

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

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Topic: Ambient Monitoring Violations

Distribution: All Policy Holders

This policy and procedure provides guidance in the issuance of Notices of Violation (NOVs) pertaining to the collection of ambient air quality monitoring data. The discussion is divided into pre-construction monitoring, construction, post-construction/operation monitoring, and enforcement action.

POLICY:

PRE-CONSTRUCTION MONITORING

NOVs are not issued for deficiencies in the collection of pre-construction monitoring data because there is no permit on which the violation can be based. A permit application which is submitted without monitoring data required by District Rules will be deemed incomplete, until the required data-set is approved.

CONSTRUCTION, POST-CONSTRUCTION/OPERATION MONITORING

For construction and post-construction/operation monitoring, five circumstances identified below are violations of the operating permit conditions. These five circumstances are described in detail in the Air Quality and Meteorological Monitoring Protocol for Santa Barbara County, California (Protocol). For guidance regarding the application of Protocol requirements in permit conditions, see Santa Barbara County Air Pollution Control District Policy & Procedure 1100.088, "Protocol Development."

1. Excessive Downtime - excessive downtime is defined as a calendar month during which minimum monitoring data recovery criteria (as defined below and in the Protocol) are not met, unless otherwise specified in the permit.

At least 80% of the air quality and 90% of the meteorological total number of respective data points possible for a given month must be valid. Data recovery determination is calculated as specified in the Protocol. Should monthly data recovery rates fall below those specified above, regulatory relief consistent with the provisions of District Rule 505 may be available for instrument related failure or malfunction which results in decreased data recovery if the failure or malfunction:

- A. Is not the result of neglect or disregard of District rules,
- B. Is not the result of any negligent act or omission,
- C. Is not the result of improper maintenance,
- D. Is not recurrent.

If a permit holder wants to seek regulatory relief provided for in Rule 505, they must use the following procedure:

- A. Notify the District via Monitoring Breakdown Voice Mail Message, providing all information requested in the message.
- B. Within one week after a breakdown occurrence has been corrected submit a written report which describes the reasons or causes of the occurrence and the corrective measures taken to avoid recurrent breakdowns of this type.

Each day the Clerk Typist III assigned to the Monitoring Section will review the monitoring breakdown messages and transfer the information into the Monitoring Breakdown Log Book. Breakdown conditions not called into the District pursuant to the requirements of Rule 505 and/or not documented in a written breakdown report will not qualify for regulatory relief under Rule 505.

Data recovery rates for all parameters are reviewed by the air quality specialist assigned to the project. If the data recovery rates fall below the standards required in the approved monitoring plan, the District will review all information submitted by the permit holder and determine if conditions claimed by the permit holder qualify as breakdown conditions as described in Rule 505. Consistent with section E. of Rule 505, the burden shall be on the permit holder to provide sufficient information to demonstrate that the condition which caused the loss of data meets the definition of breakdown. Inadequate data recovery rates not attributed to a valid breakdown will be referred to RCD for appropriate enforcement action.

IMPORTANT:

For any failure or malfunction of monitoring equipment which will result in the loss of over 96 hours of data for the reporting month, regulatory relief may be secured only by acquisition of a variance from the Air Pollution Control Hearing Board.

- 2. **Unapproved Decommissioning of Monitoring Stations** - Failure of permit holders to notify the District, or call in a breakdown, and/or obtain written approval of a permit modification, and/or obtain a variance from the Hearing Board, prior to decommissioning any monitoring station or monitoring activities stipulated by a permit condition will result in enforcement action.
- 3. **Late Data Submittals** - A late data submittal is defined as any data submittal, including monthly reports, responses to District comments, and any other monitoring data submittals required by the District, that are received by the District after the due

dates specified by the project's Monitoring Plan, District protocol, permit, or variance, unless written deadline extension approval is obtained. (See Santa Barbara County Air Pollution Control District Regulatory Compliance Division Policy and Procedure V.F, "Granting Extensions to Administrative Deadlines").

4. **Failure to Monitor During Actual or Probable Pollution Exceedances of Ambient Air Quality Standards**

Exceptions to this condition are:

- A. A breakdown condition, as defined in District Rule 505.A, is granted for either an entire monitoring station or an analyzer, or
- B. An emergency or other variance has been granted by the Hearing Board, as defined in the procedures in Regulation V, or the State Health and Safety Code, Section 42350 et seq.

For these exceptions to apply, all provisions required to qualify as a Breakdown, must have been met.

5. **Failure to Operate in Accordance with the Project Site Monitoring Plan and QA/QC Manual as Stipulated in the Project Permit**

Some examples include:

- A. Failure to perform required quality assurance and quality control procedures on all analyzers and sensors as specified in the approved monitoring plan or QA/QC manual
- B. Failure to submit all required digital and hard copy data and information
- C. Unapproved relocation of monitors including collocated samplers, or substitution of unapproved monitoring equipment

ENFORCEMENT ACTION

If the air quality specialist assigned to the project determines that the ambient monitoring data submitted by a permit holder is deficient as described in any of the items 105 above, the following procedure will apply:

- 1. If it is the first ambient monitoring violation for this permittee, the "First Ambient Air Quality Monitoring Deficiency Violation Settlement Letter," will be sent to an applicant. (See attached form letter.)
- 2. For all subsequent violations, an NOV Action Form will be completed by the air quality specialist and submitted to the applicable Regulatory Compliance Division Project Manager for processing. The air quality specialist will also supply, with the NOV Action Form, copies of all background information and correspondence used to determine the non-compliance status.

The "First Ambient Air Quality Monitoring Deficiency Violation Settlement Letter" should document the following:

1. A description of the monitoring violation or deficiency
2. Identification of the situation/circumstances as a violation of the monitoring plan and applicable ATC/PTO permit conditions and Rule 205.C.
3. A statement that is District Policy to settle first time ambient monitoring violations for \$0.00.
4. A statement that the violation will be considered as the first ambient monitoring violation in the disposition of all future such violations.
5. cc: Mutual Settlement Coordinator
Project Manager
Enforcement Supervisor
RCD Chron File

Date

Applicant Name
Applicant Address
Santa Barbara, CA 93117

Dear Applicant:

This, First Ambient Air Quality Monitoring (AAQM) Deficiency Violation Settlement Letter, documents the District finding that _____ failed to meet:

- minimum data recovery rates for ambient air quality or meteorology parameters for the _____ monitoring month; and/or
- required quality assurance/quality control monitoring procedures;

required by the applicable Monitoring Plan, QA/QC Documents, and Condition _____ of Permit #_____. This failure to meet monitoring requirements stipulated in Permit #_____ is a violation of District Rule 205.C.

It is District policy that first time ambient air quality monitoring deficiency violations are settled without monetary penalty, therefore, no further action will be taken on this matter. However, this violation will be considered as a first of this type when determining the disposition of any future such violations.

If you have further questions regarding this matter, please call _____ at 961-_____.

Sincerely yours,

(Manager)
Regulatory Compliance Division

cc: RCD Enforcement Supervisor
Project Manager
Mutual Settlement Coordinator
RCD Chron File

