

Generalized Penalty Amounts 2023

Please Note: The penalty amounts listed herein are generalized and may not represent the potential penalty imposed in any particular situation. All penalties are subject to the enforcement discretion of the Air Pollution Control Officer taking into account the factors as listed in Health & Safety Code 42403.

Maximum Penalty amounts are increased annually based on California CPI per Health & Safety Code Section 42411. ¹

General Violation Types			
	H&S Code Section	Maximum Penalty² (Per day/ Per violation)	Designated Minimum Penalty³ (Per day/Per violation)
Abatement Order: A violation of any term of an abatement order as issued by the District's Hearing Board.	42401	\$29,275.00	\$5,000.00
Asbestos Notification: Failure to file or failure to comply with dates listed on Renovation/Demolition Notification where no asbestos is present.	42402	\$5,855.00	\$1,000.00
Minor Violations - Small Company (Eligible for SBA loans): Violations meeting criteria of Rule 112.	42402	\$5,855.00	\$1,000.00
Minor Violations - Other Company (Not eligible for SBA loans): Violations meeting criteria of Rule 112.	42402	\$5,855.00	\$2,500.00
Strict Liability - Non Title V Facility: For violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders).	42402(a)	\$5,855.00	\$1,000.00
Strict Liability - Non Title V Facility: For violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) <u>where affirmative defence of "non-negligent/non-intentional" violation has not been asserted.</u>	42402(b)(2)(A)	\$11,710.00	\$5,000.00
Strict Liability - Title V Facility: For violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) which are not listed above.	42402(b)(2)(B)	\$11,710.00	\$10,000.00
Nuisance - Actual Injury: Violation of District Rule 401 or Health & Safety Code 41700 causing Actual Injury	42402(c)	\$17,565.00	\$10,000.00
Negligent Emission of Air Contaminant: For negligent emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) which are not listed above (H&S Code 42402.1(a))	42402.1(a)	\$29,275.00	\$5,000.00
Negligent Emission of Air Contaminant - Nuisance Great Bodily Injury/Death: Negligent violation of District Rule 401 or Health & Safety Code 41700 causing great bodily injury or death.	42402.1(b)	\$117,100.00	\$50,000.00
Knowing Emission of Air Contaminant - Failure to Correct: For known emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where corrective action was not taken in a reasonable period of time (H&S Code 42402.2(a))	42402.2(a)	\$46,840.00	\$40,000.00

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	H&S Code Section	Maximum Penalty ² (Per day/ Per violation)	Designated Minimum Penalty ³ (Per day/Per violation)
Knowing Emission of Air Contaminant - Failure to Correct, Nuisance Great Bodily Injury/Death: For known emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where corrective action was not taken in a reasonable period of time and caused great bodily injury or death (H&S Code 42402.2(b))	42402.2(b)	\$292,750.00	\$250,000.00
Willful/Intentional Emission of Air Contaminant: For willful and/or intentional emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) (H&S Code 42402.3(a))	42402.3(a)	\$87,825.00	\$75,000.00
Willful/Intentional Emission of Air Contaminant - Nuisance, reckless disregard, unreasonable risk: For willful and/or intentional emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where there is a reckless disregard that results in unreasonable risk of great bodily injury or death (H&S Code 42402.3(b))	42402.3(b)	\$146,375.00	\$125,000.00
Willful/Intentional Emission of Air Contaminant - Nuisance, reckless disregard, unreasonable risk by corporation: For willful and/or intentional emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where there is a reckless disregard that results in unreasonable risk of great bodily injury or death (H&S Code 42402.3(b))	42402.3(b)	\$585,500.00	\$500,000.00
Willful/Intentional Emission of Air Contaminant - Nuisance, reckless disregard, great bodily injury/death: For willful and/or intentional emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where there is a reckless disregard that results in great bodily injury or death (H&S Code 42402.3(c))	42402.3(c)	\$292,750.00	\$250,000.00
Willful/Intentional Emission of Air Contaminant - Nuisance, reckless disregard, great bodily injury/death by corporation: For willful and/or intentional emissions violations of Health & Safety Code Division 26, Part 4; CARB rule, regulation, permit or order issued pursuant to Health & Safety Code Division 26, Part 1 or Part 4; District rule, regulation permit or orders (including Hearing Board Orders) where there is a reckless disregard that results in great bodily injury or death (H&S Code 42402.3(c))	42402.3(c)	\$1,171,000.00	\$1,000,000.00

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	H&S Code Section	Maximum Penalty ² (Per day/ Per violation)	Designated Minimum Penalty ³ (Per day/Per violation)
Specific Violation Types			
Change of Owner: Failure to file application for change of owner.	42402	\$5,855.00	\$1,000.00
Dry Cleaner: Record keeping violations including but not limited to certification issues with no evidence of excess emissions.	42402	\$5,855.00	\$1,000.00
Gas Station: Record keeping violations with no evidence of excess emissions.	42402	\$5,855.00	\$1,000.00
Gas Station: 10 day Testing Notification not received; Pass/Fail results not received within 30 days. ⁴	42402	\$5,855.00	\$250.00
Gas Station: Testing performed before notified time; Tests other than those noticed performed. ⁴	42402	\$5,855.00	Repeat test. Renotify if test not noticed.
Gas Station: Testing commenced after notified time (30 minute grace period), test cancellation not submitted at least 24 hours before test scheduled, certified persons not present at test, equipment not properly calibrated. ⁴	42402	\$5,855.00	Staff hourly rate or \$250 whichever greater. Renotify & retest.
Gas Station: All Tests listed on notice NOT conducted or completed. ⁴	42402	\$5,855.00	\$250.00 per test. Renotify & retest
Gas Station: Violation requiring a tag out unless violation is knowing, willful or intentional.	42402.1	\$29,275.00	\$1,000.00
Open Burning: Violation of Rule 444 unless violation is knowing, willful or intentional.	42402.1	\$29,275.00	\$1,000.00
Operation without Permit: Violation of Rule 201 or Rule 203 unless violation is knowing, willful or intentional.	42402	\$5,855.00	\$1,000.00
Portable Equipment: Record keeping violation or certification issues so long as equipment does not otherwise require a District Permit.	42402	\$5,855.00	\$1,000.00
Testing Violations - Small Company (eligible for SBA loans): Failure to test or submit test when such failure is not knowing, willful or intentional. Does not include incidents where testing shows non-compliance.	42402	\$5,855.00	\$1,000.00
Testing Violations - Other Company (Not eligible for SBA loans): Failure to test or submit test when such failure is not knowing, willful or intentional. Does not include incidents where testing shows non-compliance.	42402	\$5,855.00	\$5,000.00

¹ California CPI is calculated per the CPI Calculator provided by the California Department of Industrial Relations

² Maximum Potential Penalty: Penalty will be calculated on a per violation basis with each day where a violation occurs constituting a separate offense. In

³ Designated Minimum Penalty: Minimum penalties may be as low as \$0 based upon the exercise of the APCO's enforcement discretion and the application of the factors set forth in H&S Code 42403.

⁴ See also Gasoline Dispensing Facility (GDF) Vapor Recovery Testing Policy