIOLATION from the San Diego County Air Pollution Control District, a government agency responsible for air pollution control in San Diego County. A Notice of Violation is the District's claim that someone has violated the District's rules, state, and/or federal laws applying to air pollution. The District is authorized by state law to seek penalties for violations.

## **WHAT TO DO IF YOU RECEIVE A NOTICE OF VIOLATION**

If you receive a Notice of Violation, take IMMEDIATE action to prevent the violation from recurring. Each additional day of non-compliance may be considered an additional Violation.

ADVISE THE DISTRICT IN WRITING OF THE ACTION TAKEN TO CORRECT THE ALLEGED VIOLATION OR THE REASON(S) YOU THINK THE VIOLATION DID NOT OCCUR. SUBMIT YOUR RESPONSE WITHIN TEN BUSINESS DAYS OF THE DATE THE NOTICE OF VIOLATION IS ISSUED. MAIL YOUR RESPONSE TO: AIR POLLUTION CONTROL DISTRICT, ATTENTION: COMPLIANCE DIVISION, 10124 OLD GROVE RD, SAN DIEGO, CALIFORNIA 92131-1649, OR email to [APCDCOMP@sdcounty.ca.gov](mailto:APCDCOMP@sdcounty.ca.gov), ATTENTION: COMPLIANCE DIVISION.

If you need to continue using the equipment that is allegedly causing the violation, you may petition the Hearing Board for a VARIANCE. A variance allows you to legally operate the equipment causing the violation while you are working to correct the problem. The District does not grant variances, but it can tell you how to apply for a variance. Contact the District's Compliance Division at (858) 586-2650, if you wish to option this information. If you believe the equipment is not causing a violation and you continue to operate without a variance, penalties may be assessed for each day the District determines the equipment caused a violation.

## **HOW THE NOTICE OF VIOLATION WILL BE RESOLVED**

The District will review the information submitted in your written response to determine how to handle the alleged violation. If the District determines that a violation did not occur, the Notice of Violation will be dismissed. Where a violation is found to have occurred, the Notice of Violation is usually handled through the District's "Violation Settlement Program". A Notice of Violation could also result in civil or criminal prosecution.

### **VIOLATION SETTLEMENT PROGRAM**

If the District determines that a Notice of Violation should be handled through this program, a letter will be sent offering to settle the Notice of Violation. If there is not a response within 14 days, the violation may be referred for civil or criminal prosecution. The letter sent will usually require the payment of a penalty.

### **CIVIL PROSECUTION**

A Notice of Violation which is not resolved through the Violation Settlement Program may be referred for civil prosecution. If so, a lawsuit may be filed against you seeking maximum penalties for the violation. The maximum penalties established by the California Health and Safety Code range between \$5,000 and \$1,000,000 per day of violation, depending on the nature of the violation

### **CRIMINAL PROSECUTION**

In serious cases, a Notice of Violation may be referred for criminal prosecution. The maximum penalty established by the California Health and Safety Code is \$1,000 - \$1,000,000 per day of violation or up to one year in jail, or both.

**PLEASE SUBMIT ALL CORRESPONDENCE TO THE DISTRICT AT THE ADDRESS SHOWN ON THE FRONT OF THIS FORM. YOU MAY CALL (858) 586-2650 SHOULD YOU WISH TO CHECK THE STATUS OF YOUR VIOLATION.**