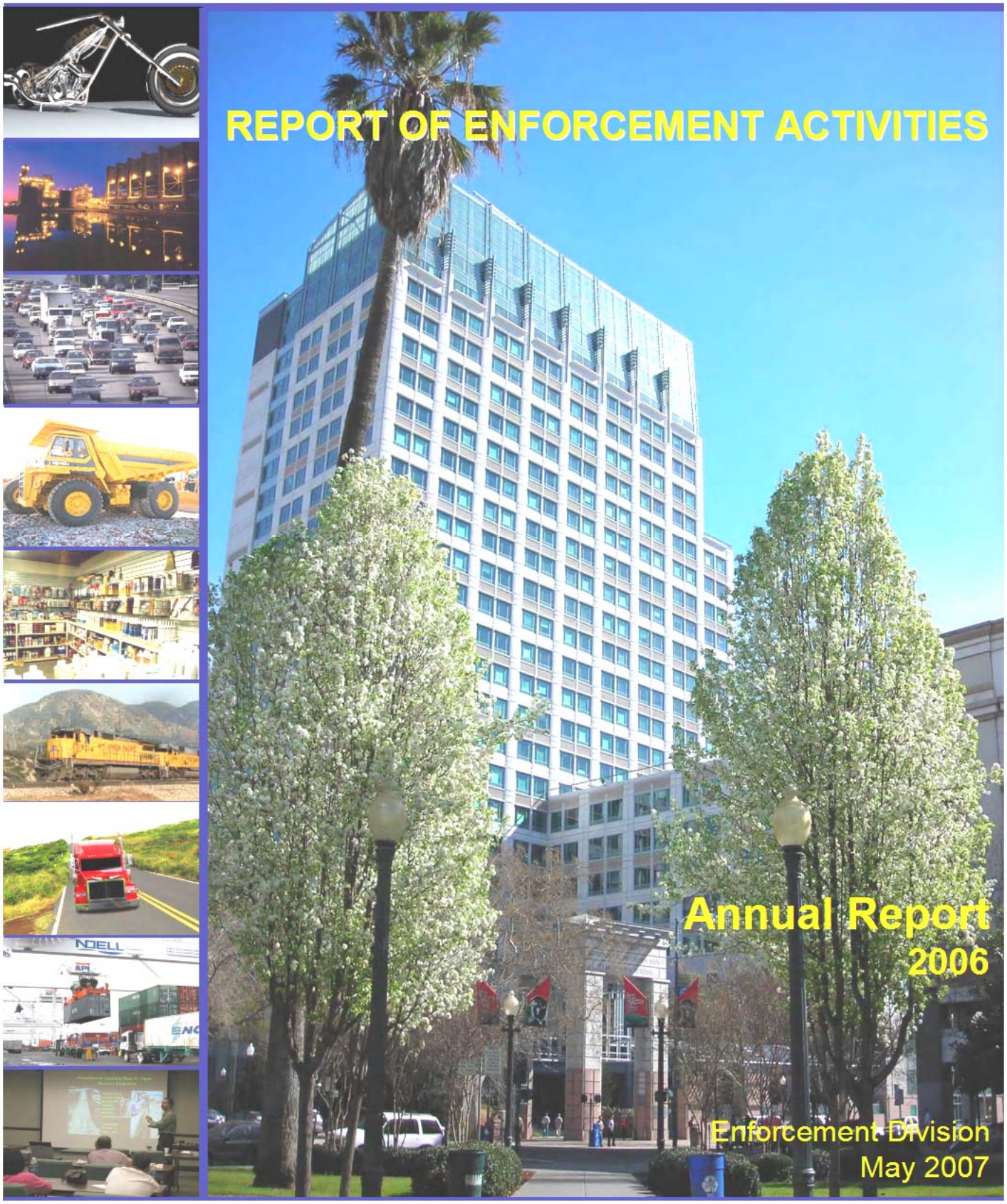
California Environmental Protection Agency

AIR RESOURCES BOARD



REPORT OF ENFORCEMENT ACTIVITIES

Annual Report 2006

Enforcement Division

May 2007

REPORT OF ENFORCEMENT ACTIVITIES FOR 2006

AIR RESOURCES BOARD
ENFORCEMENT DIVISION
May 2007

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*The legal staff in the Air Resources Board's Office of Legal Affairs has also reviewed this report.

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EXECUTIVE SUMMARY

***Enforcement Division Mission Statement**:*
The Enforcement Division seeks to protect public health and provide safe, clean air to all Californians by reducing emissions of air contaminants through the fair, consistent and comprehensive enforcement of statutory and regulatory requirements.

Emissions sources come in all shapes and sizes: from diesel "big rigs" to tricked-out motorcycles; from cargo ships to jet skis; from particle board in the kitchen cabinets to the can of hair spray in the bathroom; from the railroad locomotive car to the family car. With its burgeoning population consuming more and more fuel to drive more and more miles while demanding more and more consumer goods, California remains one of the country's biggest air quality concerns.

That is not to say that nothing has been done. Much has, and California's air has seen remarkable improvement. The California Air Resources Board (CARB, ARB, Board), along with its local air district partners, steadfastly regulates new and existing sources of pollution for the maximum possible control of emissions. The most recent periods in ARB's almost forty years of stewardship have seen a dramatic increase in the number of regulations adopted by the Board, the predominance of which have been to control toxic black soot from diesel vehicles and engines. These sources are found everywhere – on roads and highways, at construction sites, in schoolyards, collecting trash in neighborhoods, and hauling cargo at maritime ports and rail yards. And while ARB has successfully imposed strict standards on new models, the longevity of diesel engines keeps the older higher-polluting vehicles on the road.

These are not the only regulations that ARB enacts. Fuel standards, vapor recovery systems, consumer products, light-duty vehicles, small off-road engines, and a host of air toxic control measures all comprise the variety of programs ARB tackles in its fight for clean air. And while the sources are diverse, what is common to each regulation is the basic tenet that we will not reach our air quality goals unless every member of every industry plays by the rules.

This leads to the next chapter of each regulatory program - enforcement. While the ideal is for industry to comply voluntarily, and ARB offers outreach and compliance assistance programs to help, there is always some fraction of the population that breaks the law. This not only postpones the date for meeting air quality goals, but also punishes complying businesses by providing an unfair economic advantage to the violators. It falls to ARB's inspectors and investigators to keep watch on those places where non-compliance is most likely, as well as where its effects have the greatest adverse impact on public health.

With each new regulation, the universe of inspection sites expands. In recent years, the Board's Enforcement Division (ED) has had to accommodate an increasing number of critical responsibilities in all areas of the state. The enforcement program tests heavy-duty diesel vehicles for engine certification compliance, smoke emissions, and tampering at the Mexican border and the trucks that cross the Mexican border. It

seeks out and intercepts imports of illegal vehicles, engines and consumer products at the state's largest ports. It keeps diesel-powered school buses from idling too long and too close to children's developing lungs. It gets the lowest-polluting fuel pumped into cars and trucks and the highest level of particle controls installed on trash trucks. It is a big job, but if California is to keep moving toward its goal of clean, healthful air, it is an absolute necessity.

How does the Division keep up with all that is asked? We prioritize, cross-train, and look for opportunities to partner with local, state, and federal law enforcement. When the workload demands, we augment our staff and update equipment. We work with and advise the regulation writers to make sure that the programs they design can be effectively enforced and with our laboratory staff to develop processes that will efficiently identity instances of non-compliance. We work with industry to help them understand what is required so that they are able to comply. When we uncover violations, we work with our team of attorneys to prepare effective cases. And through our Public Information Office, we make sure that when an enforcement case has been resolved and the violator has been brought to justice, the word gets out which discourages others from breaking the law.

Finally, the enforcement program has grown somewhat to keep pace with our operational demands. From September 2002, when the Division was reorganized, to June 30, 2006, the Division staff has increased by approximately 24 percent.

This growth in staff has been accompanied by an increase in the number of enforcement actions. In the 2005 Annual Enforcement Report, it was noted that 1,576 cases/citations had been resolved. This year's number (see statistics below) has grown to 1,992 – an increase of more than 26 percent. As the Board faces its aggressive rulemaking agenda, we anticipate that the future will bring continuing growth due to climate change and goods movement regulations.

The information encapsulated below represents the key elements of ARB's Enforcement Program for 2006.

- 1,992 cases/citations closed;
- $6,658,827 total penalties collected;
- More than 70 inspections in Environmental Justice areas conducted; 881 violations issued;
- More than 17,000 heavy-duty vehicles inspected;
- More than 4,300 inspections for commercial vehicle and school bus idling conducted;
- More than 800 cargo tanks inspected;
- More than 523 million gallons of gasoline represented in sampling;
- More than 230 million gallons of diesel fuel represented in sampling;
- More than 14,000 inspections for red-dyed diesel fuel conducted;
- More than 2,600 consumer product samples gathered during inspections;

- More than 500 inspections of portable fuel containers and spouts conducted;
- More than 1,300 inspections of locomotives conducted; 33 violations issued;
- More than 140 classes or multi-day training programs offered, representing over 5,000 student days of training;
- Enforcement of the school bus/delivery vehicle idling program and trained industry on program compliance; and
- Increased enforcement of commercial vehicle idling program and trained industry on program compliance.

The report that follows includes a detailed discussion of ARB's enforcement programs, as well as tables of statistics relating to inspections, investigations and activities in each of the program areas. More comprehensive information relating to inspection statistics, case dispositions, and local air district enforcement activities is included in the appendices. Please note that it is the ARB's practice to keep confidential the names of those entities involved in pending enforcement actions, and this convention will be observed in this report. Specific case settlement summaries can be viewed at ARB's Enforcement Program web site located at: http://www.arb.ca.gov/enf/casesett/casesett.htm.

INTRODUCTION

ARB coordinates efforts to attain and maintain health-based air quality standards statewide and protect the public from exposure to toxic air contaminants. ARB is specifically directed to address the serious problem caused by mobile sources – cars, motorcycles, trucks and buses, off-road vehicles and equipment, and the fuels that power them – a major source of air pollution in many parts of the state. The ARB is also responsible for controlling emissions from statewide sources of air pollution, especially sources of toxic air pollutants and other types of mobile sources (e.g., non-road engines such as lawn and garden equipment, and utility engines) as well as consumer products. Additionally, ARB oversees the efforts of local air pollution control and air quality management districts in controlling air pollution caused by stationary sources.

To carry out these responsibilities, ARB has undertaken a multifaceted program of planning, regulation development, and enforcement. This is a complex process that weaves together air quality research, modeling and assessment; the development and adoption of regulations through a process that allows for public input; and program implementation through active outreach to regulators and regulated industries through training and compliance assistance. The final component, enforcement, ensures that these efforts do achieve the anticipated emissions reductions and a level playing field for all participants. This report focuses on ARB's enforcement efforts, both direct enforcement and oversight of district enforcement programs and voluntary compliance through education and compliance assistance materials.

Violations of California's air quality laws and regulations span a wide gamut that extends from nominal breaches of the state's statutes or regulations to deliberate, criminal actions. And while varying degrees of pollution are created by way of these violations, what remains constant in each is the unfair economic disadvantage suffered by those members of the industries that do comply. To address these varying degrees of violation and their effects on the state's health and economic welfare, the Enforcement Division of ARB has adopted as its mission statement:

> "*The Enforcement Division seeks to protect public health and provide safe, clean air to all Californians by reducing emissions of air contaminants through the fair, consistent and comprehensive enforcement of statutory and regulatory requirements.*"

The report that follows includes a discussion of the enforcement programs currently administered by ARB, as well as some summary statistics relating to inspections, investigations, and activities in each of the programs. More detailed information relating to case status, local air district enforcement activities and other relevant information is included in the appendices. Please also note that it is ARB's practice to keep confidential the names of entities involved in pending enforcement actions, and that this convention will be observed in any pending case summary information.

For more information on the ARB's Enforcement Division or its programs, please contact James R. Ryden, Chief, at (916) 322-7061 or jryden@arb.ca.gov. For

questions or comments relating to this report, please contact the Enforcement Case and Programs Coordinator, Ryman Simangan, at (916) 322-0355 or email rsimanga@arb.ca.gov. Questions relating to specific program areas may be directed to the appropriate section manager or branch chief, listed on the contact sheet found in Appendix F. Please refer to the Enforcement Division's web page as well, located at: http://www.arb.ca.gov/enf/enf.htm.

GENERAL ENFORCEMENT PROGRAM

The Enforcement Division, through its three branches, is responsible for a variety of enforcement activities:

- The Mobile Source Enforcement Branch (MSEB) enforces programs to reduce gaseous, particulate, and visible exhaust emissions from heavy-duty diesel and gasoline powered commercial trucks and buses, passenger vehicles and other light-duty on-road vehicles, off-highway vehicles, and non-road engines such as lawn and garden equipment and small utility engines. Recalcitrant violators face enforcement actions that carry heavy penalties.

