January 21, 2016

Enhancing Diesel Program Enforcement

ENFORCEMENT DIVISION

Outline

- Overview of Enforcement Division (ED)
- Diesel Programs and Compliance Assessment
- ED's Actions in Response to April 2015 Sustainable Freight Strategy Discussion Document
- Improving Efficiency
- Conclusions

Enforcement Division

- We are 136 staff
  - Enforce more than 70 ARB programs
  - Provide compliance assistance
  - Support local air district enforcement programs
- Work in tandem with the Legal Office

Enforcement Goal and Tools

COMPLIANCE

Compliance Assistance, Outreach, Training

Field Inspections, Citations, Penalties

Audits, Investigations, Penalties

Community Outreach and Partnerships

Media

Regulatory Design

Case Resolution Process

Find the Violation → Notify the Responsible Party → Discuss with Responsible Party → Resolve with Compliance and Penalties

- Violations are handled in consideration of relevant circumstances, including
  - Extent of harm
  - Nature and persistence of the violation
  - Compliance history
  - Preventive efforts
  - Innovative nature and magnitude of effort to comply
  - Efforts of violator to attain, or provide for, compliance
  - Cooperation during investigation
  - Financial burden

For more information: http://www.arb.ca.gov/enf/sb1402/policy.pdf

Diesel Programs Enforced

- Ships
  - Low sulfur fuel
  - Shore power
- Harbor Craft
- Cargo Handling Equipment (CHE)
- Locomotives
  - Idling (voluntary)
  - 1998 MOU
- Transportation Refrigeration Units (TRU)
  - Shipping Containers
  - Truck Trailers
- Trucks
  - Drayage
  - Truck and Bus
  - Idling restrictions
  - Engine labels
  - Periodic smoke inspection
  - Tractor-Trailer GHG

Compliance Assessment

Ships

- High compliance with ships using distillate fuels
- Beginning enforcement of shore power requirements

Trucks

- High compliance with drayage trucks at ports
- Improvement needed with drayage trucks at rail yards, and Truck and Bus Rule requirements overall

CHE

- High compliance with in-use standards
- Beginning enforcement of opacity standards

TRU

- High compliance at ports
- Improvement needed at distribution centers

Diesel Program Enforcement Challenges

- Regulations focus on end-users
  - Tens of thousands of regulated entities
  - Many not based in California
  - Many are small businesses
  - Fleets unfamiliar with new emissions technologies
  - Complex regulatory requirements
- Significant investments by end-users may be required to comply
- Achieving compliance requires evolution in enforcement strategies

Compliance Assistance and Outreach

- Universe of Activities
  - Diesel Hotline: 56,000 calls in 2015
  - Training and Webinars
  - Truck Stop Website (arb.ca.gov/truckstop)
  - Postcards, Flyers, Fact Sheets
  - Special Events throughout the State
  - Media and Information Outreach Campaign

Enforcement Responses to Sustainable Freight Strategy

- Expand enforcement presence
  - Developed partnerships and held media events
- Focus on freight hubs
  - Increased inspections in disadvantaged communities
- Increase efficiency of Truck and Bus Rule enforcement
  - Developed new approaches to improve processing
- Leverage technology
  - Developed prototype system to identify high emitters

Expanding Presence: Partnerships and Media

- Additional enforcement of Truck and Bus Rule by U.S. EPA, Region 9
- Held three media events in Los Angeles and the San Joaquin Valley
- Expanding outreach to disadvantaged communities and environmental justice task forces

