

ASSEMBLY BILL

No. 2937

Introduced by Assembly Members Brulte and Olberg

February 23, 1996

An act to add Section 1006.5 to the Fish and Game Code, to add Sections 13109.5 and 42400.4 to the Health and Safety Code, to add Section 45200.5 to the Public Resources Code, and to add Section 13308.5 to the Water Code, relating to minor violations of environmental laws.

LEGISLATIVE COUNSEL'S DIGEST

AB 2937, as introduced, Brulte. Minor violations: fish and game: fire protection: air pollution: solid waste: water quality.

(1) Existing law authorizes the Department of Fish and Game, the State Fire Marshal, the State Air Resources Board, air pollution control and air quality management districts, the California Integrated Waste Management Board, local enforcement agencies, the State Water Resources Control Board, California regional water quality control boards, and operators of publicly owned treatment works, or their representatives, to conduct inspections for violations of law.

This bill would define the terms "class I violation," "minor violation," and "notice to comply" and would require a representative of those agencies who, in the course of conducting an inspection, detects a minor violation, to issue a notice to comply, as specified. The bill would prescribe related requirements and procedures.

Since a false statement of compliance submitted under these procedures would be a crime with regard to certain of

those agencies, the bill would impose a state-mandated local program.

Also, with regard to local enforcement agencies and local agency operators of publicly owned treatment works, the bill would impose a state-mandated local program by imposing new requirements upon local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. However, this bill would provide that no reimbursement is required for certain costs imposed by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and
2 declares all of the following:

3 (a) Environmental laws must be enforced by qualified
4 public officials to protect the health and safety of
5 California workers and residents as well as the
6 environment. Violations must receive enforcement
7 attention and action quickly and in relation to the
8 severity of the offense as measured by the danger to, or
9 potential to endanger, public health and safety and the
10 environment.

11 (b) Minor violations, by definition, do not represent a
12 significant threat to human health and safety or to the
13 environment and are not indicative of chronic violations
14 or of violations that are committed by a recalcitrant
15 violator.



1 (c) It is the intent of the Legislature, in enacting this
2 act, to provide a more resource-efficient enforcement
3 mechanism, faster compliance times, and creation of a
4 productive and cooperative working relationship
5 between state and local agencies that regulate the
6 environment and the regulated community.

7 (d) It is the intent of the Legislature, in enacting this
8 act, to establish a program with compliance as its goal.

9 SEC. 2. Section 1006.5 is added to the Fish and Game
10 Code, to read:

11 1006.5. (a) For purposes of this section, the following
12 terms have the following meaning:

13 (1) “Class I violation” means either of the following:

14 (A) A deviation from the requirements of this code, or
15 from any rule, regulation, standard, order, permit
16 condition, or other requirement adopted pursuant to this
17 code, that represents a significant threat to human health
18 or safety or to the environment.

19 (B) A deviation that is a chronic violation or is
20 committed by a recalcitrant violator, as determined by
21 the director.

22 (2) (A) “Minor violation” means a deviation from the
23 requirements of this code, or from any rule, regulation,
24 standard, order, permit condition, or other requirement
25 adopted pursuant to this code, that is not a class I
26 violation.

27 (B) A minor violation does not include any of the
28 following:

29 (i) Any knowing, willful, or intentional violation of this
30 code.

31 (ii) Any violation of this code that enables the violator
32 to benefit economically from noncompliance, either by
33 realizing reduced costs or by gaining a competitive
34 advantage.

35 (iii) Any violation that is a chronic violation or that is
36 committed by a recalcitrant violator.

37 (C) In determining whether a violation is chronic or
38 a violator is recalcitrant, for purposes of clause (iii) of
39 subparagraph (B), the director shall consider whether
40 there is evidence indicating that the violator has engaged



1 in a pattern of neglect or disregard with respect to the
2 requirements of, or adopted pursuant to, this code.

3 (3) “Notice to comply” means a written method of
4 alleging a minor violation that is in compliance with all of
5 the following requirements:

6 (A) The notice to comply is written in the course of
7 conducting an inspection by an authorized
8 representative of the department.

