

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION I
GENERAL PROVISIONS**

RULE 108 REWARDS

(Adopted March 18, 1998)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish a process for the payment of rewards to persons providing information materially contributing to the imposition of civil or criminal penalties, in accordance with Health and Safety Code (HSC) section 42405.1.

1.2 Applicability

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The provisions of this Rule are applicable to any person who provides information to the District on violations of any provision of Part 4, Division 26 of the HSC or any District rule, regulation, or order pertaining to emission regulations or limitations.

1.3 Exemptions

Reserved.

1.4 Effective Dates

The provisions of this Rule are effective as of March 18, 1998.

1.5 References

The provisions of this Rule arise from Section 42405.1 of the Health and Safety Code.

PART 2 DEFINITIONS

2.1 Material Contribution

- 2.1.1 A contribution of evidence which constitutes proof of all elements of an actionable violation or which leads to the discovery of evidence proving all elements of an actionable violation.

2.2 Violation

- 2.2.1 An act or omission which fails to comply with an applicable requirement of Division 26 of the California Health and Safety Code, or any rule, regulation, or order of the District pertaining to emission regulations or limitations. This definition does not include minor violations as defined in District Rule 107.

PART 3 GENERAL PROVISIONS

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3.1 Payment of Reward

The District shall pay a reward of 10% of any civil penalty recovered by the District, not to exceed \$5,000, to any eligible person who provides information materially contributing to the imposition of a civil or criminal penalty for a violation.

3.2 Limitations on Eligibility for Reward

- 3.2.1 An informant is ineligible for a reward for a violation already known to the District, unless the information supplied is new evidence materially contributing to the successful imposition of a penalty.
- 3.2.2 In the event there is more than one informant for a single violation, only the first notification received is eligible for the reward. If multiple notifications are postmarked or telephoned on the same day, the reward shall be divided equally among those informants.
- 3.2.3 An informant is ineligible for a reward who is a public officer or employee of the United States, the State of California, or any air district, county, or city in California, unless the report of the violation is entirely unrelated to the informant's position as a public employee.
- 3.2.4 An informant is ineligible for a reward who provides information on a violation committed by a business if the informant is an employee of the business and intentionally or negligently caused the violation, or if the informant's primary responsibilities included investigating the violation, except where the business knowingly caused the violation.

3.3 Claims for Rewards

- 3.3.1 The District shall notify every informant of the finality of the civil penalty in any case where the informant supplied information on the violation, by mailing a cc-marked copy of the case's release letter to the informant.
- 3.3.2 All claims for rewards shall be submitted in writing to the District within 20 working days of receipt of the above-described notice from the District.
- 3.3.3 Upon receiving timely claim for a reward, the APCO shall make the following determinations:

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- 3.3.3.1 A determination of the accuracy of the information provided by the informant;
and
- 3.3.3.2 A determination of the materiality (see section 2.2 above) of the provided
information in contributing to the imposition of a penalty.
- 3.3.4 If the information provided by an informant is determined to be largely inaccurate, so
that it provides little information having probative value, the claim for reward shall be
denied and the informant notified in writing of the decision.
- 3.3.5 If the information provided by the informant is determined to be a material contribution
to the penalty case, the APCO shall approve the informant's eligibility for the reward
provided herein.
- 3.3.5.1 Payment of this reward shall be mailed to the informant no later than 30 working
days after the APCO's determination, closing the case.

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