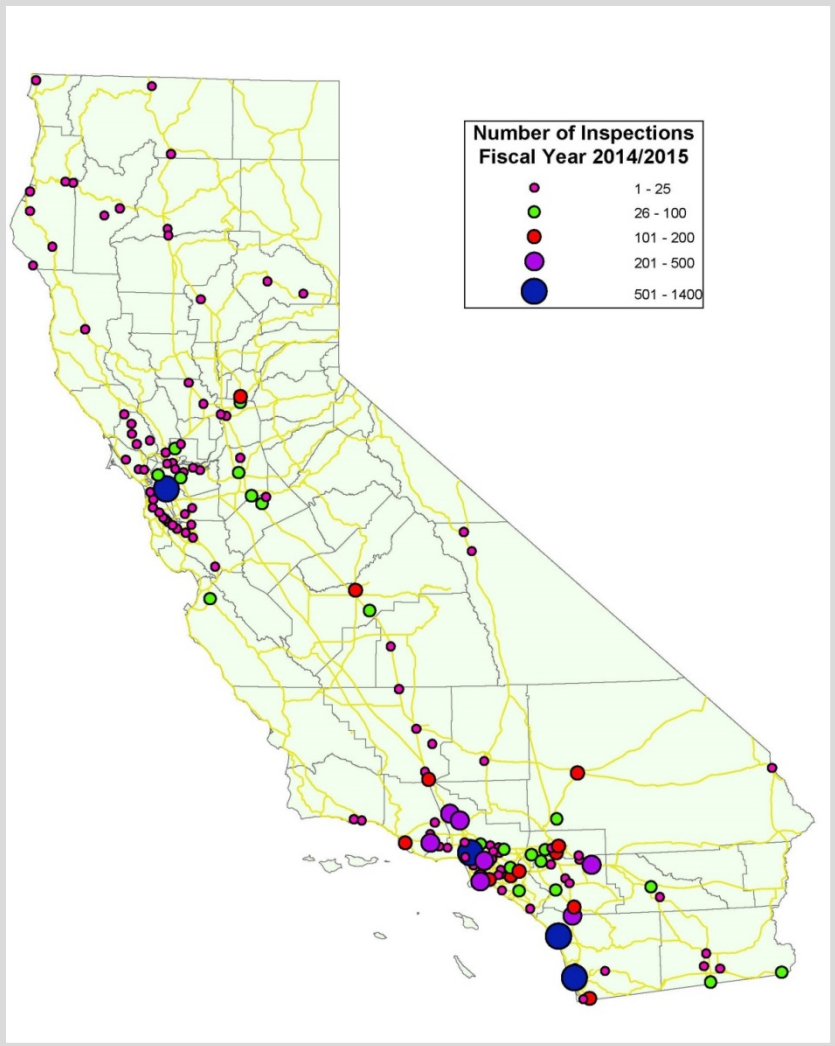
Building Partnerships with Disadvantaged Communities

- Assigned ED staff liaisons statewide
  - Environmental justice task forces
  - Identifying Violations in Affected Neighborhoods (IVAN) Networks

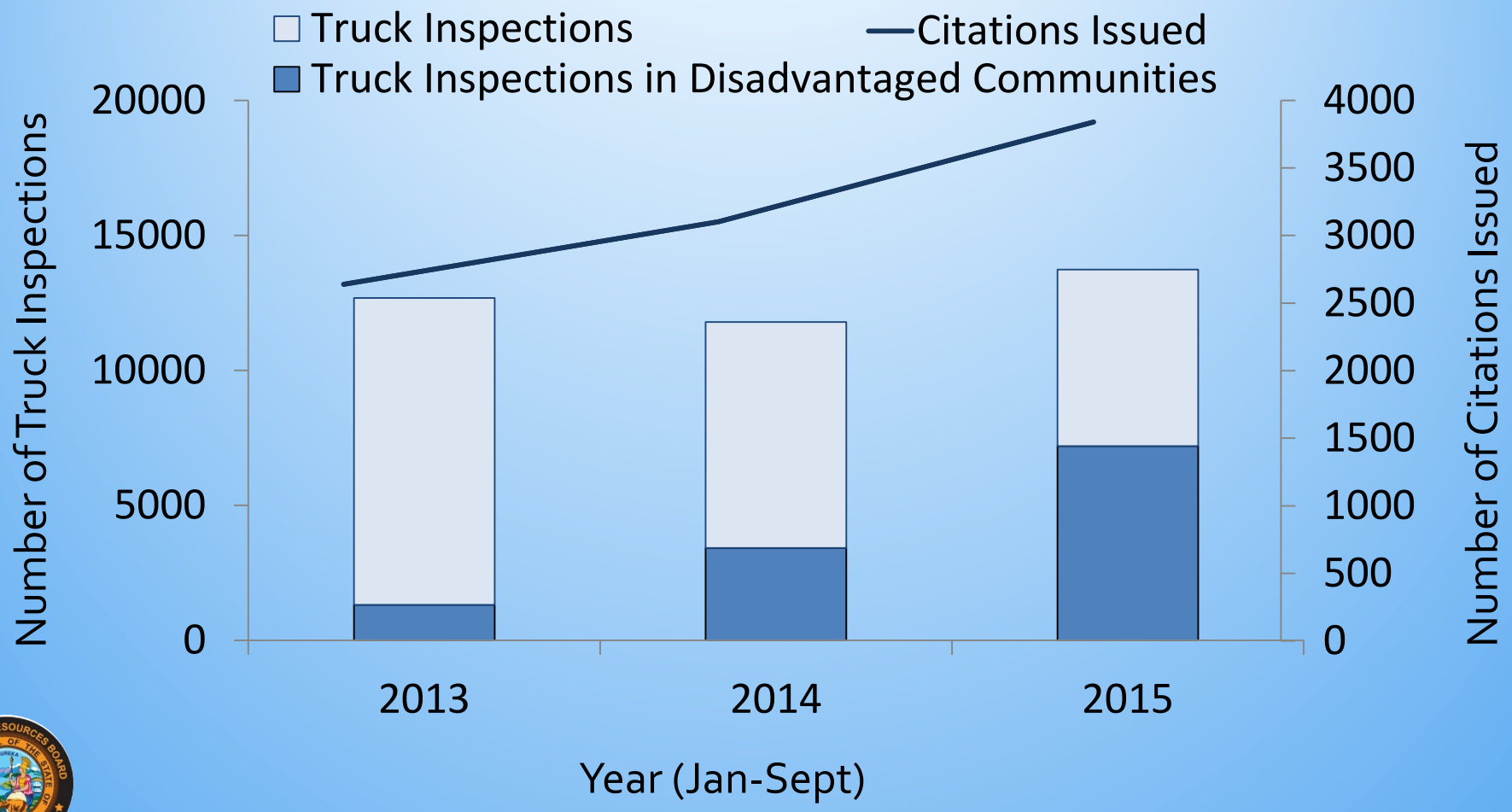
- Goals
  - Understand and address community concerns
  - Report back to community on actions and results

