



## **FACT SHEET**

# **Nuisance Complaint Program**

### **What is an air quality complaint?**

An air quality complaint is a formal complaint about a nuisance or annoyance concerning emissions of air contaminants including smoke, dust, and odors.

### **What prohibits causing a public nuisance?**

California Health and Safety Code [ <http://www.arb.ca.gov/bluebook/bluebook.htm> ] Section 41700 states that no person can discharge air contaminants that cause injury, nuisance or annoyance to any considerable number of persons or the public, or discharge air contaminants that endanger the comfort, health or safety of such persons. If a business violates this prohibition or any other air quality requirement, the District may issue a Notice of Violation to the business. If a Notice of Violation is issued, the business must take action to correct the violation and pay a monetary penalty to the District. Penalties are determined in accordance with Health and Safety Code Sections 42400 - 42403.

### **How do I report an air quality complaint?**

When an air quality problem is observed at a stationary source (business, government or military), please call (858) 586-2650 or e-mail a completed [Nuisance Complaint Form](#) to [apcdcomp@sdcounty.ca.gov](mailto:apcdcomp@sdcounty.ca.gov). You will need to provide the following information:

- Your name, address, and telephone number
- The time and date the air quality incident occurred and whether it is still continuing
- The nature of the air quality complaint (smoke, dust, odor, or other)
- The name and address of the alleged source and the type of operation causing it, if known

Complaint information is forwarded to a District inspector; as soon as possible; for investigation and resolution. However, complaints received outside of normal business hours may be dispatched to an inspector the next business day.

### **Do I have to identify myself when I call the District to report an air quality complaint?**

The District always encourages people reporting air quality problems to provide their name, address, and telephone number. This information helps District inspectors verify complaint information, including any prior history of air quality problems involving the alleged source, and allows them to inform complainants of the status of complaint investigation activities. District policy strictly prohibits the release of any information that would identify a complainant to an alleged source or to any other non-District personnel without their consent. Information about your complaint will be kept confidential, except where required in litigated matters.

### **How are air quality complaints handled?**

Whenever possible, an inspector will contact a complainant by telephone to determine the cause of the complaint and the nature and source of the alleged air quality problem. At this time, the inspector obtains or verifies the following information:

- The name and location of the alleged source, if known
- The frequency of annoyance or occurrence of the smoke, dust, or odor that is causing the complaint

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- The time of day the air quality problem was first noticed
- The duration of the air quality problem at each occurrence
- The names and addresses of other persons affected, if available
- The location and extent of property damage
- A description and frequency of any illness alleged to have resulted from the air contaminants
- A description of odors, if any
- Any other information the complainant may have that will relate the air quality problem to a specific source, operation, or piece of equipment

The inspector then locates and verifies the alleged source causing the complaint. Once the source is located, the inspector will inform the source of the complaint (maintaining confidentiality) and conducts a facility inspection to determine the cause of the air quality problem and the source's compliance status.

The inspector documents the findings of the inspection and issues Notices to Comply/Notices of Violation for any observed violations of air quality requirements. The inspector also informs the source of the suspected cause of the complaint and what steps can be taken to address the problem.

After the investigation, the inspector contacts the complainant to discuss the findings. This will be done within 10 days of completion of the investigation. The complainant is advised to report any additional instances as they happen.

### **Who can I call for more information?**

For more information, contact the Compliance Division at (858) 586-2650.