

Sector: S/05
APCD1980-SITE-02797
Fee Code:
APCD USE ONLY

NOTICE OF VIOLATION

Date(s) of Violation Start: **07/12/2020** End: _____ Date of Report: **07/13/2020**

Name: **Commander Navy Region Southwest** Phone: **619-556-0995**

Violation Location: **32nd St & Harbor Dr** City: **San Diego** Zip: **92136**

Specifically, the following violation(s) of the San Diego Air Pollution Control District rules and/or laws of the State of California has occurred: (abbreviations: H&S = Cal. Health & Safety Code; CCR=Cal Code of Regulations; R=Rule)

Section(s)/Rule(s)	Description of Violation
Law Type: District Rules Category: Public Nuisance Section: 51	For creating a public nuisance by producing smoke and odors from a fire on the USS Bonhomme Richard at Naval Base San Diego.
Law Type: California HS&C Category: HSC Nuisance Section: 41700	For creating a public nuisance by producing smoke and odors from a fire on the USS Bonhomme Richard at Naval Base San Diego.
Law Type: District Rules Category: Visible Emissions Section: 50(d)(1)	For discharging into the atmosphere air contaminants for periods aggregating more than three minutes in any period of 60 consecutive minutes which is darker in shade than Number 1 on the Ringelmann Chart (20% Opacity). Specifically, on 7/13/2020 the SDAPCD documented 40 smoke opacity readings during a period of 60 consecutive minutes from the USS Bonhomme Richard above the 20% opacity limit. The readings ranged from 40% to 90% opacity.

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@sdcounty.ca.gov or ATTENTION: COMPLIANCE DIVISION, 10124 OLD GROVE RD, SAN DIEGO, CALIFORNIA 92131-1649.

Inspector Name: **Nicholas McCormick** Date: **07/13/2020** Time: **5:30** **PM**

Inspector Signature:

Received by: **Nicholas Popaditch**

Title: **Environmental Engineer**

Email Address: **nicholas.a.popaditch@navy.mil**

Date: **07/13/2020**

Signature: **Issued Electronically**

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, 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 will be filed against you seeking maximum penalties for the violation. The maximum penalties established by the California Health and Safety Code range between \$1,000 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.