



California  
Air Resources Board  
Compliance Division

**Advisory**  

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**(REGULATION CHANGES)**

## **CHANGES IN PENALTIES**

Number 29

December 7, 1988

### California Clean Air Act Penalties

Attached is a copy of Section 42402.5 which is added to the Health and Safety Code as a result of the passage of the 1988 California Clean Air Act. This Section becomes effective January 1, 1989 and will apply to any violations which occur on or after that date.

Under the new law, a district may impose administrative civil penalties for a violation of Part 4: Nonvehicular Air Pollution Control or any order, permit, rule, or regulation of the state board or a district, including a district hearing board. However, in order to impose these penalties, the district board has to adopt rules and regulations specifying the procedures by which the penalties will be imposed and the amount of the penalties. Also, the administrative civil penalty may not exceed five hundred dollars (\$500) for each violation. This section is not intended to restrict the districts that negotiate mutual settlements under any other penalty provisions of the law, to a five hundred dollar limit.

The existing civil and criminal penalties continue to apply. This provision just provides the districts another avenue to impose penalties. Staff of the Air Resources Board believe that meaningful fines are the best incentive for voluntary compliance. District staffs are encouraged to seek penalties in accordance with this new penalty provision, in cases where it is appropriate.

If you have any questions regarding this advisory, please contact the Air Resources Board Compliance Division at (800) 952-5588.

Attachment

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**CALIFORNIA  
CLEAN AIR ACT  
1988**

**AB 2595, SHER  
(Chapter 1568, Statutes of 1988)**



(e) During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.

(f) During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the district, and report these emission levels to the district pursuant to a schedule established by the district.

SEC. 31. Section 42402.5 is added to the Health and Safety Code, to read:

42402.5. In addition to any civil and criminal penalties prescribed under this article, a district may impose administrative civil penalties for a violation of this part, or any order, permit, rule, or regulation of the state board or of a district, including a district hearing board, adopted pursuant to Part 1 (commencing with Section 39000) to Part 4 (commencing with Section 41500), inclusive, if the district board has adopted rules and regulations specifying procedures for the imposition and amounts of these penalties. No administrative civil penalty levied pursuant to this section may exceed five hundred dollars (\$500) for each violation. However, nothing in this section is intended to restrict the authority of a district to negotiate mutual settlements under any other penalty provisions of law which exceed five hundred dollars (\$500).

SEC. 32. Section 43000.5 is added to the Health and Safety Code, to read:

43000.5. The Legislature further finds and declares:

(a) That despite the significant reductions in vehicle emissions which have been achieved in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality.

(b) That the attainment and maintenance of the state air quality standards will necessitate the achievement of substantial reductions in new vehicle emissions and substantial improvements in the durability of vehicle emissions systems.

(c) That the burden for achieving needed reductions