



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

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List of Potential Violations and Associated Penalties

California Health & Safety Code Section 42409. Every district shall publish in writing and make available to any interested party a list which describes potential violations subject to penalties under this article. The list shall also include the minimum and maximum penalties for each violation which may be assessed by a district pursuant to this article.

Any violation of a Great Basin Unified Air Pollution Control District rule or permit condition may be subject to civil penalties. This summary of civil penalties is in accordance with California Health and Safety Code (CH&SC) wherein the maximum civil liability for air violations is established. The CH&SC establishes penalties per day per violation.

The District's Mutual Settlement Program has set minimum penalties for first violations at \$500, second violations at \$750 and third violations at \$1,000.

The following is a summary of the maximum liabilities for various categories of violations as set forth in the CH&SC:

- \$1,000 per day is the maximum liability for air quality violations with "strict liability." This includes violation of any provision of the CH&SC, and any rule, regulation, permit or order of the state board or the district. It does not matter if there were emissions or any intent to violate the law.
- \$10,000 per day is the maximum liability for any strict liability violation; the violator can establish that the violation was not the result of intentional or negligent conduct.
- \$10,000 per day is the maximum liability for a violation of any measure or order imposed by the District to the City of Los Angeles pursuant to CH&SC Section 42316 (SB 270).
- \$15,000 per day is the maximum liability for any person who owns or operates any source of emission contaminants in violation of HSC Section 41700 that causes actual injury.
- \$25,000 per day is the maximum liability for the negligent emission of an air contaminant in violation of state law, any rule, regulation, permit or order of the state board or the district. This covers any violation due to careless, inattentive, or inadvertent release of air pollutants.
- \$25,000 per day is the maximum liability for the operation of any source of air contamination in violation of state law, any rule, regulation, permit or order of the state

board or the district which causes actual injury to a considerable number of persons or the public.

- \$35,000 per day is the maximum liability for the falsification of any document required to be kept pursuant to any rule, regulatory permit, or order of state or District boards.
- \$40,000 per day is the maximum liability for the negligent emission of an air contaminant in violation of state law, any rule, regulation, permit or order of the state board or the district when the violator knew of the emission, but failed to take corrective action.
- \$75,000 per day is the maximum liability for an intentional and willful emission of an air contaminant in violation of state law, any rule, regulation, permit or order of the state board or the district.
- \$100,000 per day is the maximum liability for any person who negligently emits an emission contaminant in violation of HSC Section 41700 that causes great bodily injury to any person or causes the death of any person.
- \$125,000 per day is the maximum liability for any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury to, or the death of, any person, emits an air contaminant in violation of HSC Section 41700 that results in an unreasonable risk of great bodily injury to, or death of, any person. If the violator is a corporation, the maximum penalty may be up to five hundred thousand dollars (\$500,000).
- \$250,000 per day is the maximum liability for any person who owns or operates any source of emission contaminants in violation of HSC Section 41700 that causes great bodily injury to any person or causes the death of any person, and knew of the emission, but failed to take corrective action in a reasonable time.
- \$250,000 per day is the maximum liability for any person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury to, or the death of, any person, emits an air contaminant in violation of HSC Section 41700 that causes great bodily injury to, or death of, any person. If the violator is a corporation, the maximum penalty may be up to one million dollars (\$1,000,000).