9 (B) A copy of the notice to comply is presented to a
10 person who is an owner or operator of the facility being
11 inspected at the time that the notice to comply is written.

12 (C) The notice to comply clearly states the nature of
13 the alleged minor violation, a means by which
14 compliance with the requirement cited by the
15 department’s representative may be achieved, and a time
16 limit in which to comply, which shall not exceed 30 days.

17 (D) The notice to comply shall contain the
18 information specified in paragraph (8) of subdivision (b)
19 with regard to the possible reinspection of the facility.

20 (b) (1) An authorized representative of the
21 department who, in the course of conducting an
22 inspection, detects a minor violation shall issue a notice to
23 comply before leaving the site at which the minor
24 violation is alleged to have occurred.

25 (2) A person who receives a notice to comply pursuant
26 to paragraph (1) shall have not more than 30 days from
27 the date of receipt of the notice to comply in which to
28 achieve compliance with the requirement cited on the
29 notice to comply. Within five working days of achieving
30 compliance, the person who received the notice to
31 comply shall sign the notice to comply and return it to the
32 department’s representative, stating that the person has
33 complied with the notice to comply. A false statement
34 that compliance has been achieved is a violation of this
35 code.

36 (3) A single notice to comply shall be issued for all
37 minor violations cited during the same inspection and the
38 notice to comply shall separately list each cited minor
39 violation and the manner in which each minor violation
40 may be brought into compliance.



1 (4) A notice to comply shall not be issued for any minor
2 violation that is corrected immediately in the presence of
3 the inspector. Immediate compliance in that manner
4 may be noted in the inspection report, but the person
5 shall not be subject to any further action by the
6 department's representative.

7 (5) Except as otherwise provided in paragraph (7), a
8 notice to comply shall be the only means by which the
9 department's representative shall cite a minor violation.
10 The department's representative shall not take any other
11 enforcement action specified in this code against a person
12 who has received a notice to comply if the person is in
13 compliance with this section.

14 (6) If a person who receives a notice to comply
15 pursuant to paragraph (1) disagrees with one or more of
16 the alleged violations cited in the notice to comply, the
17 person shall give written notice of appeal to the
18 department.

19 (7) Notwithstanding any other provision of this
20 section, if a person fails to comply with a notice to comply
21 within the prescribed period, or if the department
22 determines that the circumstances surrounding a
23 particular minor violation are such that immediate
24 enforcement is warranted to prevent harm to the public
25 health or safety or to the environment, the department
26 may take any needed enforcement action authorized by
27 this code.

28 (8) A notice to comply issued to a person pursuant to
29 this section shall contain a statement that the inspected
30 facility may be subject to reinspection at any time.
31 Nothing in this section shall be construed as preventing
32 the reinspection of a facility to ensure compliance or to
33 ensure that minor violations cited in a notice to comply
34 have been corrected.

35 (9) Nothing in this section shall be construed as
36 preventing the department, on a case-by-case basis, from
37 requiring a person subject to a notice to comply to submit
38 reasonable and necessary documentation to support a
39 claim of compliance by the person.



1 SEC. 3. Section 13109.5 is added to the Health and
2 Safety Code, to read:

3 13109.5. (a) For purposes of this section, the
4 following terms have the following meaning:

5 (1) “Class I violation” means either of the following:

6 (A) A deviation from the requirements of this part, or
7 from any rule, regulation, standard, order, permit
8 condition, or other requirement adopted pursuant to this
9 part, that represents a significant threat to human health
10 or safety or to the environment.

11 (B) A deviation that is a chronic violation or is
12 committed by a recalcitrant violator, as determined by
13 the State Fire Marshal.

14 (2) (A) “Minor violation” means a deviation from the
15 requirements of this part, or from any rule, regulation,
16 standard, order, permit condition, or other requirement
17 adopted pursuant to this part, that is not a class I violation.

18 (B) A minor violation does not include any of the
19 following:

20 (i) Any knowing, willful, or intentional violation of this
21 part.

