



MAIL: CERTIFIED

11464 B Avenue, Auburn, CA 95603 • (530) 889-7130 • Fax (530) 889-7107

Thomas J. Christofk, Air Pollution Control Officer

NOTICE OF VIOLATION

July 7, 2003

Attn: Martin Hedge, Facilities Manager
Chevreux Aggregates, Inc.
890 Grass Valley Highway
Auburn, CA 95603

SUBJECT: Notice of Violation Number: 1866

Dates of Violation: March 7, 2003 and On-Going

Location of Violation: End of Combie Road, Meadow Vista, California

Summary of Violation: Operation of equipment subject to air pollution control permitting without the required permit, in violation of Sections 42300 et seq. of the California Health and Safety Code; District Rule 501, General Permit Requirements.

On March 7, 2003 and on-going, Chevreux Aggregates, Inc. operated equipment in violation of Sections 42300 et seq. of the California Health and Safety Code; District Rule 501, General Permit Requirements. The enclosed copy of an Aggregate Inspection Checklist for dates 3/6/03 and 3/7/03 identifies the equipment that is not permitted.

Based upon our investigation, there is sufficient information to proceed with a civil action pursuant to California Health and Safety Code, Article 3, Section 42402. The District finds that Chevreux Aggregates, Inc. violated District permit requirements established pursuant to Sections 42300 et seq. of the California Health and Safety Code; District Rule 501, General Permit Requirements. We believe that Chevreux Aggregates, Inc. was at least negligent in this violation due to the long standing of the facility's permits.

State law provides for misdemeanor criminal penalties for air pollution violations or imprisonment in the county, or both. Civil penalties for air pollution violations can also be sought. Each day during any portion of which a violation occurs is a separate offense.

The District finds that thirty-one (31) pieces of equipment were identified during the inspection as not having required District permits, including:

A. Power screen Serial No. 3203483, Engine Serial No. 00298/052-Ford industrial power

Products Model2722E;

- B. Dredge engine Model Cat 3408B, 402 HP, Serial No. 67U12728. Observed down stream from the Lake Gravel Plant (CHMV-87-03.);
- C. Tracker feeder conveyer 25 foot and a 80 foot fines conveyer. Observed at the Primary (Quarry) Rock Crushing Plant.(CHMV-87-01); and
- D. Twenty-eight items, about half of the equipment at the Lake Gravel Plant, are not listed on the permit to operate CHMV-87-03.

Although each day that the violation occurs can be counted as a separate violation, the District at this time and for the purposes of settlement of this matter finds that only one violation occurred per equipment item (i.e. thirty-one (31) violations). Accordingly, Chevreaux Aggregates, Inc. is at least strictly liable for a civil penalty of not more than ten thousand dollars per violation, pursuant to Health and Safety Code Section 42402(b), or a aggregate penalty of not more than \$310,000.

As is provided for in State law, it is the District's policy to attempt to settle these matters through a mutual settlement process in lieu of pursuing this case in court. Accordingly, the District offers to settle this matter pursuant to the conditions listed in the proposed settlement agreement (enclosed), including a monetary penalty of **Ten Thousand Dollars (\$10,000.00)**.

- **If you wish to settle on these terms:** If the terms listed in the agreement are acceptable, you are requested to sign and return the settlement agreement, with a check payable to the Placer County Air Pollution Control District for the monetary penalty, no later than **August 8, 2003**. Upon receipt of the signed agreement and your payment, you will be provided with a letter acknowledging settlement of this matter.

Alternatively,

- **If you wish to present additional facts:** If you feel there are additional facts or circumstances the District should take into consideration in settling this matter, you may contact the District no later than **July 25, 2003**, to schedule a settlement conference to discuss the violation and settlement.

Cases that are not settled through this mutual settlement process will be forwarded to the Placer County District Attorney's Office for appropriate resolution and this may include the bringing of civil or criminal complaints. If the case is not settled by August 8, 2003, the settlement offer is to be considered withdrawn.

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If you have any questions regarding this matter or to request a settlement conference, please contact me, at (530) 889-7130.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd K. Nishikawa", with a long horizontal flourish extending to the right.

Todd K. Nishikawa

Manager, Compliance & Enforcement

Enclosures: Settlement Agreement

AGREEMENT

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Chevreaux Aggregates, Inc. shall pay a settlement of **Ten Thousand Dollars (\$10,000.00)**, in lieu of civil penalties determined pursuant to Health and Safety Code Section 42402. The total monetary settlement is to be paid no later than **August 8, 2003**.

In addition, Chevreaux Aggregates, Inc. agrees to the following additional settlement conditions:

Prior to the settlement of this Notice of Violation, and no later than August 8, 2003, Chevreaux Aggregates, Inc. shall file Permit to Operate amendment applications with the District for any equipment for which District Permits are required, including those identified in this Notice.

Return of this agreement is requested by August 8, 2003

Failure to meet any of these agreement conditions shall void this agreement. In consideration of this settlement, the District agrees to refrain from seeking additional penalties with regard to the violation(s) set forth in this Notice of Violation letter. Notwithstanding this agreement, any evidence used in this matter can also be used in subsequent, but separate, enforcement actions. Signatures below, signify agreement with the stated terms and conditions. By agreeing to these terms the alleged violator does not indicate acceptance of guilt.



Todd K. Nishikawa
Manager, Compliance & Enforcement
Placer County Air Pollution Control District

7-7-03

Date

Alleged Violator
Martin Hedge, Facilities Manager
Chevreaux Aggregates, Inc.

Date

Please return this form with payment of the monetary portion of the settlement to the Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603, in acknowledgment that these terms of settlement are accepted.