- The Stationary Source Enforcement Branch (SSEB) investigates and develops cases related to motor vehicle fuels and consumer products, provides oversight and assistance to local air district enforcement programs, and provides investigative and surveillance services to assist in the development of air quality, toxic exposure, and multi-media cases.

- The Training and Compliance Assistance Branch (TCAB) provides training and materials to ARB staff, air districts, and industry for improving enforcement and promoting compliance.

Integral to the success of the enforcement program is the Enforcement Division's close working relationship with ARB's Office of Legal Affairs (OLA). Division staff develops the cases, many of which are settled directly between the Division and the violator who come into compliance and pay appropriate civil penalties. For cases that cannot be handled through this informal process, OLA attorneys are brought in to work with the enforcement staff to negotiate settlements or prepare cases for referral for civil litigation or criminal prosecution to the Office of the Attorney General, local District Attorneys, or the United States (U.S.) Attorney's Office.

Strategic Plan

The Enforcement Division has developed and implemented portions of a Strategic Plan which guides resource allocations and programs in order to enhance efficiency. The remaining portions of this plan are scheduled to be implemented in 2007.

Regulation and Legislation Coordination

The Enforcement Division staff continues to be involved with rule development and proposed legislation. The coordination between the rule writers, the legislative staff, and the enforcement staff is critical in ensuring that the new regulations and statutes are enforceable at both the state and local level.

California Air Pollution Control Officers Association (CAPCOA) Enforcement Coordination

In 2006, Enforcement Division staff continued to work well with the California Air Pollution Control Officers Association (CAPCOA). Staff attended several CAPCOA meetings throughout the state including the annual fall enforcement meeting in South Lake Tahoe. All sessions were productive and sparked lively discussions that help foster a spirit of mutual understanding, cooperation, and greater professionalism among the various air pollution agencies operating in California.

MOBILE SOURCE ENFORCEMENT PROGRAMS

Program Overview

California has long been a world leader in combating air pollution emitted from motor vehicles and other mobile sources. Because of the state's severe air quality problems, California is the only state authorized under the Federal Clean Air Act to set its own mobile source emissions and fuels standards. The ARB has used this authority to establish an aggressive program to reduce emissions from many sources ranging from heavy-duty diesel trucks, passenger cars, and motorcycles to jet skis, lawn mowers, and chain saws.

The Board's Mobile Source Enforcement Program is structured to ensure that vehicles (and other applicable sources, such as small off-road engines found in lawn and garden equipment) meet California's standards from the design phase through production, from the point of sale through the vehicle's useful life, and finally to its retirement from the fleet.

The ARB has direct enforcement authority over all regulated mobile sources in California. It is illegal to sell or offer to sell into California new mobile sources unless they have been certified by the ARB as meeting California emissions standards. Manufacturers apply for ARB's certification annually. The Mobile Source Enforcement Section is responsible for ensuring that all regulated mobile sources, both on-road and non-road, comply with ARB certification requirements. ARB's enforcement program vigorously enforces these laws through inspections and investigations that result in corrective actions and substantial civil penalties.

For on-road sources, the primary focus of enforcement is to ensure that all new vehicles sold, offered for sale, or used in the state are certified for sale in California. Under California's regulations, a new vehicle (as defined as a vehicle that has fewer than 7,500 odometer miles) not certified to California's standards, cannot be sold within or imported into the state. If such a vehicle visits a Smog Check station, the owner is issued a Certificate of Noncompliance (CNC) and a copy of the CNC is sent to ARB. If the CNC is issued to a dealer or fleet, an ARB field inspector will make a follow-up visit to the aforementioned violators and issue a Notice of Violation (NOV). The NOV requires that the vehicle(s) be removed from the state along with a civil penalty of up to $5,000 per vehicle as authorized under Health and Safety Code (HSC) §43151 et seq. Enforcement statistics for this program may be found in Appendix C. It is worth noting that staff settled approximately 16 significant cases in this area during 2006. A discussion of these cases can be found in Appendix B and a summary of case statistics in Appendix A and C.

Another area of focus for enforcement resources has been in the non-road categories. This includes off-road motorcycles and all terrain vehicles commonly referred to as off-highway recreational vehicles (OHRVs); small off-road engines (SORE) such as lawn and garden equipment, scooters, and generators; large spark ignition (LSI) engines which include fork lifts, sweepers, quads, and generators; and compression ignition engines over 175 brake horsepower (bhp) which include generators and construction

equipment.

Further details regarding the mobile source enforcement programs are discussed in the 2006 Enforcement Report or visit the Enforcement Division's web page at http://www.arb.ca.gov/enf/enf.htm.

Program Highlights

After-Market Parts Outreach

Staff continues to develop a positive working relationship with the Specialty Equipment Marketing Association (SEMA). These efforts help to ensure that all after-market parts that might affect emissions or emissions control systems are issued an ARB Executive Order that allows for their legal sale in California. Mobile source enforcement staff provided outreach at the SEMA International trade show in November 2006.

Street Racing Enforcement Assistance

Mobile source enforcement staff has provided assistance to California Highway Patrol (CHP) and local law enforcement agencies throughout California in the effort to eradicate street racing. Often the vehicles involved in these unlawful activities are equipped with illegal engine modifications and after-market parts, which significantly impact air quality. As these types of modifications can cost thousands of dollars, citing the vehicle owners for tampering (under Vehicle Code section 27156) has proven to be a powerful deterrent because the owner must show that the offending equipment has been removed, as well as pay the related penalties. The training by ARB mobile source enforcement staff assists peace officers in writing solid tampering citations that will support resulting court cases. During 2006, ARB staff conducted numerous training seminars for law enforcement personnel. Law enforcement personnel conducted hundreds of street racing strike forces resulting in the issuance of hundreds of citations. These enforcement actions have had a significant impact on reducing excessive emissions from these modified vehicles.

Small Off-Road Engines (SOREs) & Off-Highway Recreational Vehicles (OHRVs)

The SOREs and OHRVs continued to receive additional enforcement attention during 2006. Mobile source enforcement staff continued to expand their enforcement program to include illegal lawn mowers, trimmers, generators, scooters, and other SORE products, and a number of cases opened and settled. In addition, staff supported the industry by assisting new manufacturers with the certification process. Staff also continued enforcement efforts to ensure that all off-road motorcycle manufacturers and dealers introduce and sell only products that meet California certification requirements. In 2006, with these efforts focused on internet retail markets, coordination efforts have begun with some of the largest internet retail entities. Those efforts include education and cooperation in order to obtain compliance with ARB laws and regulations from these large retail outlets. Aggressive enforcement

of these regulations is critical because SORE and OHRV regulating programs are designed to reduce smog forming emissions by approximately 200 tons per day. In addition, enforcement staff continues to work with the California Department of Motor Vehicles (DMV) and the California Department of Parks and Recreation to ensure proper registration and enforcement in the riding areas throughout California. This cooperative effort ensures that ARB will receive the anticipated reductions from this category.

Motorcycle Enforcement

During 2006, staff continued aggressive enforcement of ARB's motorcycle regulations. The focus was on custom motorcycle builders who produce non-ARB certified units for the California market and Asian import clone non-complaint motorcycles. Additionally, during 2006, the ARB staff formed a Motorcycle Industry Working Group to foster better government/industry relations and higher levels of compliance. This group met twice in 2006 and meetings will be held in the future on an as-needed basis.

After-market Catalysts on On-Board Diagnostics II (OBD II) Vehicles

Staff continues the ongoing investigation program of muffler shops that install illegal after-market catalytic converters (catalysts) on OBD II vehicles. During 2004, the after-market industry started to introduce catalysts approved for some OBD II applications. However, these applications are still very limited, and the practice of installing illegal catalysts is still prevalent. The cost differential between a legal Original Equipment Manufactured (OEM) catalyst and an illegal after-market part can often run into the hundreds of dollars. This creates a huge inequity for repair facilities that follow the law and use only legal replacement parts. Our enforcement efforts are targeted at leveling the market for all repair facilities, and enforcement actions have been initiated against shops that install illegal catalysts, with a number of new cases opened and settled in 2006.

Asian Import Market

During 2006, staff continued its efforts to reduce the incidence of illegal Asian import products (e.g. motorcycles, personal watercraft, lawn and garden equipment, etc.) coming into California through the major shipping ports. Staff is working with the U.S. Environmental Protection Agency (EPA), U.S. Immigration & Customs Enforcement (ICE), U.S. Coast Guard (USCG) and many others to ensure that Asian import products coming into California fully comply with environmental regulations.

During 2006, ARB mobile source enforcement staff investigated a number of Asian import market cases and is pursuing administrative, civil, and criminal action against violators. These investigations included the execution of search warrants and the seizure of illegal products.

DMV and CHP Interagency Coordination Meetings

During 2006, staff continued to attend DMV and CHP coordination meetings. These meetings provide forums for staff to discuss common issues and they foster better inter-agency communication and cooperation.

Marine Engine and Watercraft Enforcement

During 2006, the Board adopted changes to the watercraft regulations. These changes prompted staff to continue to provide compliance outreach to the watercraft industry. In addition, staff began taking an enforcement approach with watercraft violators. For additional information, please refer to the ARB website for detailed information and history on this subject.

HEAVY-DUTY DIESEL VEHICLE ENFORCEMENT PROGRAMS

Program Overview

ARB, in cooperation with the CHP, tests heavy-duty trucks and buses for excessive smoke emissions and tampering of emission control systems. Every heavy-duty vehicle traveling in California, including those registered in other states and foreign countries (i.e. Mexico or Canada), is subject to inspection and testing. These are conducted at random road-side locations throughout California. Although heavy-duty vehicles comprise only two percent of California's on-road fleet, they produce about one-third of the nitrogen oxides (NOx) and approximately two-thirds of the particulate matter (PM) emissions attributed to motor vehicles. The sooty exhaust emissions from these vehicles are of special concern, particularly in residential areas, because of the toxic nature of the particles found in the diesel exhaust.

To tackle the problem of excessively smoking and tampered heavy-duty diesel vehicles, the ARB conducts two companion programs: the roadside Heavy-Duty Vehicle Inspection Program (HDVIP); and the annual fleet Periodic Smoke Inspection Program (PSIP). These programs are designed to reduce smog forming and PM emissions by approximately 25 tons per day based on the program regulations.

The HDVIP is administered by field inspection staffs that perform smoke opacity tests at CHP weigh stations, random roadside locations, and at fleet facilities. Certain random roadside locations may be designated as Environmental Justice (EJ) communities. This means that low-income residents are living in an area in which there is a greater than normal flow of diesel powered trucks and buses that contribute an adverse amount of oxides of nitrogen and particulate matter into the air. Inspections are also conducted at seaports (Los Angeles, Long Beach, Port Hueneme, Oakland, and Stockton), at three California/Mexico border ports of entry (Otay Mesa, Calexico, and Tecate), and at interstate border crossing at Arizona, Nevada, and Oregon.

The companion PSIP requires that California fleet owners of two or more heavy-duty diesel vehicles perform an annual smoke inspection on each of their vehicles. Fleet owners are required to maintain their records for two years. ARB staff will select fleets for audits to assure that the requirements are being fulfilled by reviewing smoke opacity test results. These cases are prosecuted by the State Attorney General or

District Attorneys.

Many new and upcoming diesel vehicle and engine regulations are and will be enforced in conjunction with HDVIP and PSIP activities. For more information, see www.arb.ca.gov/msprog/hdvip.hdvip.htm.

Program Highlights

Focused Environmental Inspections in Environmental Justice Communities/Ports

The ARB participates in an ongoing program of multi-environmental media vehicle inspections in mixed residential/industrial locations (i.e. Environmental Justice areas). During these events, inspection personnel from a variety of agencies (e.g., CHP, U.S. EPA, U.S.C.G, ICE, Department of Toxic Substances Control (DTSC), local law enforcement and hazardous materials agencies, Board of Equalization (BOE), Internal Revenue Service (IRS), etc.) assemble to examine vehicles passing through these neighborhoods to detect violations of air quality regulations, illegal transport of hazardous wastes, illegal use of tax-exempt red-dyed diesel fuel, safety concerns, and other related issues. In 2006, ARB staff conducted 71 of these inspection events throughout California. These events generated 5,772 vehicle inspections resulting in 881 violations of ARB's regulations alone, not to mention the hundreds of violations found by the other agencies (including arrests for criminal activities.)

California-Mexico Border Programs

While Canada and the U.S. have been implementing the North American Free Trade Agreement (NAFTA) for several years, full realization of the treaty has not yet occurred at the southern border. The U.S. and Mexico are still negotiating vehicle safety and other homeland security issues, and to date, no timeline for opening the border has been specified. In the meantime, there is an approximate 25-mile commercial zone in California in which Mexican-domiciled trucks may import and deliver freight to transfer stations where American carriers will load and deliver to final destinations. To guard against excessive particulate matter and oxides of nitrogen emissions from these vehicles, the ARB maintains HDVIP inspection sites at the Otay Mesa, Calexico, and Tecate border crossings. The ARB also conducts random roadside inspections near and around these border crossings to assure compliance from the trucking companies.

