

**Placer County APCD**  
**List of Potential Violations Subject to Civil Penalties**  
**(Per Health and Safety Code 42409)**

In accordance with Rule 803, Penalties, any violation of any order, permit, rule, regulation, requirement, condition, or obligation imposed by the Placer County Air Pollution Control District, and any order, permit, rule, regulation, requirement, condition, or obligation imposed by the State Board or the US EPA which the District is empowered to enforce, may be subject to administrative civil penalties or civil penalties that are sought by the District through a mutual settlement process.

In lieu of mutual settlement penalties that may be sought by the District, a civil or criminal complaint action may be brought pursuant to California Health and Safety Code, Division 26, Part 4, Chapter 4, Article 3. Penalties (commencing at section 42400, et. seq.) by a District Attorney or by an attorney for a District, or by the Attorney General on behalf of a District or on behalf of the State Board. Actions may also be brought by the U.S. Attorney for violations of federal air pollution control law.

In addition to any civil or criminal penalty allowed by law, or in lieu of mutual settlement negotiations, the District may impose an administrative civil penalty for violations in accordance with Health and Safety Code Section 42402.5 and District Rule 806, Administrative Civil Penalties, of up to \$500 for each violation.

The following is a summary of the maximum liabilities for various categories of violations that the District may attempt to settle through a negotiated, mutual settlement, process in accordance with Health and Safety Code Section 42403 (the minimum penalty that may be assessed is zero dollars):

- \$1,000 per day is the maximum liability for air quality violations with "strict liability." This includes violation of any provision of the California Health and Safety Code, any District rule, order, or permit. 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, unless 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 an emission violation that causes actual injury to the health and safety of a considerable number of persons or the public.
- \$25,000 per day is the maximum liability for the negligent emission of an air contaminant (HSC 41700). This covers any violation due to careless, inattentive, or inadvertent release of air pollutants.
- \$25,000 per day is the maximum liability for the intentional violation of any order of abatement issued by the District Hearing Board or the State Board.

- \$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 the State or District boards.
- \$40,000 per day is the maximum liability for the negligent emission of an air contaminant when the violator knew of the emission, but failed to take corrective action in a reasonable period of time.
- \$75,000 per day is the maximum liability for the willful and intentional emission of an air contaminant that results in a violation.
- \$100,000 per day is the maximum liability for the negligent emission of an air contaminant (HSC 41700) that causes great bodily injury.
- \$125,000 per day is the maximum liability for the emission violation (HSC 41700) that is willful and intentional, or with reckless disregard for the risk of great bodily injury, or death of, any person, and that results in an unreasonably risk of great bodily injury or death. If the violator is a corporation the maximum daily penalty is \$500,000.
- \$250,000 per day is the maximum liability for the emission of an air contaminant when the violator knew of the emission, failed to take corrective action in a reasonable period of time, and the emission resulted in great bodily injury.
- \$250,000 per day is the maximum liability for the emission violation (HSC 41700) that is willful and intentional, or with reckless disregard for the risk of great bodily injury, or death of, any person, and that causes great bodily injury or death. If the violator is a corporation the maximum daily penalty is \$1,000,000.