



Air Pollution Control Board
Greg Cox District 1
Dianne Jacob District 2
Pam Slater District 3
Ron Roberts District 4
Bill Horn District 5

Air Pollution Control District
R. J. Sommerville Director

COMPLIANCE ADVISORY

Notice of Adoption of Rule 6 Minor Violations

On December 15, 1999, the Air Pollution Control District (District) adopted new Rule 6, Minor Violations. Rule 6 implements state law (California Health and Safety Code §39150) requiring air districts to adopt a rule classifying certain types of violations as minor violations after considering the magnitude and severity of the violation and the degree to which the violation puts human health, safety or welfare, or the environment in jeopardy.

Rule 6 classifies specific administrative and de minimis emission violations as minor violations provided there are no prior violations of the same or similar nature occurring within the previous 36 months or last three inspection cycles, whichever occurs first. The District may also elect to classify other de minimis emission violations as minor violations on a case-by-case basis, subject to the limitations of state law and Rule 6. A Notice to Comply is issued for a minor violation and there are no civil, criminal, or administrative penalties associated with the Notice to Comply if the violation is corrected within the specified time period. A table listing all the minor violations specified in the rule is attached to this advisory.

Chronic violations or violations committed by a recalcitrant violator are not eligible for a Notice to Comply. Also, businesses which benefit economically due to a violation or cause a public nuisance are not eligible for a Notice to Comply. Rule 6 provides an appeal process if a person disagrees with one or more of the alleged violations cited in a Notice to Comply. The person may appeal the Notice to Comply by giving written notice to the Air Pollution Control Officer.

A copy of Rule 6 is available by contacting the District at (858) 694-3307 or visiting the District's web site at www.sdapcd.co.san-diego.ca.us under Rules and Regulations/Advisory. For more information, please call the District's Compliance Division at (858) 694-3340.

OVER

TABLE A
MINOR VIOLATIONS ELIGIBLE FOR A NOTICE TO COMPLY

Rule 10 and/or permit conditions applying to: • Failure to have an Authority to Construct or Permit to Operate when there has been no prior permitting experience. • Failure to post or renew the permit. • Failure to apply for a change of location or ownership.
Rule 67.17 and/or permit conditions applying to: • Open VOC containers not greater than five gallons or greater than five gallons with an opening not more than three inches in diameter. • Containers used to store cloths (paper or fabric) containing organic solvent left uncovered.
Rule 67.6 and/or permit conditions applying to: • Failure to properly mark the maximum allowable solvent level for dip tanks provided they meet the freeboard requirements. • Cold solvent cleaners left uncovered when not in use. • Failure to label solvent cleaners with operating instructions. • Cold solvent cleaners with solvent levels less than two inches above the maximum fill line.
Recordkeeping: • Recordkeeping requirements provided the violation does not prevent a compliance determination of other applicable requirements.
The following operational, administrative or procedural requirements: • Failure to register and/or test circulating water for cooling towers. • Failure to notify the District of an intent to relocate portable equipment provided New Source Review thresholds are not exceeded. • Failure to have an air cap pressure gauge or other measuring requirements for high volume-low pressure (HVLP) application equipment on site. • HVLP equipment operating at a pressure greater than 10 psig but less than 30% above HVLP operating limits. • Breakdown notifications made after two hours but less than four hours after breakdown detection. • Roofing kettle temperature not greater than 10° F above the allowable operating temperature specified on the permit. • Inoperative temperature, pressure, and/or flow gauges provided compliance can still be determined.
Rules and/or permit conditions applying to dry cleaning facilities: • Failure to have training certificates for the currently trained (or previously employed) operators or manufacturer's operating manuals. • Failure to perform and/or record operation and maintenance, leak check and/or inspection checklist requirements. • Failure to meet annual reporting and/or trained operator replacement notification requirements.
Rules and/or permit conditions applying to gasoline dispensing facilities: • Failure to adequately post instructions or Air Resources Board (ARB) phone numbers. • Inability to provide access to the dispenser. • Missing identification and/or certification tags on nozzles. • Failure to install the Healy monitor in view of the cashier. • The following failures of a Healy monitor: light burned out, out of paper for no more than 24 hours, light indicates a vacuum failure when the District verifies the magnehelic gauge shows the proper vacuum level.
Fugitive leaks of particulate matter: • Fugitive leaks of particulate matter falling immediately to the ground from cuts, slits, or cracks which are less than two inches in length in processing equipment or ducting provided such leaks are contained within an enclosed building and Rule 50 is not violated.
Failure to comply with any applicable requirements: • Failure to comply with any applicable requirements which results in administrative, procedural, or de minimis emissions as determined by the District.