In anticipation of the border opening and any adverse environmental effects that may accompany an eventual influx of Mexican trucks, the California Legislature authorized ARB (Assembly Bill 1009 of 2005) to conduct the Emission Control Label Program. This program requires that engine certification labels be securely fastened to the engines, clearly stating that engines installed in heavy-duty diesel commercial vehicles entering California meet federal U.S. EPA emissions standards for the year they were manufactured.

To meet the increasing cross-border commercial traffic flow at Otay Mesa, Calexico, and Tecate, and the future additional traffic due to NAFTA, the Enforcement Division created the Heavy Duty Diesel Enforcement Section – Border in 2006. The Border

section enforces heavy-duty diesel vehicle programs from south of Interstate 10 to the U.S./Mexico Border, as well as at the ports of Los Angeles, Long Beach, and San Diego.

California Council on Diesel Education and Technology (CCDET)

It is important for individuals or firms performing smoke opacity testing related to ARB's HDVIP and PSIP to have a clear understanding of the program regulations and be able to correctly administer the Society of Automotive Engineers (SAE) J1667 opacity test. To this end, the California Council on Diesel Education and Technology (CCDET) was established as a partnership between ARB, the diesel trucking industry, and the California Community Colleges. There are currently five colleges within California (College of Alameda, San Joaquin Delta College, Santa Ana College, Los Angeles Trade Tech., and Palomar College) that offer low-cost training in the proper application of SAE J1667, as well as smoke-related engine repairs and maintenance practices. ARB's policy requires that certification through CCDET be renewed every four years. (See ARB Advisory 340 at www.arb.ca.gov/enf/advs/advs340.pdf.) The CCDET program is currently adding modules to cover other ARB diesel regulatory programs such as diesel engine emission control systems retrofits to idling controls.

During 2006, ARB also directed 25 percent of diesel fleet case settlements (approximately $327,000.00) to fund the CCDET program. These monies are distributed to the five CCDET colleges in equal parts.

Smoking Vehicle Complaint Program

Smoking vehicles can have a very significant effect on our air quality. Everyone has a responsibility to maintain their vehicles so that air emissions are minimized. A well-maintained vehicle is a cleaner running, lower emitting vehicle. This one small effort will help to keep the air healthy for all of us.

Unfortunately, not everyone is aware that their smoking vehicle is such a problem. A number of air districts, along with the ARB, have implemented programs for contacting the owners of smoking vehicles. Under this program, citizens report excessively smoking vehicles and the owners are sent notices asking that they check (and repair as needed) their vehicles. This program generates a 12 percent compliance response rate (See Appendix C, Table C-2).

School Bus Idling Air Toxic Control Measure

Adopted in December 2002, this ATCM requires the driver of a school bus, transit bus, or other commercial heavy-duty vehicle to minimize idling at schools and within 100 feet of a school to protect children's health. Exemptions are provided for idling that is necessary for safety or operational purposes and the measure does not affect private passenger vehicles. The rule became effective July 16, 2003.

The idling rules are among a series of regulations adopted by ARB as part of its Diesel Risk Reduction Plan designed to reduce diesel emissions levels 85 percent by 2020.

In addition, a program was established for the public to anonymously report school buses or other heavy duty diesel vehicles that are believed to be idling and not complying with this ATCM. Upon receipt of a complaint, the driver or vehicle owner is issued an advisory notice and is asked to respond with information outlining compliance efforts. These complaints are reported through the ARB web site and on established 1-800 Hotlines. For more information regarding how to file a complaint, see http://www.arb.ca.gov/enf/complaints/complaints.htm.

During 2006, over 2,200 school buses were checked for compliance, over 600 schools were contacted resulting in the training of hundreds of drivers on how to comply with the regulations (See Appendix C, Table C-3).

Commercial Vehicle Idling Program

In general, commercial vehicles are restricted from idling for more than five minutes in any given area. The rule, adopted in October 2005, is focused on minimizing non-essential idling.

ARB inspectors are periodically sent to different locations around California to conduct idling enforcement. Drivers of vehicles with a gross vehicle weight rating of 10,000 pounds and above may be issued a Notice of Violation if found in violation of the idling regulations. In 2006, ARB inspectors covered the ports of Los Angeles, Long Beach, and Oakland to check for commercial vehicle idling and found a high compliance rate. However, as ARB inspectors continue to look throughout the state for violations of this idling ATCM, other areas have been discovered with higher non-compliance. Exemptions are provided for idling that is necessary for safety and operational purposes.

ARB staff maintains a web site for the public to report incidents of unnecessary commercial vehicle idling. The owner is issued an “Advisory” notice and is asked to respond with information outlining compliance efforts. For the 2006 enforcement statistics of this program, see Appendix C, Table C-4.

Currently, a driver sleeping in the sleeper berth of the vehicle is exempt from the 5 minute limitation. However, effective January 1, 2008, this exemption will no longer apply. Beginning in 2008, drivers will be required to shut down their vehicle’s engine after five minutes unless the engine meets a NOx emission standard or is equipped with an auxiliary power system. For older vehicles, an auxiliary power system can be installed to facilitate cab comfort. For detailed information, please go to http://www.arb.ca.gov/toxics/idling/idling.htm).

Heavy-Duty Diesel Engine Low NOx Software Reflash Program

The owners of many heavy-duty diesel trucks, buses, and motor homes with engines built between 1993 and 1998 operating in California were required to have authorized dealers and distributors install new software, a process called “reflash,” to prevent the release of excess NOx emissions. This requirement stems from a settlement agreement between U.S. EPA, ARB, and the six major engine manufacturers. The engine manufacturers agreed to voluntarily reflash 35 percent of all California

registered vehicles by November 2004 at no cost to the owner. One manufacturer, Detroit Diesel Corp. (DDC) was able to meet that goal, and as a result was allowed to continue its voluntary compliance program. The remaining five manufacturers were unsuccessful and were only able to achieve a voluntary rate of 18 percent; therefore, a mandatory reflash program was imposed by the Board in December 2004. Enforcement of this program began on December 1, 2005. ARB field enforcement staff inspected 1993-1998 model year heavy-duty diesel engines for compliance with the low NOx reflash regulations and issued citations to vehicle owners found in violation.

On October 16, 2006, a Sacramento Superior Court decision overturned the Low NOx Software regulation. Consequently, enforcement of the regulation has ceased; however, the Court's ruling did not invalidate the required installation of Low NOx software at the time of engine rebuild. Anytime an eligible “Low NOx Rebuild Engine” is rebuilt, the low NOx software must be installed.

During the enforcement phase of this program, 1,230 violations were issued, capturing 70 percent of the noncompliant fleet and removing approximately 22 tons per day of excess NOx emissions. For the 2006 enforcement statistics of this program, see Appendix C, Table C-6.

Enforcement Actions for Periodic Smoke Inspection Program, Solid Waste Collection Vehicles, and Transit Fleets

In 2006, ARB reached fifteen settlements totaling $658,450.00 with companies for violating regulations governing these programs (See Appendix C, table C-11).

Transport Refrigeration Unit Regulation

The Transport Refrigeration Unit (TRU) rule was passed in November 2004 and went into effect in December 2004. This regulation implements provisions of the Diesel Risk Reduction Plan, adopted by the Air Resources Board in October, 2000.

This regulation will use a phased approach to reduce the PM emissions from in-use transport refrigeration units and TRU generator (gen) set equipment used to power electrically driven refrigerated shipping containers and trailers that are operated in California.

A one-time facility reporting requirement, due January 31, 2006, applies to facilities located in California with 20 or more loading dock doors serving refrigerated areas where perishable goods are loaded or unloaded.

During November and December of 2006, ARB personnel audited several facilities, and found that they had failed to file their respective TRU facilities reports in a timely manner. Many of these cases are in the process of being settled. Full enforcement of this regulation will begin in 2009, the year of the first emission-related compliance deadline.

Solid Waste Collection Vehicle Program

California's Solid Waste Collection Vehicle (SWCV) regulation became effective in 2004 and focuses on reducing the harmful health impacts of exhaust from diesel-fueled waste collection trucks. The SWCV regulation will reduce cancer-causing particulate matter and smog-forming nitrogen oxide emissions from these trucks by requiring owners to use ARB verified best available control technology to reduce emissions, following a phased-in schedule from 2004 through 2010.

The rule applies to all SWCVs of 14,000 pounds or more that run on diesel fuel, have engines in model years (MY) from 1960 through 2006, and collect waste for a fee. Each year through 2010, waste hauling and waste recycling companies are required to install ARB verified devices known as Best Available Control Technology (BACT) to reduce the diesel soot coming from their waste collection trucks. Emissions reductions and labeling requirements went into effect in 2004. As of December 31, 2005, SWCV fleets have been required to reduce soot emissions from 25 percent of their trucks with 1988-2002 MY engines. By December 31, 2006, this requirement rose to 50 percent. The objective is for fleets to have emissions from all of their SWCV at or below a 0.01 PM for brake horse power per hour (b/b-hp-hr) level by 2010.

During 2006, ARB staff met routinely to discuss program implementation and enforcement. Enforcement of this program is being conducted in conjunction with the HDVIP and the PSIP. In 2006, ARB staff initiated a number of enforcement cases against SWCV fleets and issued 305 NOVs in the field (See Appendix C, table C-10).

STATIONARY SOURCE ENFORCEMENT PROGRAMS

The Board's Stationary Source Enforcement Program conducts research, planning, and compliance functions in conjunction with the 35 local air districts, and oversees local air district activities. Stationary sources include "point" sources (fixed sources such as petroleum refineries) and "area" sources (sources which individually emit small quantities of pollutants but which collectively emit significant emissions, such as gas stations).

Stationary sources contribute substantially to emissions of certain pollutants. For example, between one-quarter and one-half of ozone-forming chemicals (the major components of smog) are from stationary sources. The nature of stationary source pollution is that it is identifiable, from a specific source, whether it is a single polluter such as a factory or a class of polluters such as home chimneys.

ARB's stationary source enforcement program includes the following: fuels enforcement, the consumer products enforcement, general stationary source enforcement, and the strategic investigations and enforcement. Further details regarding the stationary enforcement programs are discussed in the 2006 Enforcement Report or may be found at http://www.arb.ca.gov/enf/enf.htm.

FUELS ENFORCEMENT PROGRAM

Program Overview

The ARB's Fuels Enforcement Program is responsible for ensuring that motor vehicle fuels meet the standards established in California's fuels regulations. Inspections of motor vehicle fuels are conducted by inspectors at all points of the distribution chain, from manufacturers to retail facilities as well as cargo tank vapor recovery systems. The fuels program is also responsible for investigation and research into existing and self-reported violations, evaluation of alternative compliance data, and the development of motor vehicle fuels cases.

The Fuels Enforcement Program is also responsible for providing valuable outreach in the form of training seminars, individual company meetings, instructive web pages, and ongoing support to refiners, importers and regulators. This support helps to clarify complex aspects of the regulations and inform the regulated community about alternative compliance options.

Program Highlights

Field Investigations

A primary component of the ARB fuels enforcement program is the inspection of motor vehicle fuels at refineries, import vessels, distribution and storage facilities, service stations, and bulk purchaser/consumer facilities. Fuels inspectors gather samples of the gasoline and diesel fuel, which are then analyzed in the Enforcement Division's mobile fuels laboratory for compliance with Phase 3 California Reformulated Gasoline (CaRFG3) regulations and California Diesel Fuel regulations.

Gasoline samples are analyzed for Reid Vapor Pressure (RVP), sulfur and benzene contents, T50 and T90 distillation temperatures, total aromatic hydrocarbons, and oxygen content (including Methyl Tert-Butyl Ether (MTBE) and ethanol). Diesel fuel samples are analyzed for sulfur, nitrogen, polynuclear aromatic hydrocarbon (PAH), and total aromatic hydrocarbon contents. In the case of alternative diesel fuel formulations, cetane number, and additives are also regulated.

In 2006, the maximum content of sulfur allowed in CARB diesel fuel was lowered from 500 parts per million (ppm) to 15 ppm. This change is expected to result in a decrease in overall sulfur oxide and particulate matter emissions throughout the state. Fuels staff collected over 2,400 samples of gasoline and diesel fuel this year. See Appendix D for further information regarding fuels inspections or visit http://www.arb.ca.gov/enf/fuels/fuels.htm.

Mobile Fuels Laboratory

The mobile fuels laboratory contains analysis instruments and support equipment necessary to test for the parameters of gasoline and diesel fuel which are regulated by the ARB. Chemists conduct testing in the lab in accordance with approved (American

Society of Testing and Materials) ASTM test methods. The results are then recorded into an ARB test log and reviewed for violations. When a violation occurs, a Notice of Violation is issued and a case is developed.