22 (ii) Any violation of this part that enables the violator
23 to benefit economically from noncompliance, either by
24 realizing reduced costs or by gaining a competitive
25 advantage.

26 (iii) Any violation that is a chronic violation or that is
27 committed by a recalcitrant violator.

28 (C) In determining whether a violation is chronic or
29 a violator is recalcitrant, for purposes of clause (iii) of
30 subparagraph (B), the State Fire Marshal shall consider
31 whether there is evidence indicating that the violator has
32 engaged in a pattern of neglect or disregard with respect
33 to the requirements of, or adopted pursuant to, this part.

34 (3) “Notice to comply” means a written method of
35 alleging a minor violation that is in compliance with all of
36 the following requirements:

37 (A) The notice to comply is written in the course of
38 conducting an inspection by an authorized
39 representative of the State Fire Marshal.



1 (B) A copy of the notice to comply is presented to a
2 person who is an owner or operator of the facility being
3 inspected at the time that the notice to comply is written.

4 (C) The notice to comply clearly states the nature of
5 the alleged minor violation, a means by which
6 compliance with the requirement cited by the State Fire
7 Marshal's representative may be achieved, and a time
8 limit in which to comply, which shall not exceed 30 days.

9 (D) The notice to comply shall contain the
10 information specified in paragraph (8) of subdivision (b)
11 with regard to the possible reinspection of the facility.

12 (b) (1) An authorized representative of the State Fire
13 Marshal who, in the course of conducting an inspection,
14 detects a minor violation shall issue a notice to comply
15 before leaving the site at which the minor violation is
16 alleged to have occurred.

17 (2) A person who receives a notice to comply pursuant
18 to paragraph (1) shall have not more than 30 days from
19 the date of receipt of the notice to comply in which to
20 achieve compliance with the requirement cited on the
21 notice to comply. Within five working days of achieving
22 compliance, the person who received the notice to
23 comply shall sign the notice to comply and return it to the
24 State Fire Marshal's representative, stating that the
25 person has complied with the notice to comply. A false
26 statement that compliance has been achieved is a
27 violation of this part.

28 (3) A single notice to comply shall be issued for all
29 minor violations cited during the same inspection and the
30 notice to comply shall separately list each cited minor
31 violation and the manner in which each minor violation
32 may be brought into compliance.

33 (4) A notice to comply shall not be issued for any minor
34 violation that is corrected immediately in the presence of
35 the inspector. Immediate compliance in that manner
36 may be noted in the inspection report, but the person
37 shall not be subject to any further action by the State Fire
38 Marshal's representative.

39 (5) Except as otherwise provided in paragraph (7), a
40 notice to comply shall be the only means by which the



1 State Fire Marshal's representative shall cite a minor
2 violation. The State Fire Marshal's representative shall
3 not take any other enforcement action specified in this
4 part against a person who has received a notice to comply
5 if the person is in compliance with this section.

6 (6) If a person who receives a notice to comply
7 pursuant to paragraph (1) disagrees with one or more of
8 the alleged violations cited in the notice to comply, the
9 person shall give written notice of appeal to the State Fire
10 Marshal.

11 (7) Notwithstanding any other provision of this
12 section, if a person fails to comply with a notice to comply
13 within the prescribed period, or if the State Fire Marshal
14 determines that the circumstances surrounding a
15 particular minor violation are such that immediate
16 enforcement is warranted to prevent harm to the public
17 health or safety or to the environment, the State Fire
18 Marshal may take any needed enforcement action
19 authorized by this part.

20 (8) A notice to comply issued to a person pursuant to
21 this section shall contain a statement that the inspected
22 facility may be subject to reinspection at any time.
23 Nothing in this section shall be construed as preventing
24 the reinspection of a facility to ensure compliance or to
25 ensure that minor violations cited in a notice to comply
26 have been corrected.

27 (9) Nothing in this section shall be construed as
28 preventing the State Fire Marshal, on a case-by-case basis,
29 from requiring a person subject to a notice to comply to
30 submit reasonable and necessary documentation to
31 support a claim of compliance by the person.

