

California Environmental Protection Agency



Air Resources Board

Changes to ARB
Independent Contractor Approval Program
Webcast and Dial-In Conference

April 30, 2014

Presentation Details

- Presenter: Kathryn M. Gugeler
 - Independent Contractor Program Administrator
- Email Webcast Questions to:
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Purpose of Webcast

- To discuss recent changes to ARB's Independent Contractor Program

Outline

- Background
- Goals for Changes
- Initial Approval Process
- Administrative Renewal Audit Process
- Full Renewal Audit Process
- Phase-In

Background

- Program began 1981
 - CCR Title 17, Section 91200 and following
- Established as an alternative to compliance testing of stationary sources performed by ARB staff
 - Asphalt batch plants, boilers/heaters, cement kilns, petrochemical processes, power generation, etc.
- Sources may request testing by an Independent Contractor
- No sources participating in Program
- Approximately 35-40 Independent Contractors participating in Program

Background (cont.)

- Independent Contractor approval voluntary to ARB
 - Independent Contractor approval is only required if
 1. Chosen previous fiscal year by a source
 2. Performing ARB required testing
 3. ARB had intended to perform testing
 - ARB does not require Independent Contractor approval prior to any other testing in California

Background (cont.)

- Approvals granted for ARB, U.S. EPA, District, or ASTM test methods, if the methods are used for compliance testing in California
 - U.S. EPA and ASTM test methods only considered if no promulgated ARB test method exists
 - District must participate in any approvals of its test methods
 - Contractor must be able to perform both sampling and analysis in-house

Background (cont.)

Approval Processes

- Initial Approval
 - Performed for new and additional test methods
- Administrative Renewal Audit
 - Previously performed annually
- Full Renewal Audit
 - Review equivalent to initial approval
 - Performed less frequently

Goals for Changes

- Streamline approval processes
 - Use email to correspond with Independent Contractors when possible
- Redistribution of resources from document review to Full Renewal Audits
 - Extend length of approvals
 - Increase number of Full Renewal Audits done each year

Initial Approval Process

Previous

- Contractor requests approval for specific test methods.
ARB:
 - Reviews information submitted
 - Inspects facilities, when appropriate
 - Performs proficiency demonstration, when appropriate
- Approvals valid for remainder of current fiscal year, plus following fiscal year

Initial Approval Process (cont.)

New

- ❖ **Information required and evaluation process identical to Previous Initial Approval Process**
- ❖ **Information can be emailed to ARB**
- ❖ **ARB can respond by email**
- ❖ **Test method approvals valid for remainder of current fiscal year, plus two fiscal years, or, if contractor has other test method approvals, until they expire**

Administrative Renewal Audit Process

Previous

- Application requests mailed to Independent Contractors in first quarter of calendar year
- Applications, and additional information subsequently requested, to be returned before May 1
- Approvals valid up to one year and expire at end of the fiscal year

Administrative Renewal Audit Process (cont.)

New

- ❖ Information required and review process identical to Previous Administrative Renewal Audit
- ❖ Information can be emailed to ARB
- ❖ ARB can respond by email
- ❖ Approvals valid up to two years and expire at end of the fiscal year

Full Renewal Audit Process

Previous

- Identical in format to Previous Initial Approval Process
- Audits performed very infrequently due limited staff resources

Full Renewal Audit Process (cont.)

New

- ❖ **Identical in format to Previous Full Renewal Audit Process**
- ❖ **Goal to perform for each Independent Contractor every five years**
- ❖ **Notices will be sent quarterly to Independent Contractors with the longest interval since initial approvals or previous Full Renewal Audit**
- ❖ **Full Renewal Audit to be completed by the end of quarter**

Full Renewal Audit Process (cont.)

New (cont.)

- ❖ Information can be emailed to ARB or reviewed during facility inspection
- ❖ ARB can respond by email
- ❖ Failure to meet Program criteria will result in disapproval
- ❖ Delay in Full Renewal Audit Process may result in disapproval
- ❖ Approvals valid for remainder of the current fiscal year, plus two additional fiscal years

Phase-In

Approval length:

- ❖ **The first 18 Independent Contractors submitting complete Administrative Renewal Audit applications receive approvals with expiration at end of fiscal year in 2016**
- ❖ **The remaining Independent Contractors submitting complete Administrative Renewal Audit applications receive approvals with expiration at end of fiscal year in 2015**
- ❖ **Subsequent approvals are for two fiscal years**

Phase-In (cont.)

Full Renewal Audit Frequency:

- ❖ **Beginning July 2014 notices sent to Independent Contractors with the longest interval since initial approvals or previous Full Renewal Audit**
- ❖ **Full Renewal Audit to be completed within 90 days of notification**
- ❖ **Failure to meet Program criteria will result in disapproval**
- ❖ **Delay in Full Renewal Audit Process may result in disapproval**



Questions ?

Contact

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<http://www.arb.ca.gov/ba/icp/icp.htm>