The use of the mobile fuels laboratory increases sampling capability and turnaround time for sample analyses. Fuels staff conducted over 18,000 analyses on gasoline and diesel fuels in the mobile fuels laboratory during 2006. See Appendix D for detailed fuels analysis data.

Phase 3 California Reformulated Gasoline

CaRFG3 regulations were designed to eliminate the use of the additive MTBE in California gasoline without any reduction in the emissions benefits of the existing program. Changes to the limits were implemented to give flexibility to producers who may use a Predictive Model for their final gasoline. A California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB) model allows producers to project the final parameters of the gasoline after all components are blended.

In 2006, ARB Inspectors enforced the Phase 3 regulations by collecting samples of gasoline and performing over 16,400 analyses on California Reformulated Gasoline. See Appendix D of this report for additional analysis data.

Alternative Compliance Options and Self-Reporting

A key component of the enforcement of CaRFG3 and CARB diesel fuel regulations is the evaluation and monitoring of alternative compliance data. The regulations allow flexibility in production methods to refiners and importers in the form of alternative compliance options. These include: predictive model limits, designated alternative limits, and certified diesel fuel formulations.

When companies opt to use alternative compliance options, there are certain requirements they must meet including providing ARB with data regarding the alternative compliance limits. Electronic forms have been developed which allow producers, importers, and small refiners to submit this information. Fuels Enforcement staff then monitors and evaluate the data to ensure accurate reporting and compliance with company protocols. Fuels staff also randomly sample and test the fuels to confirm the accuracy of the reports.

During 2006, staff received and evaluated 3,159 predictive models from producers and importers of California gasoline.

Fuels Distributor Certification Program

In 2006, staff certified 289 distributors of motor vehicle fuel in the Fuels Distributor Certification Program. This program was developed to provide motor vehicle fuels retailers with a list of legally certified distributors. It also provides the ARB with a means by which to check the records of companies who do not comply or cooperate with requests for data, and in some cases, who have been involved in criminal activity. To be placed on the list of certified distributors, a company must submit an application

to ARB which includes its principal place of business and the location of its records.

Fuels staff issued its annual list of certified distributors to gasoline and diesel fuel retailers in 2006 and made it available to the public on the ARB's website. This program is used in conjunction with special investigation and routine inspection activities. For more information, see http://www.arb.ca.gov/enf/fuels/distcert.htm.

Red-Dyed Diesel Fuel Enforcement

IRS estimates that the national revenue lost from the illegal use of non-taxed diesel exceeds one billion dollars annually. Non-taxed diesel fuel, which is used solely for off-road equipment, is required to be dyed red so that it may be easily recognized by trained inspectors.

BOE contracts the ARB to conduct field inspections for red-dyed diesel fuel, red-dyed analysis, and diesel fuel investigations. These ARB inspectors conduct ongoing inspections of heavy-duty diesel trucks and are qualified to obtain and transport diesel fuel samples.

In 2006, staff conducted more than 14,500 red-dyed diesel fuel inspections and found 47 violations. These inspections are conducted as part of the HDVIP program. For more detailed information, please see Appendix D of this report.

Cargo Tank Vapor Recovery Program

The Cargo Tank Vapor Recovery Program is responsible for ensuring the reduction of Volatile Organic Compound (VOC) emissions from gasoline cargo tanks. Vapor recovery systems on cargo tanks capture the emissions that are produced during the transportation and delivery of gasoline. These systems are required by California regulations to be annually certified by ARB.

Cargo Tank Certification staff administers the annual certification compliance test program by reviewing applications for compliance with the annual leak rate requirements. An ARB certified copy of the application and an official decal which must be displayed by the cargo tank operator are issued after certification and mailed to the owner. A database including over 5,000 cargo tanks that are ARB certified every year is also maintained in this program. In 2006, staff certified 5,525 cargo tanks.

Cargo Tank Enforcement staff conduct statewide random inspections of cargo tanks at terminals and loading racks. When a leak is discovered, the cargo tank owner or operator is issued a Notice of Violation and must refrain from reloading until the cargo tank is brought back into compliance. If a cargo tank is found without a current decal or certification, or if the cargo tank is not maintained in accordance with CARB emission standards, it is in violation and the owner may be subject to penalties. Staff also conducts random inspections of ARB certified testers to ensure that leak tests are being conducted properly. In 2006, 880 cargo tanks were evaluated by ARB Cargo Tank Inspectors. See Appendices A and D for further information regarding inspection results from 2006. For more information about this program, visit http://www.arb.ca.gov/enf/cargotanks/cargotanks.htm.

Case Development

Case Development staff obtains and evaluate field data and company records to determine the date of onset, cause, and extent of violations of air pollution regulations. These cases are then referred to ARB's Office of Legal Affairs for civil or criminal litigation, with case development staff assisting the prosecution.

In 2006, staff settled or closed 42 fuels cases and collected $1,010,500 in penalties. See Appendices A and B for an overview of case dispositions and summaries of significant cases resolved in 2006.

CONSUMER PRODUCTS ENFORCEMENT PROGRAM

Program Overview

The Consumer Products Enforcement Section (CPES) is responsible for regulating VOC emissions from chemically formulated consumer products, aerosol coatings, and portable fuel containers. The VOC content of products must comply with the standards that are established in the Air Resources Board's Consumer Products Regulations. CPES staff travels throughout California to conduct inspections at retail and commercial establishments to verify that products available for sale to household and institutional consumers in California comply with the regulations. In addition to initial investigations, follow-up inspections are conducted to ensure that compliance is maintained.

In 2006, CPES staff purchased a total of 2,685 consumer products; including hairsprays, household cleaning products, air fresheners, automotive chemicals, household pesticides, aerosols coating, and other chemically formulated products from various establishments and the internet.

Once the products are purchased CPES relinquishes the products to ARB's Monitoring and Laboratory Division (MLD) for testing of VOC content or reactivity limits testing. After receipt of the laboratory analysis, the consumer products that exceed the appropriate VOC standard are assigned to CPES staff to further investigate to confirm that there is a violation of the Consumer Products Regulations.

When a violation is determined, staff either works with the companies to reach a mutual agreement or refers the case to Office of Legal Affairs. CPES staff settled 41 cases in 2006 and collected $1,168,457.00 in penalties.

Portable fuel containers and their spouts sold in California are subject to California Code of Regulations to limit the emissions from evaporation, permeation, and spillage of fuels. These are typically small, reusable cans with spouts that are used to store, transport, and dispense gasoline and diesel into fuel equipment machines, such as lawn maintenance equipment and vehicles. CPES staff maintains an ongoing sampling and testing program for spill-proof systems and spouts, investigates the sale of non-complying products, settles cases where violations are found, and monitors corrective actions.

Program Highlights

Consumer Products Regulatory Changes

Amendments to the Consumer Products Regulation and the Aerosol Coating Regulation were approved by the Board at the November 17, 2006 hearing. CPES staff worked with the staff of the Stationary Source Division during the amendment development process and the subsequent 15-day notice period to clarify definitions to

ensure enforceability of the regulation.

Sample Tracking Database

Major work was completed by CPES staff on a web-based sample tracking and lab results database system. The system automatically generates chain of custody and inspection forms, tracks sample purchases, correlates lab result data from MLD with samples purchased by CPES staff, tracks assigned investigation work, and compiles statistical reports for management. Since implementation, sample login times have been reduced by 90 percent, and the task of assigning of investigations and case work has been greatly simplified. Future goals include improved case and evidence tracking capability.

Portable Fuel Containers

In 2006, modifications to the Portable Fuel Containers and Spouts Regulation became effective for both utility jugs and kerosene containers. Several enforcement actions were initiated in 2006 as a result of these modifications. CPES assisted Monitoring and Laboratory Division staff as they developed a certification program for portable fuel containers which will go into effect in July 2007.

During 2006, ten portable fuel cases were resolved with $160,280.00 collected in penalties and $100,000 in suspended penalties.

Implementation of Annual Date Code Reporting

The annual reporting requirements for date coding explanations became effective in 2006. The Consumer Products Regulation was amended in 2004, to allow manufacturers the option of clearly displaying the “Actual” day, month and year on which the product was manufactured or a “Standard” date code in order to avoid having to submit an annual date code explanation on or before January 31st of each year. ARB is currently enforcing these new provisions and taking enforcement actions for date code violations.

Diverted Products

Diversion of non-compliant Consumer Products into California continues to be a significant enforcement issue. This includes both non-compliant salon products that were not intended to be sold in “mass-merchandise” stores and products that are being sold in “close-out” stores that were not intended for sale in California. We are currently working with Circuit Prosecutors from the California District Attorneys Association, District Attorneys, and the Attorney Generals Office on selected statewide diversion cases.

STATIONARY SOURCE ENFORCEMENT PROGRAM

Program Overview

The Stationary Source Enforcement Section (SSES) provides the ARB's oversight responsibilities to local air district programs, which enforce local prohibitory regulations, statewide ATCMs, and national emission standards at stationary sources within their geographical jurisdiction. The section's important and varied program areas are presented below. Please refer to Appendix E for additional statistics of these activities.

Program Highlights

Asbestos

The section oversees implementation of and compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), and investigates all related complaints. Of the 35 air districts in California, 19 of these districts do not have an asbestos program in place. For these "non-delegated" districts, the section receives and reviews all demolition/renovation notifications for compliance with the Asbestos NESHAP. The program includes two asbestos NESHAP task force meetings annually, for districts and U. S. EPA, to facilitate communication and enforcement continuity. In 2006, staff addressed over 420 asbestos issues and inspected over 35 asbestos projects.

Complaint Investigation

The section conducts special investigations of air pollution complaints emitted by stationary sources that are referred to us by districts, ARB's Office of Legal Affairs and Executive Office, and by other agencies. The section conducts compliance inspections to assist other enforcement sections with case development, and special projects to ensure compliance with all Health and Safety Code requirements concerning stationary sources. In 2006, staff completed 24 complaint hotline follow-ups and 23 special projects.

Complaint Hotline

This toll-free telephone number – (800) 952-5588 – provides a means for citizens throughout the state to call and voice their concerns regarding air pollution problems. Citizens call to alert ARB of persistent odors, emissions from industry and vapor recovery equipment, smoking vehicles, and to ask questions regarding air pollution. When a call is received it is recorded, assessed, and either referred to the appropriate air district or agency, or investigated by ARB. ARB's Public Information Office also maintains a toll-free contact number at: 800-END-SMOG (800-363-7664). In 2006, staff responded to 642 complaints.

Variances

HSC allows air districts to issue variances to stationary sources that may be or become out of compliance with their rules and regulations. A petition for a variance must be brought before an air district hearing board, which allows or denies the petition, based on a set of criteria defined by HSC. The section reviews all variances for compliance with HSC requirements, issues corrective action letters to those that do not comply, and maintains a database to monitor the activity related to all variances. It coordinates and conducts hearing board training workshops. Both the Beginning and the Advanced Hearing Board Workshops offer Minimum Continuing Legal Education (MCLE) credits to attorneys who attend the courses. Government and industry lawyers alike often take advantage of this great opportunity to obtain these required credits. Staff also performs audits to evaluate the effectiveness of district variance programs. In 2006, staff addressed over 890 variance issues and reviewed over 534 variances.

Air Facility System (AFS)

The section oversees the collection, input, and quality assurance of the compliance and permitting data updated into the U.S. EPA's AFS database for 26 of the 35 air districts. The AFS Program consists of a Full Compliance Evaluation (FCE) Program and a High Priority Violators (HPV) Program. The FCE Program calls for the districts to supply the section with data for Title V certification report reviews, inspections, and source tests. The section uploads the data into the AFS database and pulls bimonthly (every 60 days) reports for the 26 districts and U.S. EPA. The HPV Program calls for the districts to supply District Notice of Violations (NOV), and with consultation with the section determines if the NOV meets the U.S. EPA threshold of a HPV. The section uploads identified HPV data into the AFS database and pulls monthly reports for the 26 districts and U.S. EPA. The section performs quality assurance on data supplied and existing AFS data. Staff conducts mini-audits of the districts supporting documentation, supplied data and practices for the FCE and HPV programs. The section also assists U.S. EPA in training district personnel to effectively use the AFS database. In 2006, staff addressed more than 360 AFS issues and 340 HPV issues.

Continuous Emission Monitoring (CEM) Program

HSC requires that the operator of any stationary source (for which a district is required to install and operate a CEM) report violations of emission limits noted by the CEM to the air district, and that the local districts, in turn, report these to the ARB. The section collects, stores, analyzes and reports this information. In 2006, staff received and inputted more than 2,890 reports.

Rule Review

ARB works cooperatively with local air pollution control districts to ensure regulations are adopted to achieve the most effective air pollution control program and obtain maximum emission reductions. The Rule Review Program accomplishes this by reviewing rules for clarity and enforceability, specifically for accuracy and

completeness of definitions, presence of test methods, control emission device efficiencies and record keeping requirements. The district is notified verbally of deficiencies, followed by a formal written comment along with suggestions for ensuring the rule is enforceable. Thorough review of draft rules has proven vital in reducing the need for changes of subsequent adopted rules and nearly eliminating the need for ARB to identify rule deficiencies at public hearings. The Enforcement Division reviews 90 percent of all rules submitted to ARB. In 2006, staff reviewed 250 rules.