32 SEC. 4. Section 42400.4 is added to the Health and
33 Safety Code, to read:

34 42400.4. (a) For purposes of this section, the
35 following terms have the following meaning:

36 (1) "Class I violation" means either of the following:

37 (A) A deviation from the requirements of this division,
38 or from any rule, regulation, standard, order, permit
39 condition, or other requirement adopted pursuant to this



1 division, that represents a significant threat to human
2 health or safety or to the environment.

3 (B) A deviation that is a chronic violation or is
4 committed by a recalcitrant violator, as determined by
5 the state board or district.

6 (2) (A) “Minor violation” means a deviation from the
7 requirements of this division, or from any rule, regulation,
8 standard, order, permit condition, or other requirement
9 adopted pursuant to this division, that is not a class I
10 violation.

11 (B) A minor violation does not include any of the
12 following:

13 (i) Any knowing, willful, or intentional violation of this
14 division.

15 (ii) Any violation of this division that enables the
16 violator to benefit economically from noncompliance,
17 either by realizing reduced costs or by gaining a
18 competitive advantage.

19 (iii) Any violation that is a chronic violation or that is
20 committed by a recalcitrant violator.

21 (C) In determining whether a violation is chronic or
22 a violator is recalcitrant, for purposes of clause (iii) of
23 subparagraph (B), the state board or district shall
24 consider whether there is evidence indicating that the
25 violator has engaged in a pattern of neglect or disregard
26 with respect to the requirements of, or adopted pursuant
27 to, this division.

28 (3) “Notice to comply” means a written method of
29 alleging a minor violation that is in compliance with all of
30 the following requirements:

31 (A) The notice to comply is written in the course of
32 conducting an inspection by an authorized
33 representative of the state board or district.

34 (B) A copy of the notice to comply is presented to a
35 person who is an owner or operator of the facility being
36 inspected at the time that the notice to comply is written.

37 (C) The notice to comply clearly states the nature of
38 the alleged minor violation, a means by which
39 compliance with the requirement cited by the state
40 board’s or district’s representative may be achieved, and



1 a time limit in which to comply, which shall not exceed
2 30 days.

3 (D) The notice to comply shall contain the
4 information specified in paragraph (8) of subdivision (b)
5 with regard to the possible reinspection of the facility.

6 (b) (1) An authorized representative of the state
7 board or district, who, in the course of conducting an
8 inspection, detects a minor violation shall issue a notice to
9 comply before leaving the site at which the minor
10 violation is alleged to have occurred.

11 (2) A person who receives a notice to comply pursuant
12 to paragraph (1) shall have not more than 30 days from
13 the date of receipt of the notice to comply in which to
14 achieve compliance with the requirement cited on the
15 notice to comply. Within five working days of achieving
16 compliance, the person who received the notice to
17 comply shall sign the notice to comply and return it to the
18 state board's or district's representative, stating that the
19 person has complied with the notice to comply. A false
20 statement that compliance has been achieved is a
21 violation of this division.

22 (3) A single notice to comply shall be issued for all
23 minor violations cited during the same inspection and the
24 notice to comply shall separately list each cited minor
25 violation and the manner in which each minor violation
26 may be brought into compliance.

27 (4) A notice to comply shall not be issued for any minor
28 violation that is corrected immediately in the presence of
29 the inspector. Immediate compliance in that manner
30 may be noted in the inspection report, but the person
31 shall not be subject to any further action by the state
32 board's or district's representative.

33 (5) Except as otherwise provided in paragraph (7), a
34 notice to comply shall be the only means by which the
35 state board's or district's representative shall cite a minor
36 violation. The state board's or district's representative
37 shall not take any other enforcement action specified in
38 this division against a person who has received a notice to
39 comply if the person is in compliance with this section.



1 (6) If a person who receives a notice to comply
2 pursuant to paragraph (1) disagrees with one or more of
3 the alleged violations cited in the notice to comply, the
4 person shall give written notice of appeal to the state
5 board or district.

