



Serving Island, Skagit & Whatcom Counties

Notice of Violation Information Sheet

What is a Notice of Violation (NOV)?

When air quality rules are violated, an NOV may be issued to officially document that a violation has occurred. The issuance of the NOV is typically followed by a civil penalty (fine) assessment referred to as an "Imposition of Penalty". The amount of the penalty is determined based on a variety of factors, such as the seriousness of the offense, the economic benefit gained by not complying, the number of past offenses, etc.

You received an NOV. What should you do?

1. Please take immediate action to prevent a violation from recurring. Each day of non-compliance could be an additional violation.
2. Contact our office within 30 days of receiving an NOV. You may provide our office with additional information that may not have been apparent at the time the NOV was issued. The information may be provided to us either in writing or in a meeting. Call our office if you would like to set up a meeting. Our contact information is provided below:

Northwest Clean Air Agency
1600 South 2nd Street
Mount Vernon, WA 98273-5202
360.428.1617 (Skagit)
800.622.4627 (Island & Whatcom)

Failure to contact the NWCAA in a timely manner may influence the magnitude of the penalty.

What happens next?

NWCAA staff will review all the information. A fine is likely to be assessed 30 days after the NOV was issued unless the information you provide us shows that a violation did not occur.

What is an Imposition of Penalty?

The penalty is issued through a document called an "Imposition of Penalty". The penalty amount is calculated using a penalty assessment policy called the "Civil Penalty Guidelines" that has been approved by the NWCAA Board of Directors. This policy ensures consistency in the enforcement process.

What is an Assurance of Discontinuance?

The NWCAA may offer to suspend a portion of your penalty if you agree to certain conditions that will prevent future violations of air pollution laws. This offer would be made through an agreement call an "Assurance of Discontinuance" (AOD). If offered, the Assurance of Discontinuance would accompany the "Imposition of Penalty".

This suspended portion of the fine may be reinstated if you do not comply with all the terms of the agreement for a period of five years.

What happens after I receive a penalty?

Option 1:

Pay the full amount of the fine that is specified in the Imposition of Penalty. Fines must be paid within 30 calendar days of receipt of the penalty notice. Unpaid balances are forwarded to a lawyer for collection.

Option 2:

If an Assurance of Discontinuance is offered and you agree to the terms of the agreement, sign it and return it to the NWCAA along with payment of the penalty amount due.

There may be an occasion where the conditions of the Assurance of Discontinuance are not appropriate. You may contact the NWCAA within 30 days to discuss a modification to the Assurance of Discontinuance conditions.

Option 3:

You can file an appeal with the State of Washington Pollution Control Hearings Board (PCHB). The Board is not affiliated with any other State agency. The Board's sole function is to provide litigants a full and complete administrative hearing. The PCHB Board will make a fair and impartial legal judgment based on the facts of the case.

You must file the appeal to the PCHB within 30 days of receiving the Imposition of Penalty. The PCHB's phone number is contact information:

WASHINGTON STATE POLLUTION CONTROL HEARINGS BOARD

ENVIRONMENTAL HEARINGS OFFICE
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
PO Box 40903

Lacey Washington 98504-0903

Ph: 360.459.6327

Fax: 360.438.7699

<http://www.eho.wa.gov>

E-Mail: eho@eho.wa.gov

Who is the Northwest Clean Air Agency?

The Northwest Clean Air Agency (NWCAA) is the regulatory agency responsible for enforcing local, State and federal air quality regulations in Island, Skagit and Whatcom counties.

For over 35 years, it has been the Northwest Clean Air Agency's responsibility and our privilege to make sure that the air you breathe is clean for your and for future generations, The Agency provides the following programs & services:

- Asbestos
- Business Assistance
- Climate Change
- Complaint Response & Enforcement
- Indoor Air
- Outdoor Burning
- Public Information
- Permitting
- Wood Heating

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