Program Highlights

Single Complaint Tracking System

SSES staff joined staff from other Cal/EPA Board Departments to develop a Single Complaint Tracking System mandated by the Governor's Environmental Enforcement Initiative. Our team developed an on line, web-based, citizen complaint tool that allows anyone to submit an environmental complaint to a single point at Cal/EPA and have that complaint properly screened and addressed by the appropriate Cal/EPA regulatory body. SSES staff was instrumental in this development because of our many years of experience with conducting our own hotline complaint system.

Santa Cruz Harbor Dredging Issue

In 2006, SSES staff joined the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and ARB's Monitoring and Laboratory Division (MLD), in an effort to resolve an air pollution issue in the Santa Cruz Harbor. The citizens in the area are alleging that they are experiencing adverse health effects from hydrogen sulfide as a result of harbor dredging. SSES staff is investigating the issue and has interviewed citizens, met with the district and port authority staff, and conducted hand-held monitoring in the area. Presently MLD, with the direction of SSES, has placed a permanent monitor at the residence of a complaining citizen to measure the hydrogen sulfide exposure during the 2006/2007 dredging season. This data is being collected to help determine the exposure of hydrogen sulfide, while working with the MBUAPCD, the Santa Cruz Port Authority, and the citizens.

Dry Cleaners Perchloroethylene Fee Collection

Staff was asked by the Stationary Source Division (SSD) to collect delinquent perchloroethylene fees from manufacturers and distributors (facilities) that sold perchlorethylene to dry cleaners. These facilities are required by HSC §41988 to self-report the total gallons of perchloroethylene sold to dry cleaning facilities on an annual basis. Staff contacted and investigated the delinquent facilities and collected a total of $27,400 in penalties and fees.

Gasoline Storage Tank Inspections

SSES was contacted by the Sacramento Metropolitan AQMD to conduct gasoline storage tank inspections. Staff inspected six tanks and all of the tanks were found in compliance. The inspection results were documented and submitted to the district.

Program Audits

In late 2005, SSES staff joined the SSD staff to conduct program audits of the Feather River, Tehama, Glenn, Colusa, and Butte county Air Pollution Control and Air Quality Management Districts. Staff focused on the districts' Variance programs, Air Facility System programs, and the Agricultural Burning programs. The reports for these audits were completed in 2006.

STRATEGIC ENVIRONMENTAL INVESTIGATIONS AND ENFORCEMENT PROGRAM

Program Overview

The Strategic Environmental Investigations and Enforcement Section (SEIES) conducts special investigations of cross-media environmental cases (i.e., cases involving one or more of air, water, toxic wastes, regular waste, or pesticides) that involve other agencies within Cal/EPA. SEIES also assists air district enforcement staff and local law enforcement agencies. The section works under a Memorandum of Understanding (MOU) with the Cal/EPA to provide investigative services necessary to fulfill Cal/EPA's statutory enforcement responsibilities.

The SEIES is tasked with providing enforcement assistance (inspections, investigations, and case preparation) to local air pollution control districts. They also provide assistance to other local and regional environmental agencies including County Departments of Environmental Health and Regional Water Quality Control Boards. The section also supplies surveillance services in support of multi-media cases. The section's staff actively participates in a number of environmental task forces throughout the state.

Program Highlights

Environmental Crimes Strike Force Meetings Attended

In 2006, SEIES staff attended approximately 23 environmental crimes task force meetings in Northern California and 41 in Southern California. Meetings attended were: Cal/EPA Statewide Task Force in Sacramento, the Solano County District's Attorney's Task Force, the Sacramento County District's Attorney's Task Force, the Sierra Nevada Task Force in El Dorado and Placer Counties, the Sacramento Valley Task force in Oroville, the Northern Central Valley Task Force In Modesto, the Los Angeles City Attorney's Task Force, the Los Angeles County District Attorney's Task Force, the San Bernardino County District Attorney's Task Force, the San Diego County District Attorney's Task Force, the Torres-Martinez Tribal Task Force in Mecca, the US EPA Criminal Investigation Division Task Force in Pasadena and San Francisco, the Imperial County Certified United Program Agencies (CUPA)/ Department of Toxic and Substance Control (DTSC) Task Force in El Centro, and the California Border Environmental Enforcement Task Force in San Diego. Staff has offered and delivered assistance to local strike force meeting participants in the terms of conducting inspections, referring requests for assistance, and in providing other in-kind types of assistance when needed.

In addition, several task force meetings around the state have been leveraged as training opportunities for task force members. This kind of cross-disciplinary training is cost-effective and it helps foster consistent enforcement throughout the state. SEIES staff has participated in training in interviewing techniques, evidence gathering, report

writing, and preparing cases for referral to prosecutors.

Environmental Prosecutor Coordination

In 2006, SEIES staff continued to forge new relationships with legal counsel. SEIES staff attended the "Environmental Prosecutor Quarterly Roundtable" meetings held at several locations throughout the state and discussed environmental crime prosecution with Cal/EPA and its constituent boards, departments, and offices (BDOs); Department of Justice (DOJ); California District Attorney's Association (CDAA); and local district and city attorneys.

EPA Region 9 Criminal Investigation Division Coordination

SEIES staff attended environmental crimes meetings with U.S. EPA Region 9 Criminal Investigation Division (CID) staff in San Francisco, Pasadena, and Sacramento. The purpose of the meetings was to develop a stronger relationship between the Federal, State, and Local environmental enforcement agencies. Coordination throughout the year continued to improve.

Railroad Memorandum of Understanding

SEIES staff has the lead role in enforcing the Railroad (RR) Memorandum of Understanding (MOU). This MOU is a new process which not only involves enforcement but the ongoing coordination with the RR's in developing the enforcement plan as well as being a part of the community meetings in the public awareness aspect of this process. During 2006, SEIES made two rounds of inspections (first May/June and the second October/November) on the 32 covered and designated railroad yards identified in the MOU. During these inspections SEIES staff looked at total of 1,351 locomotives, issued 33 NOVs (1 Visible Emission (VE) and 32 idling violations), and 29 Notice to Comply (NTCs). It should be noted NTCs were not used in the first round of inspections.

In addition to the inspections, SEIES staff also attended public outreach meetings in several locations throughout the year which were conducted by Union Pacific Railroad and Burlington Northern Santa Fe Railroad.

SEIES staff were also present at the ARB Board Meeting held at Cal/EPA in July, 2006. Staff from SSD briefed the Board members on the railroad inspections SEIES staff performed in May and June of 2006 and on the progress the railroads were making in meeting implementation time frames outlined in the MOU. ARB staffs were directed by the Board to continue their inspections and to report back in six months.

Cruise Ship Incineration Inspections

SEIES staff inspected 13 cruise ships calling at the Port of Los Angeles and 6 calling at the Port of San Diego in 2006. Staff did not document any occurrences of burning

garbage within three miles of the California coastline (HSC §39630-39632). All such garbage incineration occurred outside of the three mile limit and was verified by documenting (with copies received) of the vessels' garbage incineration logs which give latitude and longitude point for the initiation/cessation of garbage incineration.

Portable Equipment Registration Program (PERP) Inspections

SEIES staff inspected numerous pieces of portable equipment in the Northern and Southern California areas in 2006. Staff issued several NOVs and will continue to look for unpermitted equipment in 2007.

Assistance to Placer County APCD

In 2005, the Placer County APCD requested help from the Enforcement Division Chief for inspection and CEM data analysis assistance. The SEIES staff was glad to accept the tasking and has been actively involved with the District's enforcement program. SEIES staff completed analysis of data from a cogeneration facility and the District is currently having settlement discussions with the company. The District has compiled a list of facilities where ARB can provide inspection assistance.

North Coast Unified Air Quality Management District Pulp Mill

Responding to a request for assistance from the North Coast Unified AQMD, SEIES and Compliance Training Section staff have devoted significant time over the last few years to a pulp mill located near the city of Eureka. Staff will continue to monitor and support this complex ongoing case in 2007.

North Coast Unified Air Quality Management District Flakeboard Plant

Responding to a request for assistance from the North Coast Unified AQMD (District), on November 8, 2006, SEIES staff assisted the North Coast Unified AQMD in inspecting a flakeboard facility. The plant is a large old facility that had not had a complete inspection in several years. The inspection revealed a number of violations of the District's fugitive dust rule and of permit conditions requiring that air pollution control equipment be in good operating condition. The facility also has a Title V permit that is due for renewal in the next year. SEIES staff has made a number of recommendations concerning the permit.

Multi-district Co-Gen Enforcement Case

In 2006, SEIES staff continued to work with the Attorney General's office on a multi-district co-generation case. The scope of the case has grown as more information has become available to SEIES staff and the Attorney General through the discovery process. The company involved in this case operates sawmills with cogeneration plants at several locations in the state. The SEIES investigated numerous violations on its own initiative and in cooperation with one local air district.

Construction Company Case

In July of 2003, SEIES staff began the investigation of a large construction company for not permitting portable diesel powered equipment. Over the course of the investigation, staff discovered additional violations in several air districts. The matter was referred to the Attorney General office as a state-wide issue. Litigation for this case continues into 2007.

Disneyland Resorts Fireworks Observation

Beginning in 2005, SEIES and South Coast AQMD staff have been jointly monitoring the use of fireworks at Disneyland. A local homeowner's association had complained about the impact of the fireworks on their community. Since that time, Disneyland has been proactively researching methods to resolve the matter. They were the first to use new low-smoke technology for their pyrotechnics. Disneyland has reduced its use of black powder in its fireworks program and has totally eliminated the use of black powder charges in to lift "skyrockets" (mortars) to display height. Today, they use compressed air to send mortars into the sky. In addition, Disneyland plans to transition to ultra-low-smoke black powder technologies in 2007. Some residual smoke remains after the special effects packages detonate, but the overall impact from the fireworks displays has decreased significantly since 2003. SEIES staff will continue working with South Coast AQMD to monitor the situation.

Sea Colony III Fugitive Dust Complaint Investigation

SEIES staff jointly inspected the Sea Colony III housing development site in Huntington Beach on January 24, 2006 in response to a complaint received by ARB management. The complaint alleged that fugitive dust from the construction operations of the housing development was impacting their lives and disturbing the unencumbered use of their property. No violations of any applicable South Coast AQMD rule or State statute (Rule 401 - Visible Emissions, Rule 402 - Nuisance, Rule 403 - Fugitive Dust or the corresponding State statute sections - HSC §41700 & §41701) were documented.

Mojave Odors & Lancaster Wastewater Reclamation Plant Inspection

SEIES staff jointly inspected the Lancaster Wastewater Reclamation Plant with District staff on February 16, 2006, in response to a citizen complaint received by SEIES staff. The complaint alleged sporadic odors from an unknown source resulting in metallic taste in the mouth, throat numbness, and headaches. SEIES staff had previously (February 8, 2006) inspected five potential sources in the general Mojave area and eliminated them from consideration with respect to this specific complaint. The wastewater reclamation plant was operating in compliance with its permit and permit conditions at the time of the inspection.

Del Amo Elementary School Complaint Investigation

SEIES staff jointly inspected a complaint made by the staff of the Del Amo Elementary School in Carson against several industrial facilities in the immediate area - primarily BP/Arco refinery and the Shell refinery in Carson with SCAQMD Refinery and Industrial inspection staff. The complaint alleged odorous emissions, visible emissions, nuisance, fugitive dust, and fugitive VOC leaks from facilities in the immediate area and ineffective, improper, and tardy complaint investigation by SCAQMD staff on January 12, 2006. The inspection was conducted on April 13, 2006. No odors were observed from the industrial operations in the immediate Carson area at that time. Staff's analysis of the District's January 12, 2006 investigation indicated that the District responded within one hour of notification, utilized eight District staff including swing shift inspectors.

Trans West Housing Fugitive Dust Complaint Investigation in La Quinta

SEIES staff conducted a joint inspection with SCAQMD staff at the Trans West Housing development in La Quinta, CA on July 14, 2006. A resident of La Quinta had complained via letter to ARB management that fugitive dusts were inundating his residence adjacent to the Trans West Housing development. SEIES & SCAQMD staff conducted an unannounced inspection in the morning and toured the 303-unit development site, observing six water trucks operating, chemical ground stabilization cover in place, and use of wind fences in effort to minimize emissions of fugitive dusts. The facility was deemed to be in compliance with South Coast AQMD Rule(s) 401 (VE), 402 (Nuisance), 403 (Fugitive Dust), and 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources) and with the corresponding HSC (§41700 & §41701).