6 (7) Notwithstanding any other provision of this
7 section, if a person fails to comply with a notice to comply
8 within the prescribed period, or if the state board or
9 district determines that the circumstances surrounding a
10 particular minor violation are such that immediate
11 enforcement is warranted to prevent harm to the public
12 health or safety or to the environment, the state board or
13 district may take any needed enforcement action
14 authorized by this division.

15 (8) A notice to comply issued to a person pursuant to
16 this section shall contain a statement that the inspected
17 facility may be subject to reinspection at any time.
18 Nothing in this section shall be construed as preventing
19 the reinspection of a facility to ensure compliance or to
20 ensure that minor violations cited in a notice to comply
21 have been corrected.

22 (9) Nothing in this section shall be construed as
23 preventing the state board or district, on a case-by-case
24 basis, from requiring a person subject to a notice to
25 comply to submit reasonable and necessary
26 documentation to support a claim of compliance by the
27 person.

28 SEC. 5. Section 45200.5 is added to the Public
29 Resources Code, to read:

30 45200.5. (a) For purposes of this section, the
31 following terms have the following meaning:

32 (1) "Class I violation" means either of the following:

33 (A) A deviation from the requirements of this division,
34 or from any rule, regulation, standard, order, permit
35 condition, or other requirement adopted pursuant to this
36 division, that represents a significant threat to human
37 health or safety or to the environment.

38 (B) A deviation that is a chronic violation or is
39 committed by a recalcitrant violator, as determined by
40 the board or local enforcement agency.



1 (2) (A) “Minor violation” means a deviation from the
2 requirements of this division, or from any rule, regulation,
3 standard, order, permit condition, or other requirement
4 adopted pursuant to this division, that is not a class I
5 violation.

6 (B) A minor violation does not include any of the
7 following:

8 (i) Any knowing, willful, or intentional violation of this
9 division.

10 (ii) Any violation of this division that enables the
11 violator to benefit economically from noncompliance,
12 either by realizing reduced costs or by gaining a
13 competitive advantage.

14 (iii) Any violation that is a chronic violation or that is
15 committed by a recalcitrant violator.

16 (C) In determining whether a violation is chronic or
17 a violator is recalcitrant, for purposes of clause (iii) of
18 subparagraph (B), the board or local enforcement
19 agency shall consider whether there is evidence
20 indicating that the violator has engaged in a pattern of
21 neglect or disregard with respect to the requirements of,
22 or adopted pursuant to, this division.

23 (3) “Notice to comply” means a written method of
24 alleging a minor violation that is in compliance with all of
25 the following requirements:

26 (A) The notice to comply is written in the course of
27 conducting an inspection by an authorized
28 representative of the board or local enforcement agency.

29 (B) A copy of the notice to comply is presented to a
30 person who is an owner or operator of the facility being
31 inspected at the time that the notice to comply is written.

32 (C) The notice to comply clearly states the nature of
33 the alleged minor violation, a means by which
34 compliance with the requirement cited by the board’s or
35 local enforcement agency’s representative may be
36 achieved, and a time limit in which to comply, which shall
37 not exceed 30 days.

38 (D) The notice to comply shall contain the
39 information specified in paragraph (8) of subdivision (b)
40 with regard to the possible reinspection of the facility.



1 (b) (1) An authorized representative of the board or
2 local enforcement agency who, in the course of
3 conducting an inspection, detects a minor violation shall
4 issue a notice to comply before leaving the site at which
5 the minor violation is alleged to have occurred.

6 (2) A person who receives a notice to comply pursuant
7 to paragraph (1) shall have not more than 30 days from
8 the date of receipt of the notice to comply in which to
9 achieve compliance with the requirement cited on the
10 notice to comply. Within five working days of achieving
11 compliance, the person who received the notice to
12 comply shall sign the notice to comply and return it to the
13 board's or local enforcement agency's representative,
14 stating that the person has complied with the notice to
15 comply. A false statement that compliance has been
16 achieved is a violation of this division.

17 (3) A single notice to comply shall be issued for all
18 minor violations cited during the same inspection and the
19 notice to comply shall separately list each cited minor
20 violation and the manner in which each minor violation
21 may be brought into compliance.

