

The Mutual Settlement Program

The District's Mutual Settlement Program is a voluntary procedure for settling both minor and major air pollution violations, without the time and expense of litigation to either party. Once the District moves a case forward to the Mutual Settlement Program, a settlement proposal letter is sent to the business outlining the facts associated with the original NOV. The settlement letter specifies the violation penalties and proposes the terms to resolve the violation. Key factors addressed in the case settlement include factors such as:

- extent of harm caused by the violation;
- nature and persistence of the violation;
- length of time violation occurred;
- past violations; and
- economic benefit of noncompliance.

The settlement letter invites businesses to bring the air pollution matter to a close. Resolution of a Notice of Violation through a mutual settlement agreement is not considered an admission of liability.

Office Conference

Businesses may request a voluntary office conference as a part of the Mutual Settlement Program. This is an informal meeting with the District enforcement staff intended to come to a mutual resolution for all parties. Businesses may present evidence in defense of their case. After the conference meeting, District staff will further evaluate the case and may produce a modified settlement offer.

Legal Action

Violations that are not resolved with the NOV and Mutual Settlement Program may be forwarded to the District's legal counsel, the California Attorney General or the District Attorney. Referral of a violation to legal counsel may result in civil or criminal prosecution.

Penalties

To provide incentives for business to comply with the air pollution regulations, the District levies penalty fees when issuing NOVs or when reaching settlement via the Mutual Settlement Program or litigation. Depending on the severity of air pollution violation, penalty fees can vary from a minimum of \$500 per day for minor cases to as much as \$1,000,000 per day plus imprisonment time for extreme neglect. The California Health & Safety Code, Sections 42400 and 42402 provide guidance to the District in stating the maximum allowable penalties for any person who negligently emits air contaminants in violation of air pollution standards.

For More Information

For more information about the Mutual Settlement Program or other compliance issues, call (661) 723-8070 or email: bbanks@avaqmd.ca.gov