Laidlaw Education Services Odor/Smoke Complaint Investigation

SEIES staff conducted an inspection of the Laidlaw Education Services facility in Los Angeles on August 29, 2006 in response to a complaint referral from the City Attorney's Office Environmental Justice Section via the Environmental Crimes Strike Force. Laidlaw operates a bus maintenance yard at the 111th Place location in a M1-1 Zone. The complainant, who resides directly across the street from the facility, has complained of smoke and odors from the facility impacting her residence particularly in the early morning hours when the buses are initially warmed up and idle for up to ten minutes each. With approximately 150 diesel buses on site this can be a problem. Staff spoke to the manager of the facility who was aware of the complaint situation. No violations of State statute or District regulations were observed. A referral was made to the Border Heavy Duty Diesel Section for follow-up with a PSIP audit at a later date.

Semper Fi Tow, Inc. Complaint Investigation

SEIES staff conducted a complaint investigation of a complaint initially received by US

EPA and referred to State Water Resources Control Board (SWRCB) for investigation. The anonymous complaint alleged use of illegal automotive coatings, painting of trucks outdoors without use of a paint spray booth, operation without a SCAQMD permit, repairing trucks and draining of used oil/anti-freeze onto the ground. SEIES staff inspected the premises on November 22, 2006, and determined that the current lessee, Semper Fi Tow, Inc. had a legal ongoing business, had an impound contract with CHP, and was not doing any of the alleged improprieties. The new owner had made significant improvements to the property and had cleaned up the debris left by the former owner. An abandoned 55-gallon waste drum (full) was reported to the Los Angeles County Fire Department Newhall office for sampling and proper disposal.

Gregg Industries Abatement Order Hearing & Complaint Investigation

SEIES staff attended an abatement order hearing at the El Monte City Hall on the evening of December 13, 2006. District staff had scheduled the evening meeting so citizens of El Monte could attend and testify without having to take time off from their employment to travel to Diamond Bar during regularly scheduled hearing board meetings. The hearing lasted from 1830 - 2215 hrs. with an overflow crowd resulting in a continuation hearing scheduled for January 10, 2007, at the District offices. Staff conducted a joint complaint investigation/inspection with District staff on December 19, 2006, but facility operations were being curtailed to comply with a Hearing Board Minute Order prohibiting shell core manufacturing between 1500 - 2100 hrs. each day to alleviate neighborhood odors. Staff elected to conduct a full Title V inspection on January 18, 2007, to observe the foundry in full operation. A stipulated order with 16 conditions was eventually issued on March 13, 2007 and was adopted by the District hearing board.

Vapor Recovery Enforcement Case

In 2006, SEIES staff continued to provide investigative assistance to the Fuels Section. In 2005, staff opened three gasoline vapor recovery cases concerning the sale of thousands of uncertified vapor recovery components in California by an East Coast corporation and two California distributors. The parent company has voluntarily taken responsibility for the entire matter. The case was referred to the ARB Legal Office and a settlement conference was held in June 2006. Settlement discussions continue into 2007.

Complaint Investigation at an Apple Computer Facility

SEIES staff met with an inspector from the Bay Area Air Quality Management District (BAAQMD) on June 20, 2006 to conduct a follow-up inspection at an Apple Computer R&D facility in Cupertino. A residential neighbor located immediately adjacent to the facility had lodged a number of allegations and complained of specific health effects and the deaths of two area residents. As a result, the facility and the surrounding area have been examined several times by multiple agencies. The BAAQMD recently completed a formal health risk assessment for the Apple facility. Management

representatives for Apple have been cooperative and forthcoming. No manufacturing takes place at that particular location. After an exhaustive investigation involving both SEIES and BAAQMD, the complainant's allegations could not be substantiated and no violations of air quality laws or regulations could be documented.

Surveillance Cases

The SEIES surveillance unit continues to assist state and local agencies, including air pollution control districts, in their investigations of environmental criminal activity of all kinds throughout the state. CARB has used remote video surveillance to gather evidence of environmental crimes since 1993. As a contribution to the Cal/EPA task force concept, CARB provides the service (both the equipment and a technician to install it) free of charge to environmental investigators in California. The unit works closely with investigators specifically to provide covert video, either digital or analog, to the investigating teams for the various agencies. This video is then used by investigators as evidence to support their cases. Video evidence is a highly effective tool in environmental crime enforcement and its use by state and local agencies continues to grow.

During 2006, SEIES assisted state, local, and federal agencies across the state to support civil and criminal case development. The program provided surveillance assistance in the following cases:

- Sacramento Metro AQMD to verify complaints of smoke and odors from a crematorium.
- Contra Costa County Environmental Health and the California Integrated Waste Management Board (CIWMB) to deter the dumping of waste tires and hazardous materials.
- Water Resources Control Board to investigate fraud in the Underground Storage Tank Cleanup Fund Program.
- CARB Enforcement Division (ED) to verify H_2S emission complaints in the Monterey Bay Unified APCD.
- Fresno County District Attorney's Office and the CIWMB to deter the dumping of waste tires and hazardous materials.
- Alameda County District Attorney's office to investigate unsafe storage of cylinders of fumigants and pesticides near a residential area.
- Department of Fish and Game, Turlock, to deter the dumping of hazardous materials into a slough.
- CARB Cargo Tank Enforcement for vapor recovery operations.
- The Department of Food and Agriculture, Pest Exclusion Branch to test methods of monitoring minor roads crossing over the California Border. This may also assist CARB Fuels Enforcement in detecting transport of cheap illegal fuels into the state. Improper hazardous waste transportation might also be detected.
- San Joaquin County Department of Environmental Health to test and evaluate their new camera purchase and to help with their first installation.

- Fresno City Code Enforcement and the CIWMB to deter the dumping of waste tires and hazardous materials.
- ARB and El Dorado County APCD to deter the emission of serpentine rock dust into the air.
- Sacramento County Code Enforcement and the CIWMB to deter the dumping of waste tires and hazardous materials.
- Alameda County District Attorney to prove that a company is washing hazardous materials to a storm drain to the bay.
- CARB ED Fuels Enforcement Section to observe different stations in the Southern California area where non-CARB certified fuels are suspected of being sold.
- DTSC and South Coast Air SCAQMD where a company in City of Industry is suspected of illegally burning unpermited materials.
- CIWMB and Imperial County Environmental Health to deter the dumping of waste tires and hazardous materials.
- CIWMB and San Luis Obispo County Environmental Health Services to deter the dumping of waste tires at a tire repair facility.
- The County of San Bernardino, Office of the District Attorney, to help document illegal disposal of hazardous waste by truck drivers.
- The County of Ventura, Office of the District Attorney, to conduct surveillance on a potential illegal landfill operation.

Also in 2006, the California Integrated Waste Management Board awarded the surveillance program a grant in the amount of $150,000 to purchase upgraded equipment during the next two years. The new equipment will be capable of identifying those who illegally dump waste tires and other hazardous wastes.

Presentations and Training

California Unified Program Training Conference

SEIES staff attended the annual California Unified Program Training Conference in Burlingame on February 6-9, 2006. The conference was well attended with approximately 1,500 attendees, speakers, and exhibitors present during the four day event. SEIES staff also presented enforcement training developed by the Cal/EPA Enforcement Intelligence Team which received high reviews from the students.

Sacramento Chapter InfraGard Meeting

The SEIES staff attended the InfraGard Sacramento Chapter Quarterly Meetings in Sacramento. Participants included the Federal Bureau of Investigation (FBI), Franchise Tax Board (FTB), and other agencies and area businesses. InfraGard is a FBI program that began in the Cleveland Field Office in 1996. It was a local effort to gain support from the information technology industry and academia for the FBI's investigative efforts in the cyber arena. The program expanded to other FBI Field Offices and in 1998 the FBI assigned national program responsibility for InfraGard to

the former National Infrastructure Protection Center and to the Cyber Division in 2003. InfraGard and the FBI have developed a relationship of trust and credibility in the exchange of information concerning various terrorism, intelligence, criminal, and security matters.

Presentations about Internet Information Resources & Portable Equipment Registration Program

SEIES staff presented training on *Internet Information Resources for Case Development* on several occasions through the year. The training was developed by the Enforcement Intelligence Team, which is part of Cal/EPA's Enforcement Initiative. It was originally presented in 2005 as part of the Brown Bag series sponsored by Cal/EPA's Office of the Secretary. In February 2006, the material was presented at a second Brown Bag session. This topic was presented two additional times as part of the 3-day *Advanced Air Quality Enforcement Workshop*. The course was offered in Sacramento on March 22 and in Diamond Bar on October 17. As part of these two workshops, staff also presented an update on the status of the Portable Equipment Registration Program (PERP).

University of Phoenix

On March 15, SEIES staff provided a one hour presentation to a University of Phoenix, Criminal Justice Administration 380, Introduction to the Criminal Court Systems class. These students are criminal justice majors and the class was an introduction to investigations and the interface between investigators and prosecuting attorneys.

Surveillance Presentations

In 2006, SEIES personnel also participated in several special presentations. Staff made a presentation to about 100 members of the California Hazardous Materials Investigators Association (CHMIA) and attended the annual CHMIA training conference. This presentation discussed the type of equipment available, its limitations, typical applications, legal considerations, and other issues associated with collecting video evidence. Many CHMIA members have used SEIES remote video surveillance assistance to help document and prove criminal acts by polluters and they continue to provide opportunities to implement SEIES surveillance services in meaningful and productive ways.

Staff also made a presentation to over 300 people at the 13th Annual Cal/EPA Environmental Cross Media Enforcement Symposium. The presentation discussed remote surveillance technologies and equipment available to the attendees, and how it might apply to their areas of environmental enforcement. The presentation showed numerous past cases with subject matter covering many different areas of environmental enforcement, and how these specific situations properly utilized remote Closed-Circuit Television surveillance.

Advanced Environmental Crimes Training

SEIES staff attended U.S. EPA's Advanced Environmental Crimes Training in San Luis Obispo, CA from September 19 to 29, 2006. The course is organized through the Federal Law Enforcement Training Center (FLETC) in Georgia. The students that attend the course are a 50-50 mix of law enforcement, military, and regulatory personnel representing all environmental media; air, water, waste, and toxics. This two-week course covers the entire range of criminal environmental prosecution with experts in each field brought in from U.S. EPA, state government, or local government to present their particular block. Subjects covered include interview techniques, search warrant service, evidence collection, suspect interviews, and courtroom testimony. The course was presented at Camp San Louis Obispo, a former Army base that currently serves as a National Guard station and law enforcement training facility. The course provides a valuable one-of-a-kind experience in environmental crimes training.

Special Projects

Strategic Enforcement Intelligence Team

On November 30, 2004 former Agency Secretary Terry Tamminen issued an Enforcement Initiative for Cal/EPA containing eleven projects that were intended to support the Governor's Action Plan for the Environment. The Cal/EPA Strategic Enforcement Intelligence Team (SEIT) was one of those projects. The team was led by the SEIES manager and was made up of enforcement specialists from the ARB, DTSC, State Water Board, Department of Pesticide Regulation (DPR), and CIWMB. After looking at ways to conduct significant environmental investigations outside of normal inspection routines; participating in environmental crimes task forces throughout California; presenting Intelligence Team concepts to local enforcement personnel; developing enforcement materials; training to help assure consistent enforcement across all Cal/EPA BDOs; and coordinated its activities with other teams that are partners in the Enforcement Initiative, the SEIT successfully completed its assignment. The team was responsible for major portions of the Enforcement Resources web pages that are available on EPA-Net and the Cal/EPA website (epanet.ca.gov/Enforcement/ and http://www.calepa.ca.gov/Enforcement/Resources/ respectively). SEIT has completed its assigned mission but the team's work products will continue to have a lasting impact on environmental enforcement at both state and local levels.

Formaldehyde Emissions from Wood Products

An Air Toxic Control Measure (ATCM) to control formaldehyde emissions was under consideration by ARB during 2006. On August 4, 2006 SEIES staff joined staff from MLD to tour a state-of–the-art laboratory facility operated by the Department of Health Services (DHS) in Richmond, California. The team from ARB was comprised of seven

managers and staff. DHS facility had both “large” and “small chamber” equipment designed to quantify formaldehyde emissions from wood products. DHS staffs were very hospitable and accommodating of this inter-divisional team. On August 7, 2006 the same team participated in a tour of a particle board manufacturing plant and analytical laboratory operated by Sierra Pine Composite Solutions in the Sierra foothills. With knowledge gained from these tours, SEIES staff will be in a better position to comment on the proposed ATCM and help make it more enforceable.

Upcoming in 2007

SEIES has been tasked to enforce the new ocean going vessel auxiliary engine rule and the locomotive/ harbor craft low sulfur fuel rule, both which went into effect on January 1, 2007. The section also anticipates that the cruise ship incineration rule will be expanded to cargo ships in mid to late 2007 and is preparing for that expanded tasking.

As SEIES staff rises to meet their ever increasing challenges, they continue to be the go-to section when senior management has unusual and demanding assignments.

