



Notice of Violation (NOV)

You've Received a Notice of Violation...What's Next?

If you have received a NOV and have questions or concerns, you may call the Spokane Regional Clean Air Agency's Compliance Administrator at (509) 477-4727, ext. # 102. If he/she is unavailable, please leave your name, business name if applicable, telephone number, the best time to reach you, and a brief description of what you wish to discuss. Your call will be returned as quickly as possible. In the meantime, you may find this fact sheet helpful in understanding our procedures for issuing NOVs and civil penalties.

What is a Notice of Violation ?

When an air quality regulation is violated, the Spokane Regional Clean Air Agency (Spokane Clean Air) may issue an NOV as an official statement that a violation has occurred. The issuance of the NOV is typically followed by an assessment of a civil penalty (fine). The amount of the fine is determined based on a variety of factors, such as the seriousness of the offense, responsiveness in correcting the violation, compliance history, duration of the violation, and the economic benefit gained by not complying.

The typical range for a first-time, one-day offense with no quantifiable economic benefit for an asbestos violation is \$200-\$5,500; the range for most others is \$200-\$2,000. If there was a financial gain from non-compliance, the fine can be significantly greater.

You've received a NOV. Now What?

Contact Spokane Clean Air. Within 30 days, you may provide the agency with pertinent information which may not have been apparent at the time the NOV was issued. The information may be provided in writing, by telephone, or in a meeting. To provide more information via telephone or in a meeting, call the Compliance Administrator, at (509) 477-4727, extension # 102. If you wish to provide more information in writing, please send correspondence to: Spokane Regional Clean Air Agency, Attn: Compliance Administrator, 3104 E. Augusta Ave., Spokane, WA 99207 or fax correspondence to (509) 477-6828.

If you choose not to provide additional information, wait to receive the penalty assessment notice. The notice is mailed out no earlier than 30 calendar days from the date you received the NOV, in order to give you the opportunity to provide more information as described earlier. A civil penalty is likely to be assessed unless it is determined, based on the information provided, that a violation did not occur. A penalty assessment schedule, adopted by the agency's Board of Directors, ensures consistency in the enforcement process. A copy of the schedule used for calculating your civil penalty is available by contacting Spokane Clean Air.

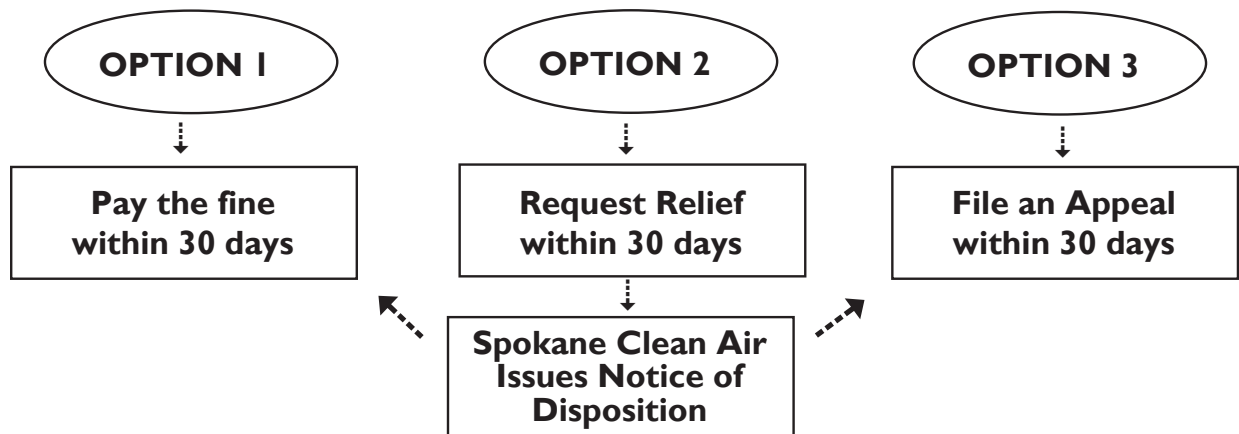
After You've Received the Penalty Notice, You Have Three Options.

1. Pay the Fine.
2. Request Relief.
3. File an Appeal.

Each of these options is detailed on the back of this page.

This fact sheet provides an overview of the enforcement process. It is not intended as legal advice or as a substitute to applicable laws and regulations. If you have any additional questions about this process, contact the Compliance Administrator at (509) 477-4727, ext # 102, or consult your attorney.

After You've Received the Penalty Notice, You Have Three Options.



Option 1: Pay the Fine.

Fines are assessed in accordance with a penalty schedule adopted by the agency's board of directors. Fines must be paid within 30 calendar days of receipt of the penalty notice, to resolve the matter. Unpaid balances are forwarded to a collection agency.

Option 2: Request Relief.

Submit a request for relief (more formally known as "mitigation" of the penalty) to Spokane Clean Air within 30 calendar days from the receipt of the penalty notice. Pursuant to RCW 43.21B.300, Spokane Clean Air "shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty."

The request should explain the relief requested (e.g. payment schedule, reduced penalty, etc.) and reasons Spokane Clean Air should consider such relief. If you are requesting reduction in the amount of the penalty, you should specify the proposed reduction amount. Any other mitigation request should clearly state what is being proposed. The mitigation process is described in a separate Information Sheet, included with the penalty assessment notice.

Spokane Clean Air will review the request and issue a decision in writing (Notice of Disposition.) If you're satisfied with the decision, follow the terms of the Notice. If you're not satisfied, you may contact the Compliance Administrator to discuss it further or file an appeal with the Pollution Control Hearings Board (PCHB) within 30 calendar days from receipt of the Notice of Disposition.

Option 3: File An Appeal.

Before filing an appeal, Spokane Clean Air strongly encourages you to first consider requesting relief (see option #2) as it is simple and more informal. All you need to do is send a legible handwritten or typed letter, explaining the reasons for the requested relief. Most cases that are in dispute are resolved with this request for relief option.

You may appeal a fine or Notice of Disposition by filing a Notice of Appeal with both Spokane Clean Air and the State of Washington Pollution Control Hearings Board (PCHB.) The PCHB is a three-member board appointed to six-year terms by the governor and confirmed by the state senate. One of three must be an attorney. The PCHB is not affiliated with Spokane Clean Air. Both entities must receive the written Notice of Appeal within 30 calendar days from the receipt of the penalty notice or Notice of Disposition.

The appeal process is explained in a separate information sheet included with the penalty assessment notice. If an appeal is properly filed, the PCHB will set a formal hearing date. In doing so, the PCHB will also encourage involved parties to settle their dispute so there is no need to go to hearing. More information about the PCHB can be found at www.eho.wa.gov.



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