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# Notice of Violation Fact Sheet

## Who is the Northwest Clean Air Agency (NWCAA)?

We are the regulatory agency responsible for preserving, protecting and enhancing air quality in Island, Skagit and Whatcom counties. We accomplish this through education and by enforcing federal, state and local air pollution control laws. These laws minimize public exposure to harmful air pollutants, nuisance odors and nuisance particulate. Maintaining our air quality requires a community-wide effort from government, industry, and the individual.

## What is a Notice of Violation (NOV)?

This Notice of Violation is official notice<sup>1</sup> to an individual or business that the agency has evidence that a violation occurred and is ongoing.

## What Should I Do Now?

**You must respond to the alleged violation either in writing or in person within 30 days.** Directly address the required corrective actions. Include any information that was not apparent or available at the time the NOV was issued.

Call NWCAA, at (360) 428-1617 to schedule a meeting. Send emails to [info@nwcleanairwa.gov](mailto:info@nwcleanairwa.gov). Mail written correspondence to: Northwest Clean Air Agency, 1600 South Second Street, Mount Vernon, WA 98273-5202. Be sure to include the NOV case number in your correspondence.

## **Take the required actions listed in the Corrective Action Order.**

We recommend that you provide the date each action was implemented or completed in written response to the agency either with the NOV response or as follow-up. Include the NOV case number on the correspondence.

## Will I be fined?

## **Your timely response will influence the magnitude of the penalty.**

Penalty amounts are determined by considering a variety of factors, including timely actions, seriousness of the violation, and the number of past offenses. After we have reviewed all the available information, we will make a penalty determination.

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<sup>1</sup> NWCAA Regulation 131 requires that written notice be served upon the alleged violator at

least 30 days prior to any formal enforcement action.

## **What is an Assurance of Discontinuance?**

A portion of the penalty may be suspended after all the pertinent information is considered. Rather than upholding the entire fine assessed, the NWCAA may offer to suspend a portion of the fine if certain conditions are agreed upon that will prevent future violations of air pollution law. This agreement is called an Assurance of Discontinuance (AOD). The suspended portion of the fine may be reinstated if the terms of the agreement are not complied with for a five year period. If an AOD is appropriate, it will accompany the Imposition of Penalty.

## **What Happens After I Receive a Penalty?**

**Option 1: Pay the full amount of the fine identified in the Imposition of Penalty.** Fines must be paid within 30 calendar days of receipt of the penalty notice to resolve the matter. Unpaid balances are forwarded to a lawyer for collection.

**Option 2: If an AOD is offered and you agree to the terms, you may sign it and return it to the NWCAA along with payment of the reduced penalty.** There may be an occasion where the conditions of the AOD are not appropriate. You may contact the NWCAA before 30 days have elapsed to discuss a modification to the AOD conditions.

**Option 3: File an appeal with the State of Washington Pollution Control Hearings Board (PCHB).** The Board's sole function is to provide litigants a full and complete administrative hearing, as promptly as possible, followed by a fair and impartial written decision based on the facts and law. The Board is not affiliated with the Department of Ecology or any other state agency. The appeal to the PCHB must be received within thirty days of receiving the Imposition of Penalty from NWCAA. <http://www.eluho.wa.gov>.