



Air Pollution Control District  
San Luis Obispo County

**CERTIFIED MAIL**

February 6, 2017

Geoff English  
City of Arroyo Grande  
300 East Branch St.  
Arroyo Grande, CA 93420

SUBJECT: San Luis Obispo County Air Pollution Control District **Revised** Compliance Agreement for  
Notice of Violation Number 3001

Dear Mr. English:

Per our conversation, your revised mutual settlement is below. Operation of three City owned, portable Tier 0 diesel fueled engines after December 31, 2016 is in violation of the California Airborne Toxic Control Measure for Portable Compression Ignition Engines (17 CCR 93116), California Health & Safety Code section 42301 and San Luis Obispo County Air Pollution Control District Rule 206, Conditional Approval.

For this level of infraction, California Health and Safety Code Section 42402.a specifies a civil penalty of up to \$1,000.00 per day for each day of violation. However, in determining the amount of penalty appropriate to this specific violation, several factors required by the Health and Safety Code were taken into consideration. These factors include, but are not limited to, the severity and duration of the violation, the frequency of past violations, the degree and speed of corrective action, if any, taken by the violator, and the economic benefit, if any, gained as a result of the violation.

The Air Pollution Control District is willing to settle the violation with **no civil penalty**, but with a **Compliance Agreement** as set forth below.

1. No civil penalty.
2. Release of the alleged violator(s) from any and all claims for civil or criminal penalties arising out of the incident referred to in the above Notice of Violation.
3. The District reserves the right to rely upon the alleged violation and may offer proof thereof in connection with any petition for a variance, permit revocation, or abatement order before the District Hearing Board or in connection with the determination of the appropriate penalty in the event similar Notices of Violation are issued in the future.
4. The settlement shall not constitute an admission of liability nor shall any such admission be inferred in any administrative or judicial proceeding.
5. The City of Arroyo Grande will take the following corrective action and observe the following conditions:
  - A. The engines listed below shall not be operated after **December 31, 2023, or after 200 additional hours commencing on December 31, 2016, whichever comes sooner**.  
Portable engines for city construction and maintenance activities consisting of:
    - i. Green waste grinding: One 76 hp Cummins Model 4B3.9, Serial Number 44494987, Tier 0 diesel, low use or emergency use; hour meter = 3081.1 hours on December 14, 2016.

- ii. *A* Ingersoll-Rand air compressor: One 71 hp John Deere Model 4239DF, Tier 0 diesel, low use or emergency use; hour meter = 1408.7 hours on December 14, 2016.
- B. The engine listed below shall only be operated under the conditions below:
- iii. Backup electrical generator: One 305 hp Caterpillar Model 3306TA Tier 0 diesel engine, s/n 85Z01869, emergency use only; hour meter = 241 on December 14, 2016.
- Non-emergency operation shall be limited to maintenance and performance testing only and shall not exceed twenty (20) hours per engine per calendar year. Operation for emissions testing required by the District shall not be limited by this condition.
  - The Air Pollution Control Officer (APCO) shall be notified in writing within seven (7) days of exceeding the yearly non-emergency operation limit.
  - An emergency is defined as failure of normal electrical power service that is beyond the control of the permit holder and does not include voluntarily disconnecting from utility grid power.
  - Emergency hours of operation shall not be limited.

After receipt of the signed agreement, San Luis Obispo County Air Pollution Control District Permit to Operate Number 1653-4 will be revised by District staff to include the conditions of the Compliance Agreement.

Please sign below your acknowledgment of the settlement as set forth in this letter and **return it to the District by February 21, 2017.**

Upon receipt of the signed settlement acknowledgment, and completion of any conditions required as part of this settlement, you will be released from liability under the terms as set forth above. If this settlement is not accepted, or if alternate arrangements have not been made with the District within the time set forth above, the offer will be revoked and the violation will be referred to our enforcement section or legal counsel for further prosecution.

Please call Mark Elliott at (805) 781-5912 if you have any questions or need additional information regarding this matter.

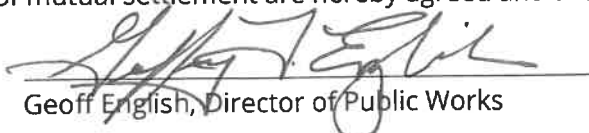
Very truly yours,



DORA K. DREXLER  
Supervising Air Quality Specialist - Engineering and Compliance

The foregoing terms and conditions of mutual settlement are hereby agreed and accepted.

Dated: 2-21-17



Geoff English, Director of Public Works

MFE/lmg

cc: Raymond A. Biering, District Counsel