Focus on Freight Hubs: Field Enforcement

- Ports
- Rail Yards
- Distribution Centers
- Major freight corridors
- Random Roadside Locations
- Disadvantaged Communities



Enforcement Statistics: Truck Inspections



Enforcement Inspections at Ports and Railyards

- 3,799 inspections*, all in disadvantaged communities
- 98% compliance rate overall at ports
- Higher noncompliance with
  - Drayage trucks at railyards
  - Ships using low sulfur fuel oil to meet fuel requirements
- Additional focus on
  - Shorepower requirements
  - Cargo handling equipment – opacity standards

* (January – September 2015)

Enforcement Statistics: Diesel Truck Fleet Investigations

Highlights in 2015

Total Open Cases	Total Closed Cases (Jan-Sept)	Total Penalties Collected (Jan-Sept)	Total Vehicles Brought into Compliance (Jan-Sept)
372	253	$2,888,995	2,784

- Average time to close a case is 12 months

Improving Enforcement Efficiency: Truck and Bus

Goal – increase throughput to bring more fleets into compliance

- Streamlined citations processing
- New "smart audit" approach
- Focus on brokers who hire/dispatch trucks
- Streamlined processing for medium and small fleets

Streamlined Citations Processing

- Old approach
  - Focused on bringing a cited truck owner's fleet into compliance with Truck and Bus Rule
  - Led to extended processing time
- New approach
  - Cited truck must be brought into compliance
  - Citations integrated into "smart audit" approach
  - Results in quicker processing time

Smart Audit Approach

- **Citations and Complaints**
- **High Emitters**
- **ARB Compliance Databases**
- **Safety Inspection Databases**
- **Motor Carrier Permits**
- **DMV Registrations**

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Fleet Prioritization

- Number of vehicles
- Degree of noncompliance
- Number of citations
- Location

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Investigations

Smart Audit Benefits

- Quantifies Truck and Bus Rule compliance
- Reduces fleet investigation time
  - Can query a fleet to identify all registered vehicles
- Focuses investigative resources on fleets most likely to be noncompliant

Broker Focus

- Motor carriers and brokers must only hire compliant vehicles, and maintain records
- Noncompliant brokers and carriers identified through field inspections
- Benefits
  - One investigation impacts many fleets
  - Enforcement sends message through industry
- Investigations underway

Streamlined Audits for Small and Medium Fleets

- New streamlined approaches for qualifying fleets
  - Reduce processing time
  - Balance time to comply and penalties with economic hardship
  - Small business training required
  - Provide a final opportunity for compliance
  - Registration holds placed if requirements not met

Leverage Technology

- Leverage ARB funded studies
- Goal to identify trucks and ships with high emissions
- High emitting trucks are cited under tampering authority, and investigated
- High emitting ships can be cited for violation of fuel requirements
- Developing advanced detection systems to identify high emitting trucks during inspections

Looking Forward to 2016

- Assessing compliance rates for each enforced program
- Increasing emphasis on less compliant programs
- Developing innovative solutions
  - Partnerships
  - Media strategies
  - Regulatory support and design
  - Leveraging Technology
- Supplemental Environmental Projects

Conclusions

- Regulations are predicated on effective enforcement
- Diesel programs pose enforcement challenges
- Enforcement approaches are evolving