22 (4) A notice to comply shall not be issued for any minor
23 violation that is corrected immediately in the presence of
24 the inspector. Immediate compliance in that manner
25 may be noted in the inspection report, but the person
26 shall not be subject to any further action by the board's
27 or local enforcement agency's representative.

28 (5) Except as otherwise provided in paragraph (7), a
29 notice to comply shall be the only means by which the
30 board's or local enforcement agency's representative
31 shall cite a minor violation. The board's or local
32 enforcement agency's representative shall not take any
33 other enforcement action specified in this division against
34 a person who has received a notice to comply if the person
35 is in compliance with this section.

36 (6) If a person who receives a notice to comply
37 pursuant to paragraph (1) disagrees with one or more of
38 the alleged violations cited in the notice to comply, the
39 person shall give written notice of appeal to the board or
40 local enforcement agency.



1 (7) Notwithstanding any other provision of this
2 section, if a person fails to comply with a notice to comply
3 within the prescribed period, or if the board or local
4 enforcement agency determines that the circumstances
5 surrounding a particular minor violation are such that
6 immediate enforcement is warranted to prevent harm to
7 the public health or safety or to the environment, the
8 board or local enforcement agency may take any needed
9 enforcement action authorized by this division.

10 (8) A notice to comply issued to a person pursuant to
11 this section shall contain a statement that the inspected
12 facility may be subject to reinspection at any time.
13 Nothing in this section shall be construed as preventing
14 the reinspection of a facility to ensure compliance or to
15 ensure that minor violations cited in a notice to comply
16 have been corrected.

17 (9) Nothing in this section shall be construed as
18 preventing the board or local enforcement agency, on a
19 case-by-case basis, from requiring a person subject to a
20 notice to comply to submit reasonable and necessary
21 documentation to support a claim of compliance by the
22 person.

23 SEC. 6. Section 13308.5 is added to the Water Code, to
24 read:

25 13308.5. (a) For purposes of this section, the
26 following terms have the following meaning:

27 (1) "Class I violation" means either of the following:

28 (A) A deviation from the requirements of this division,
29 or from any rule, regulation, standard, order, permit
30 condition, or other requirement adopted pursuant to this
31 division, that represents a significant threat to human
32 health or safety or to the environment.

33 (B) A deviation that is a chronic violation or is
34 committed by a recalcitrant violator, as determined by
35 the state board, regional board, or operator of a publicly
36 owned treatment works.

37 (2) (A) "Minor violation" means a deviation from the
38 requirements of this division, or from any rule, regulation,
39 standard, order, permit condition, or other requirement



1 adopted pursuant to this division, that is not a class I
2 violation.

3 (B) A minor violation does not include any of the
4 following:

5 (i) Any knowing, willful, or intentional violation of this
6 division.

7 (ii) Any violation of this division that enables the
8 violator to benefit economically from noncompliance,
9 either by realizing reduced costs or by gaining a
10 competitive advantage.

11 (iii) Any violation that is a chronic violation or that is
12 committed by a recalcitrant violator.

13 (C) In determining whether a violation is chronic or
14 a violator is recalcitrant, for purposes of clause (iii) of
15 subparagraph (B), the state board, regional board, or
16 operator of a publicly owned treatment works shall
17 consider whether there is evidence indicating that the
18 violator has engaged in a pattern of neglect or disregard
19 with respect to the requirements of, or adopted pursuant
20 to, this division.

21 (3) “Notice to comply” means a written method of
22 alleging a minor violation that is in compliance with all of
23 the following requirements:

24 (A) The notice to comply is written in the course of
25 conducting an inspection by an authorized
26 representative of the state board, regional board, or
27 operator of a publicly owned treatment works.

28 (B) A copy of the notice to comply is presented to a
29 person who is an owner or operator of the facility being
30 inspected at the time that the notice to comply is written.

31 (C) The notice to comply clearly states the nature of
32 the alleged minor violation, a means by which
33 compliance with the requirement cited by the
34 representative of the state board, regional board, or
35 operator of a publicly owned treatment works may be
36 achieved, and a time limit in which to comply, which shall
37 not exceed 30 days.