TRAINING & COMPLIANCE ASSISTANCE PROGRAMS

COMPLIANCE TRAINING PROGRAM

Program Overview

2006 has been an exceptional year for the Compliance Training Section (CTS) as the section has increased our compliance training efficiency, as well as taken on additional enforcement duties (listed below) within the Enforcement Division. After CTS was transferred back to ED during the last quarter of 2004, CTS increased the compliance training activities to a much higher level in order to meet the ever increasing training requests both from the air districts and the regulated communities. Additionally, CTS took on various enforcement functions, outreach activities from other divisions, expanded and revised the compliance training curriculum:

- Vapor Recovery Inspections
- Rail Road Agreement Inspector Training
- Evergreen Pulp Mill Inspection
- Basic Inspector Academy Online Training
- Revision of the Uniform Air Quality Training Program
- Advanced Air Quality Enforcement Workshop
- Reintroduction of the Air Academy (Classroom Portion)
- Development of the Online Portion of the Air Academy

In 2006, CTS provided a total of 146 classes or multi-day training programs, representing 5,321 student days of training.

CTS continues to provide high quality training while at the same time responding to the changing needs of California agencies and industries. CTS provide a valuable service to ED, other divisions within ARB, Cal/EPA, and U.S. EPA. Continuous growth of the Compliance Training Program over the years reflects its value to this agency. The ARB has received many favorable comments for the excellent work performed by CTS staff. The CTS accomplishments continue to be used to meet Cal/EPA's program commitments.

Programs and Attendance

Classes and Programs	# of Courses	Student-Days
100 Series (California) (4 days)	2	676
200 Series (California)	71	1,040
Enforcement Symposium (3.5 days)	1	1,071
Other 300 Series Courses	6	276
400 Series (California)	2	466
National Environmental Training Institute Basic Inspector Academy (NETI BIA)	3	89
California Totals	85	3,618
National Totals	61	1,703
Overall Totals	146	5,321

CTS decided to use the number of student days to determine the effectiveness of meeting training goals. Student days are calculated by multiplying the number of students in a particular class by the number of days the class is given. That means that if one student attends all five days of a five day class, CTS has provided five student days of training. Also, if the attendance for a single-day course is 30 students, CTS has provided 30 student days of training. This method allows program coordinators to see not only how busy trainers are, but also to see the size of the audience that is being served.

Aside from overall attendance, CTS emphasizes program development. That means the development of new courses and programs as well as the retooling of existing courses and programs. In fact, the success or failure of the program is dependent upon CTS staff's ability to maintain and improve courses that have been taught for years in order to keep them current and informative while at the same time bringing new material and courses of interest to environmental professionals. Thus, CTS had been able to provide valuable instruction for environmental professionals at all levels of experience.

The courses scheduled for the upcoming year reflect the specific needs of most local agencies in California. In addition, many special training programs are requested by other agencies and industries annually and are provided by CTS as resources allow. In this manner, CTS has gained the support and respect of many California agencies as well as many leaders of the regulated community in providing compliance training and regulatory support for their staff.

100 Series (Uniform Air Quality Training Program)

Two 100 Series programs were conducted in California in 2006. Inspectors from California, as well as a number of representatives from the regulated industries and the military attended the two regularly scheduled four-day sessions in Sacramento.

CTS staff completed the process of revising the 100 series lesson plan to include the latest information in this air pollution introductory training course. The updating effort went very well and the new and improved courses provide more information in an easy to understand format that includes embedded video files as well as class exercises. Reviews from students attending the revised materials thus far have been excellent.

National Program

Working with the core program of 52 courses (100/200/300 Series), staff continues to make the presentations more relevant and dynamic. Staff also created and upgraded electronic slide presentations for several of the courses, giving instructors additional tools to provide high-quality training.

In 2005, requests from air pollution control agencies in various states prompted the creation of two new courses on Permit Writing (I & II) which were added to the 2006 curriculum of the National Program. These workshops target permit service staff in various state air pollution control agencies nationwide. The courses focus on common stationary sources & controls and provide an overview of the permitting process including Modified & New Source Review (NSR), BACT review, Offsets and Emission Reduction Credits (ERCs), Title V, and Federal NSR. Students will be introduced to common prohibitory & source specific rules as well as New Source Performance Standards (NSPS) and NESHAPS; application review and effective permit writing, risk management, statewide control programs and compliance considerations; and hands-on experience by writing various types of permits. In 2006, these two to two and half-day workshops were presented in six states to a total of 188 students.

200/300 Series Courses

Once an inspector or regulatory/enforcement professional has completed his/her "Basic Training," the next level of training provided by CTS falls in the 200/300 Series category. These courses are generally more focused than the 100 Series courses and have a higher level of technical information. Moreover, the 200 Series courses included actual "Hands On" experience in the form of field inspections as part of the training, while the 300 Series courses provide workshop environments and in many cases legal certification.

The 200/300 Series trainers had an outstanding year in 2006. Output was up and course quality was continuously improving as the staff upgraded and computerized lesson plans. These improvements have been reflected in overwhelmingly positive student course evaluations. What's even more impressive is that these improvements occurred in spite of the increased demand for staff time on other projects such as

Vapor Recovery Inspections, Cargo Tank Inspections, Cruise Ship Incinerator Inspections, Rail Road Agreement Inspections, Evergreen Project Investigation, Transportation Refrigeration Unit Outreach, Advanced Air Enforcement Workshop, Basic Inspector Academy Online Training, Revision of the Uniform Air Quality Training Program, Fugitive Dust Control Course, Enforcement Symposium, and many others.

200/300 Series Statistical Analysis

Parameter	Instate 2006	Instate 2005	Instate 2004	Out of State 2006	Out of State 2005	Out of State 2004
Classes Accomplished	85	105	72	61	109	110
Student Days	3,618	2,990	2,752	1,703	2,649	2,510
Average Student Days	42.6	28.5	38.2	27.9	24.3	22.8

It should be noted in the table above that CTS was able to increase the number of the Instate Student Days in 2006 while conducting 20 fewer courses.

Cal/EPA Basic Inspector Certification Program

Assembly Bill 1102 released in 1999 requires the Secretary of Cal/EPA to “develop a program to ensure that all the boards, departments, offices, and other agencies that implement Cal/EPA’s rules and regulations “take consistent, effective, and coordinated compliance and enforcement actions.”

The Cal/EPA Basic Inspector Academy (BIA) Program was created to address this requirement. Currently this program consists of one-week training with subject areas that include:

- Inspection Preparation
- Observations and Interviewing Skills
- Documenting Violations
- Enforcement Actions
- Cal/EPA’s Laws and Regulations
- Cal/EPA Programs

In calendar year 2006, this training was provided to 89 participants from the following agencies:

- California Environmental Protection Agency
- Air Resources Board
- Department of Pesticide Regulation
- Department of Toxics Substances Control
- Integrated Waste Management Board
- State Water Resources Control Board
- South Coast Air Quality Management District
- Cal/CUPA Forum
- California Conference of Directors of Environmental Health
- California Air Pollution Control Officers Association
- County Agricultural Commissioners and Sealers Association

Cross Media Enforcement Symposium

The 13th Annual Cross Media Enforcement Symposium was held May 30 – June 2, 2006, in San Diego, California. In all, 306 people were involved in the event. A total of 200 students representing thirteen air districts, and students from each of Cal/EPA's boards, departments, and agencies were in attendance. Local enforcement agencies and the Certified Unified Program Agencies attracted students from 20 cities and counties. Industry was represented by seven companies throughout the state. Students from Arizona, Miami, and Nevada also attended this year's Symposium. Cal/EPA provided 50 scholarships this year.

The three and a half day event focused on enforcement subjects involving each program/media (air, water, waste, toxics and pesticides) and possible cross media, cross program impacts (commonly referred to as "cross media"). This interdisciplinary approach recognizes that many environmental issues cannot be fully addressed without the involvement of more than one environmental regulatory entity.

Participants of the Symposium learned from top enforcement professionals proven techniques to improve the effectiveness of inspection, investigation, administrative, civil, and criminal enforcement practices. Participants also learned how to identify different violations encountered in each medium; determine what agencies may need notification after violations are identified, whether violations may be administrative, civil or criminal offenses, and what follow-up enforcement actions need to be taken.

CTS created a mock case and a 30-minute video with input from our sister Cal/EPA agencies. Sessions on Settlement Conference, Expert Witness in Direct and Cross Examination, and the jury deliberation process allowed participants to see mock proceedings with students playing the role of inspectors, witnesses and jurors while

experienced environmental lawyers demonstrated common strategies to represent defendants and discredit evidence.

The 2006 Symposium included the latest environmental scenarios. The latest enforcement methods were also addressed at the Symposium by top officials from Cal/EPA, ARB, DTSC, CIWMB, SWRCB, and DPR. In addition, local environmental enforcement staff and local prosecutors offered their perspectives on current issues.

Additional Programs

Vapor Recovery Inspections

After the CTS were transferred from the SSD back to ED, the CTS staff has gone through field training to conduct Vapor Recovery inspections at Gas Dispensing Facilities. During 2006, CTS staff was able to assist the Fuels Enforcement Section to conduct Vapor Recovery inspections throughout California. The CTS was able to show that CTS staff can be cross-trained to perform other duties as required and maximize man power where it is needed.

Rail Road Agreement Training

In 2005, CTS staff was asked to take over the training responsibility of enforcing the agreement signed between ARB, Union Pacific and Burlington Northern Santa Fe Railroad (BNSF). This agreement addresses excessive smoking and unnecessary idling by parked railroad locomotives.

Also, in 2005 CTS staff developed a training program (Course #201: “Idling Locomotive Inspections”) and inspection protocol for future district delegation. Delegation to local district enforcement staff was completed in 2006 and CTS staff conducted 4 sessions training 77 inspectors in Sacramento, San Bernardino and the Bay area.

Local district enforcement staff began enforcing the agreement based on CTS training and further training sessions are scheduled for 2007.

Evergreen Pulp Mill Inspection

For 2006, CTS staff assisted in continuation of the Evergreen Pulp Mill project, a major stationary source as well as an air toxic NESHAPS source located in North Coast AQMD in Eureka, CA. The staff objective was to continue to assist in drafting and providing comments on the Federal Consent Order as well as provide input on outstanding technical issues related to the Federal Consent Order. There were a number of technical issues that the facility was contesting related to continuous parametric monitoring system (CPMS) set forth in 40 CFR Part 63.864(e)(1) and 40 CFR Part 64, “Compliance Assurance Monitoring” (CAM). Staff assisted U.S. EPA & District technical staff in resolving these issues.

As part of the settlement to mitigate excess emissions and establish long term compliance, staff assisted ARB & North Coast AQMD legal staff in drafting an Order of

Abatement pertaining to operation of the Lime Kiln. Staff also provided technical assistance in the issuance of revised ATC conditions for the Smelt Dissolving Tank unit that was in violation. These incorporated Maximum Achievable Control Technology (MACT) II federal standards which the facility is currently subject to. Staff attended a public hearing in Eureka on Jan 20 & 21, 2006 and provided testimony as a technical expert for the issuance of the Order of Abatement for the Lime Kiln.

In October, 2006, as part of the settlement to mitigate excess emissions and establish long term compliance, staff assisted ARB & North Coast AQMD legal staff in drafting an Authority to Construct (ATC) permit for an electrostatic precipitator (ESP) serving the lime kiln. Staff also observed a source test being performed on the lime kiln served by a venturi scrubber.

Basic Inspector Academy Online Training

In addition to the classroom portion of the Cal/EPA Basic Inspector Academy (BIA), a six-hour online training course was developed by CTS in conjunction with the staff from the Compliance Assistance Section (CAS) as a prerequisite to the classroom portion of the BIA. The online portion includes the following topics: Role of the Inspector, Science of Environmental Pollution, Overview of Environmental Law, Roles and Responsibilities of the Cal/EPA Agencies, and Inspector Health and Safety.

The purpose of the development of the online portion is to provide flexibility to the students so they can study part of the BIA when and where it is convenient for them. In addition, the online portion also allows the students and the instructors to spend less time away from their offices, and be more efficient and productive in their jobs.

The remaining classroom portion of the BIA focused on such topics as Report Writing, Interviewing Skills, and Field Sampling. A number of interactive exercises are also featured. The most involved of these was a mock inspection exercise. The attendees write a complete inspection report based on the mock inspection and the principles learned during the week. Analyses of these reports by the students themselves and by two environmental attorneys are both instructive and entertaining.

The evaluations from the online portion of the BIA are very positive – the students loved the idea of being able to complete the online training at their own pace. They also felt that the “online training was very well laid out and clear, which was a big help in learning and understanding the information.”

Development of Advanced Air Quality Enforcement Workshop Course #400

The Compliance Training Section developed and offered the Advanced Air Quality Enforcement Workshop in Sacramento on February 14-16, 2006, and again at the South Coast Air Quality Management District on October 17-19, 2006.

