



Air Pollution Control District
San Luis Obispo County

VIA EMAIL and CERTIFIED MAIL

June 12, 2017

Mathew Fuzie
Deputy Director, OHMVR Division
California Department of Parks and Recreation
1725 23rd Street, Suite 200
Sacramento, California, 95816

SUBJECT: San Luis Obispo County APCD Notice of Violation Number 2963

Dear Mr. Fuzie:

Enclosed please find San Luis Obispo County Air Pollution Control District Notice of Violation Number 2963, issued for failure to comply with District Rule 1001, Coastal Dunes Dust Control Requirements and Rule 402, Nuisance as follows:

Rule 1001, Sections C.2, F.1.f and F.1.g

Failure to maintain and operate a control site monitor, and Section C.3 for exceeding the PM10 concentration limits.

Rule 402

Discharging or allowing the discharge of quantities of air contaminants (Particulate matter) which has caused injury, detriment, nuisance or annoyance to a considerable number of persons or to the public.

Please advise the Air Pollution Control Officer in writing on or before June 26, 2017, of corrective action taken and measures taken to prevent further violations of this type. Upon receipt of your response the District will contact you regarding settlement of this violation.

If you have any questions or need additional information, please contact me at (805) 781-5912. Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Larry R. Allen", with a long horizontal flourish extending to the right.

Larry R. Allen
Air Pollution Control Officer

cc: Ray Biering, APCD Counsel
Ellen Peter, CARB Chief Counsel
Nicholas Rabinowitsh, CARB Staff Counsel

H:\OIS\ENFORCE\LETTERS\NOV\2963OHMVR.docx



**SAN LUIS OBISPO COUNTY
AIR POLLUTION CONTROL DISTRICT**

3433 Roberto Court • San Luis Obispo, CA 93401
(805) 781-5912 • FAX: (805) 781-1002 • website: slocleanair.org

NOTICE OF VIOLATION

№ 2963

Name Cal. Department of Parks and Recreation - OHMVR Div. Telephone (916) 324-4442
Address 1725 23rd Street, Ste. 200, Sacramento, CA 95816
Re Premises or Operations at Oceano Dunes SVRA, Oceano, CA

You are hereby notified that pursuant to:

- Rule 202, H&SC 42300
(No Permit/Authority to Construct)
- Rule 401, H&SC 41701
(Visible Emissions)
Opacity/Ringlemann _____ %/##
- Rule _____ H&SC _____
- Rule 206, H&SC 42301
(Failure to meet permit conditions)
- Rule 402, H&SC 41700
(Public Nuisance)
- Rule 701, 40 CFR, Part 61
(NESHAPS - Asbestos)
- Rule 1001-Coastal Dunes Dust Control Requirements

An offense has been committed through the failure to comply with sections C.2, F.1.f, F.1.g and C.3 of District Rule 1001, and the creation of a public nuisance in violation of District Rule 402.

Point of observation Oso Flaco Air Monitoring Site
Weather N/A Wind N/A
APCD Permit to Operate Number N/A
Emissions from: Basic Control Open Fire _____
Was source emitting in violation at end of observation? Yes No

Issued by Dora K. Quejfe Date June 12, 2017
Time: Arrival N/A Departure N/A Issued by Certified Mail

Violation Date(s): December 15, 2016 - March 24, 2017; ongoing nuisance events noted.

Please advise the Air Pollution Control Officer in writing by June 26, 2017 of corrective action on this violation and measures taken to prevent further occurrences. Your response does not preclude further legal action.

Served to Mathew Fuzie Title Acting Dep. Director

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT:
sent via e-mail and certified mail.
Signature _____ Date _____



**SAN LUIS OBISPO COUNTY
AIR POLLUTION CONTROL DISTRICT**

3433 Roberto Court • San Luis Obispo, CA 93401

(805) 781-5912 • FAX: (805) 781-1002

website: slocleanair.org

What will happen once you have received a
NOTICE OF VIOLATION?

A NOTICE OF VIOLATION IS HANDLED BY THE DISTRICT IN ONE OF THREE WAYS:

- 1) **MUTUAL SETTLEMENT:** The Mutual Settlement Program is designed to eliminate litigation for companies and individuals who rarely violate the District rules and who have corrected the problem before any action has been brought by the District. If a mutual settlement is sought you will be notified by mail generally within one month of receiving a Notice of Violation, after your notification to the District of corrective action on the violation and measures taken to prevent further occurrences.
- 2) **CIVIL ACTION:** In some cases a civil action is filed by the District. If a civil action is filed, you may be found liable for up to \$50,000 per day per violation (Health and Safety Code Section 42402.3). A civil action is usually brought within six months after the Notice of Violation is issued.
- 3) **CRIMINAL PROSECUTION:** If a criminal action is filed, the case is referred to the District Attorney for prosecution. At this point, the case is out of the District's hands. All fines are determined by the court system with a maximum fine of \$50,000 per day and/or one year in jail for each violation (Health and Safety Code Section 42400.3). Typically you will receive a notice of criminal complaint within ninety days of receiving the Notice of Violation. If a criminal case is filed against you, you will be required to make an appearance for arraignment to make a plea of guilty, not guilty, or nolo contendere. **IF YOU HAVE ANY QUESTIONS CONCERNING PENALTIES OR PROCEDURES, YOU SHOULD SEEK THE ADVICE OF YOUR ATTORNEY.**