38 (D) The notice to comply shall contain the
39 information specified in paragraph (8) of subdivision (b)
40 with regard to the possible reinspection of the facility.



1 (b) (1) An authorized representative of the state
2 board, regional board, or operator of a publicly owned
3 treatment works, who, in the course of conducting an
4 inspection, detects a minor violation shall issue a notice to
5 comply before leaving the site at which the minor
6 violation is alleged to have occurred.

7 (2) A person who receives a notice to comply pursuant
8 to paragraph (1) shall have not more than 30 days from
9 the date of receipt of the notice to comply in which to
10 achieve compliance with the requirement cited on the
11 notice to comply. Within five working days of achieving
12 compliance, the person who received the notice to
13 comply shall sign the notice to comply and return it to the
14 representative of the state board, regional board, or
15 operator of a publicly owned treatment works, stating
16 that the person has complied with the notice to comply.
17 A false statement that compliance has been achieved is a
18 violation of this division.

19 (3) A single notice to comply shall be issued for all
20 minor violations cited during the same inspection and the
21 notice to comply shall separately list each cited minor
22 violation and the manner in which each minor violation
23 may be brought into compliance.

24 (4) A notice to comply shall not be issued for any minor
25 violation that is corrected immediately in the presence of
26 the inspector. Immediate compliance in that manner
27 may be noted in the inspection report, but the person
28 shall not be subject to any further action by the
29 representative of the state board, regional board, or
30 operator of a publicly owned treatment works.

31 (5) Except as otherwise provided in paragraph (7), a
32 notice to comply shall be the only means by which the
33 representative of the state board, regional board, or
34 operator of a publicly owned treatment works shall cite
35 a minor violation. The representative of the state board,
36 regional board, or operator of a publicly owned treatment
37 works shall not take any other enforcement action
38 specified in this division against a person who has
39 received a notice to comply if the person is in compliance
40 with this section.



1 (6) If a person who receives a notice to comply
2 pursuant to paragraph (1) disagrees with one or more of
3 the alleged violations cited in the notice to comply, the
4 person shall give written notice of appeal to the state
5 board, regional board, or operator of a publicly owned
6 treatment works.

7 (7) Notwithstanding any other provision of this
8 section, if a person fails to comply with a notice to comply
9 within the prescribed period, or if the state board,
10 regional board, or operator of a publicly owned treatment
11 works determines that the circumstances surrounding a
12 particular minor violation are such that immediate
13 enforcement is warranted to prevent harm to the public
14 health or safety or to the environment, the state board,
15 regional board, or operator of a publicly owned treatment
16 works may take any needed enforcement action
17 authorized by this division.

18 (8) A notice to comply issued to a person pursuant to
19 this section shall contain a statement that the inspected
20 facility may be subject to reinspection at any time.
21 Nothing in this section shall be construed as preventing
22 the reinspection of a facility to ensure compliance or to
23 ensure that minor violations cited in a notice to comply
24 have been corrected.

25 (9) Nothing in this section shall be construed as
26 preventing the state board, regional board, or operator of
27 a publicly owned treatment works, on a case-by-case
28 basis, from requiring a person subject to a notice to
29 comply to submit reasonable and necessary
30 documentation to support a claim of compliance by the
31 person.

32 SEC. 7. Notwithstanding Section 17610 of the
33 Government Code, if the Commission on State Mandates
34 determines that this act contains costs mandated by the
35 state, reimbursement to local agencies and school
36 districts for those costs shall be made pursuant to Part 7
37 (commencing with Section 17500) of Division 4 of Title
38 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million
40 dollars (\$1,000,000), reimbursement shall be made from



1 the State Mandates Claims Fund. However, no
2 reimbursement is required by this act pursuant to Section
3 6 of Article XIII B of the California Constitution for those
4 costs that may be incurred by a local agency or school
5 district because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution, or for those costs for
11 which the local agency or school district has the authority
12 to levy service charges, fees, or assessments sufficient to
13 pay for the program or level of service mandated by this
14 act, within the meaning of Section 17556 of the
15 Government Code.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

