



Pursuant to the California Health and Safety Code §42409, Butte County Air Quality Management District publishes the following List of Potential Violations of District Rules and Regulations and State and federal air pollution control laws with the Minimum and Maximum Penalties as applicable:

HSC Section	Violation General Name	Minimum	Maximum
<i>Criminal</i>			
§42400(a)	Misdemeanor	n/a	\$ 5,000 and/or 6 months imprisonment <sup>1</sup>
§42400(b)	Misdemeanor-Vapor Recovery System	n/a	\$ 5,000 and/or 6 months imprisonment <sup>1</sup>
§42400(c)	Misdemeanor-Public Nuisance/Actual Injury	n/a	\$15,000 and/or 9 months imprisonment <sup>1</sup>
§42400.1(a)	Negligence-Actual Injury	n/a	\$ 25,000 and/or 9 months imprisonment <sup>1</sup>
§42400.1(b)	Negligence-Public Nuisance and Injury	n/a	\$ 100,000 and/or 1 year imprisonment <sup>1</sup>
§42400.2(a)	No Corrective Action	n/a	\$ 40,000 and/or 1 year imprisonment <sup>1</sup>
§42400.2(c)	No Corrective Action Causing Public Nuisance and Injury	n/a	\$ 250,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3(a)	Willful and Intentional	n/a	\$ 75,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3(b)	Willful and Intentional-Public Nuisance and Injury-Individual	n/a	\$ 125,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3(b)	Willful and Intentional-Public Nuisance and Injury-Corporation	n/a	\$ 500,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3(c)	Willful and Intentional-Public Nuisance and Actual Injury or Death-Individual	n/a	\$ 250,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3(c)	Willful and Intentional-Public Nuisance and Actual Injury or Death-Corporation	n/a	\$ 1,000,000 and/or 1 year imprisonment <sup>1</sup>
§42400.3.5(a)	HAPs <sup>2</sup>	n/a	\$ 10,000 and/or 6 months imprisonment
§42400.3.5(b)	False Statement <sup>2</sup>	n/a	\$ 35,000 and/or 9 months imprisonment
§42400.4(a)	Title V <sup>3</sup>	n/a	\$ 10,000 <sup>1</sup>
§42400.4(b)	Title V False Statement <sup>3</sup>	n/a	\$ 10,000 <sup>1</sup>
§42400.5	Unauthorized Outdoor Fire	n/a	Cost of suppression plus any other penalty
§42408	Tampering with Monitoring Equipment	n/a	Misdemeanor
<i>Civil</i>			
§42401	Order of Abatement	*	\$ 25,000 <sup>1</sup>
§42402(a)	General Liability	*	\$ 5,000 <sup>1</sup>

HSC Section	Violation General Name	Minimum	Maximum
§42402(b)(1)	General Liability	*	\$10,000 <sup>1</sup>
§42402(b)(2)(B)	General Liability (Title V)	*	\$10,000 <sup>1</sup>
§42402(c)	Nuisance with Injury	*	\$ 15,000 <sup>1</sup>
§42402.1(a)	Negligence	*	\$ 25,000 <sup>1</sup>
§42402.1(b)	Negligence with Injury	*	\$ 100,000 <sup>1</sup>
§42402.2(a)	Fail to Correct	*	\$ 40,000 <sup>1</sup>
§42402.2(b)	Fail to Correct with Injury	*	\$ 250,000 <sup>1</sup>
§42402.3(a)	Willful/Intentional	*	\$ 75,000 <sup>1</sup>
§42402.3(b)	Willful/Intentional with Injury—Individual	*	\$ 125,000 <sup>1</sup>
§42402.3(b)	Willful/Intentional with Injury—Corporation	*	\$ 500,000 <sup>1</sup>
§42402.3(c)	Willful/Intentional with Death—Individual	*	\$ 250,000 <sup>1</sup>
§42402.3(c)	Willful/Intentional with Death—Corporation	*	\$ 1,000,000 <sup>1</sup>
§42402.4	False Documents	*	\$ 35,000
§42403.5	Bus Idling	*	As noted in Civil Penalties above
<i>Other</i>			
§41865(q)(1)	Rice Straw Reduction Act-Misdemeanor	*	\$ 10,000 and/or 9 months imprisonment
§41865(q)(2)	Rice Straw Reduction Act-Civil-Negligence	*	\$ 10,000
§44381	False Statements AB2588 Air Toxics “Hot Spots” Act	\$ 500 <sup>1</sup>	\$ 10,000 <sup>1</sup>
§44381	False Statements AB2588 Air Toxics “Hot Spots” Act-Intentional	\$ 1,000 <sup>1</sup>	\$ 25,000 <sup>1</sup>
§44394	Failure to Submit Plan AB2588 Air Toxics “Hot Spots: Act	\$ 500 <sup>1</sup>	\$ 10,000 <sup>1</sup>

## Notes:

<sup>1</sup>Each day the violation occurs is a separate offense.

<sup>2</sup>Unless subject to \$10,000 or more under §42400.1-.3

<sup>3</sup>Cannot duplicate with §42402-42402.3

\*See Mutual Settlement Program Civil Penalty Schedule and APCO determination on severity of the violation. Considerations:

- 1) The extent of harm caused by the violation.
- 2) The nature and persistence of the violation.
- 3) The length of time over which the violation occurs.
- 4) The frequency of past violations.
- 5) The record of maintenance.
- 6) The unproven or innovative nature of the control equipment.
- 7) Any action taken by the defendant, including the nature, extent, and time of response of the cleanup and construction undertaken, to mitigate the violation.
- 8) The financial burden to the defendant.
- 9) Any other circumstances that the court (or the District, in the case of a civil settlement,) deems relevant.