The development of this course was due to numerous requests from the local air districts and directions from upper management.

Course #400 includes current topics such as: U.S. EPA Title V updates, pending

MACT standards, Compliance Assurance Monitoring, and Compliance Monitoring Strategies. ARB Enforcement Division will update its programs including regulations on idling trucks, buses, trains, and the Portable Equipment Registration Program. The San Joaquin Air District will update the audience on the enforcement of State Bill (SB) 700. Mutual Settlement Programs, Electronic Resources, Updates on Evaporative Vapor Recovery for Gasoline Dispensing Facilities, Environmental Justice, Gathering and Presenting Evidence, and Title V Facility Audits are topics that will be covered by both the Districts and the ARB. The El Dorado Country APCD will give an overview and update of Naturally Occurring Asbestos (NOA) in their county. This training course will be opened to enforcement inspectors and management from the local APCDs and AQMDs throughout California as well as any other out-of-state air pollution control agencies. It is anticipated that this course will be offered in September 2007 in central California.

Reintroduction of Air Academy (Classroom Portion)

In September of 2006, the Executive Office Succession Planning Committee requested a return of the Air Academy. The Air Academy was first introduced in 1997 and was offered for five years.

The Air Academy will be re-introduced to ARB employees that have been with the Board for three years or less. The Enforcement Division, Compliance Training Section along with the Succession Planning Committee and the Executive Office developed an agenda and a revised program. The three-day class will include modules from the Enforcement Division, CTS Course #101-115, Uniform Air Quality Training Series, as well as presentations from all Executive Staff. The first class will be held in Sacramento May 1-5, 2007 for approximately 150 students.

Reintroduction of Air Academy (Online Portion)

In December 2006, CTS staff with experience in online training development issued, along with Accounting Service Division Contracts staff, a Request for Proposal (RFP) in order to hire a contractor to develop the online portion of the new, revitalized Air Academy for ARB employees. The deadline for proposal submissions was January 2007. Several Training and Compliance Assistance Branch staff will be involved in evaluating the proposals. The RFP calls for award of the contract in 2007 and launching of the online Air Academy in 2008. Air Academy development will be coordinated with staff in the Training Section as well as the various Divisions within ARB. In 2008, the Air Academy will consist of two parts: 1) the online portion will provide a foundation for the second part; and 2) a face-to-face meeting of participants with the Executive Office and Division representatives.

Summary

CTS continues to provide quality training while responding to ever changing compliance training needs. In addition, CTS continues to provide support to the Enforcement Division in many ways other than training by completing a variety of assignments in a fast and efficient manner. CTS continues to meet or exceed all goals. In order to improve the programs, the section is increasing its marketing efforts in selected areas to increase attendance where past numbers suggest an unmet market demand. Where needed, CTS staff is constantly updating, upgrading, and adding new materials to existing courses. To ensure the success of the Compliance Training Program, adjustments have been made and others will be made as the need arises.

COMPLIANCE ASSISTANCE PROGRAM

Program Overview

In general, businesses and other regulated entities try to comply with air quality regulations and standards, but sometimes need assistance in their efforts. Enforcement agencies also need general and in-depth information about a variety of sources, relevant regulations, and inspections. The Compliance Assistance Section (CAS) serves both the regulated community and air enforcement agencies by providing appropriate technical publications and visible emissions evaluation training.

The CAS develops and publishes a variety of technical manuals on interactive CDs, self-inspection handbooks, and pamphlets for industry and government. To create these publications, CAS staff routinely works with government agencies, private industries, and the local air pollution control districts. Training Section staff also work closely with CAS staff to develop these materials. The technical manual CDs are the primary references used in the training courses and provide in-depth, source-specific information for inspectors and facility environmental specialists. The handbooks and pamphlets explain source-specific regulatory and compliance programs in everyday terms. They are brief (15 to 25 pages), colorful, and easy to read, with helpful inspection checklists, flowcharts, diagrams, and illustrations.

The two components of the Visible Emissions Evaluation (VEE) program are the Fundamentals of Enforcement (FOE) training course and the VEE Recertification program. FOE is a basic overview of air pollution and enforcement of air pollution regulations, emphasizing evaluation of visible emissions. It is a prerequisite to becoming VEE-certified in accordance with U.S. EPA Reference Method 9 (EPA Method 9). The one and a half-day classroom session are followed by a one and a half-day field practice and VEE certification session. An open VEE certification/recertification session for both new and returning students is held the following day. Certification is valid for six months and is required of most district enforcement staff. To help meet this requirement, VEE program staff schedule recertification sessions on a six-month rotation throughout the state during the year.

Using CAS publications and (where applicable) visible emissions evaluation skills, businesses are better equipped to perform routine self-inspections to improve compliance, and enforcement personnel can more effectively plan and conduct inspections.

Program Highlights

Publications

In 2006, CAS had 34 handbooks and pamphlets in print and/or online and 33 technical manuals on CD. During the year, CAS staff:

- Distributed 8,559 copies of publications: 3,847 Technical Manuals (including interactive and archival CDs), 3,398 Handbooks, and 1,314 Pamphlets.
- Recorded 58,158 hits on the Handbooks external webpage.
- Created and sent out the draft "Fugitive Dust Control" interactive CD for review, anticipating publication of final in January 2007.
- Created and published the Handbook "Naturally Occurring Asbestos."

The top five CDs and handbooks distributed, and the top five web hits are shown in the table below:

Top Five Distributed Materials and Website Hits for 2006

Top Five	Technical Manual on CD	Handbooks	Website "Hits"
1	Boilers	Wood Burning	Wood Burning
2	Baghouses	Visible Emissions	Asbestos Demolition/Renovation
3	Gas Turbines	Metal Parts & Products	Visible Emissions
4	Stationary Reciprocating Engines	Automotive Refinishing	Dry Cleaning
5	Metal Parts & Products	Asbestos Demolition/Renovation & Naturally-Occurring Asbestos	Automotive Refinishing

In 2006, six requests were made by local air agencies and private companies in California and other states to adapt CAS materials for use in their programs.

Support of Other Enforcement Division Sections

CAS staff created and distributed the 2006 Training and Compliance Assistance Survey to all the local air quality agencies in California. The results of this survey were used to plan the 2007 training schedule and to prioritize which publications would be updated or developed in 2007.

Fundamentals of Enforcement Program

Ten FOE courses (#100) were conducted in 2006, with a total attendance of 355 private sector and government agency personnel.

VEE Program staff held one additional FOE course by special request in 2006. The private 3-day FOE course was held for BNSF railroad and General Electric Company staff at the BNSF facility in Commerce, CA. This course was requested and paid for by BNSF as a follow-up to the 2005 MOU between the Air Resources Board, BNSF, and Union Pacific to reduce idling emissions from locomotives. The standard FOE curriculum was modified to include information relevant to compliance with the MOU.

VEE Recertification Program

Fifty-three VEE day and night certification/recertification sessions were completed in 2006, including eight practice sessions. Two of the classes were special request sessions exclusively for railroad personnel. A total of 1,508 people were successfully certified or recertified in 2006.

KEY ENFORCEMENT DIVISION ACTION ITEMS FOR 2007

GENERAL ENFORCEMENT

- Continue to improve and enhance the ARB Enforcement Program web pages (http://www.arb.ca.gov/enf/enf.htm).
- Implement programs to prevent the sale of illegal products (e.g. consumer products, engines and vehicles) through mail order and internet venues such as E-Bay.
- Implement the new case tracking database and upgrade current enforcement program databases for better functionality and efficiency.
- Continue Environmental Justice Strike Forces in selected communities in support of the ARB's Environmental Justice Action Plan.
- Continue the Environmental Justice pilot project in the three Southern California communities of Commerce, Wilmington (LA Port), and Mira Loma at the request of the ARB's Community Health Office and Planning & Technical Support Division (PTSD). Include locomotive and heavy-duty diesel truck emissions enforcement in these communities.
- Implement the "ARB Enforcement Strategic Plan."
- Continue to participate in the monthly Cal/EPA Enforcement Managers meetings and enforcement strike forces statewide.
- Foster exchange of expertise and learning through active participation in environmental task forces.
- Target compliance initiatives with enforcement components in specific sectors.
- Develop and expand institutional capacity to enhance existing and develop new environmental enforcement programs.
- Continue an enforcement program to deter "Carl Moyer Program" fraud.
- Ensure a vigorous response to complaints that allege a breach of environmental law and determine if a violation has occurred.
- Resolve citizen complaints within 90 days of first receipt.
- Increase air district involvement with citizen complaint cases.
- Increase assistance to the state's air districts.
- Foster cooperative bonds between ARB, air districts, and U.S. EPA.
- Ensure all enforcement actions are timely, effective, and appropriate to the severity

of the situation.

- Ensure any repeated non-compliance activity results in escalating enforcement consequences.
- Ensure that all industry related enforcement operations are conducted in a responsible manner resulting in a level playing field.
- Seek out training and development opportunities for staff.
- Continue to improve compliance in the Chinese import market.

MOBILE SOURCE ENFORCEMENT

- Continue inspections at points of distribution and retail outlets for illegal engines and vehicles.
- Continue to increase enforcement audits of heavy-duty diesel vehicle fleets and refer cases for litigation or settlement where violations are found.
- Continue multi-media inspection events in mixed-use (industrial/residential) neighborhoods for the Environmental Justice Program.
- Implement new Heavy Duty Vehicle Inspection (HEVI) database.
- Continue improvement of environmental quality at the California-Mexican border through enhanced enforcement and compliance assistance. Specific goals include increased heavy-duty diesel vehicle inspections due to increased traffic under the North America Free Trade Agreement, and continued participation in the Tri-National Heavy-Duty Vehicle Inspection and Maintenance Working Group.
- Continue aggressive enforcement of ARB's Off-Highway Vehicle regulations.
- Focus on enforcement of illegal motor homes.
- Continue aggressive enforcement of ARB's Large Spark-Ignited Engine and Non-Road regulations.
- Continue implementation of a program to enforce ARB's Marine Pleasure Craft regulations.
- Continue working with the CHP to remove vehicles from service for repeat offenders of the HDVIP, as provided in statute under the California Vehicle Code section 27159.
- Continue aggressive collections of delinquent citations from HDVIP.
- Continue aggressive enforcement of the 49-state vehicle program.
- Continue the aggressive enforcement against illegal motorcycles including on-road

and off-road motorcycles.

- Improve and enhance the enforcement program focusing on the import market for illegal vehicles and engines (scooters, pocket bikes, OHVs, etc.) in cooperation with the U.S. EPA and federal, state and local prosecutors.
- Implement, with local law enforcement and the CHP, a taxi cab tampering enforcement program at major California airports (LA World Airports, San Francisco, San Jose, Oakland, and Sacramento).
- Revisit high concentration used car dealer areas to ensure vehicles offered for sale have all of the required emissions control systems.
- Continue work with DMV, CHP, local law enforcement agencies toward improving compliance with ARB's regulations (49-state vehicles, gray market vehicles, off-road motorcycles, gas-powered scooters, pocket bikes, street racers, etc.).
- Continue aftermarket parts enforcement and peace officer training to discourage emission control system tampering and street racing.
- Continue to enforce the School Bus Idling regulations and train school districts on program compliance.
- Continue to implement and enforce the Transportation Refrigeration Units (TRUs) and enforce these regulations upon adoption.
- Continue aggressive enforcement of regulations for the control of diesel particulate emissions from on-road heavy-duty solid waste collection vehicles.
- Continue to improve the smoking vehicle complaint database and web site and administer the smoking vehicle complaint program.
- Continue to improve the web sites and complaint databases for idling vehicles for the School Bus Idling Enforcement Program and the Heavy Duty Diesel Vehicle Idling Enforcement Program.
- Continue aggressive enforcement of Heavy Duty Diesel Commercial Vehicle Idling Enforcement Program.
- Work with the Mobile Source Operations Division and Mobile Source Control Division (MSOD/MSCD) to develop new regulations for after-market On-Board Diagnostics II (OBD II) catalysts and continue OBD II catalyst enforcement at exhaust/muffler shops statewide.
- Begin enforcement of the cargo handling equipment rule at ports and intermodal facilities.
- Begin enforcement of the public and utility diesel vehicle fleet regulations.
- Continue work with the regulatory divisions on the port truck, private on-road truck

fleet and off-road diesel vehicle regulations.

STATIONARY SOURCE ENFORCEMENT

- Continue aggressive enforcement of the Asbestos NESHAP.
- Conduct at least two Air Facility System (AFS) audits of non-grantee districts.
- Conduct at least two Asbestos NESHAP Task Force Meetings.
- Conduct at least two Hearing Board workshops related to stationary sources of air pollution to train hearing board members, industry and district staff on variance issuance requirements.
- Update the stationary source variance database to improve ARB's management of reviewing and monitoring variances for the 35 air districts.
- Include the status of stationary source complaints on ARB intranet.
- Continue to enforce railroad MOU including fuel analysis.
- Implement a ocean going vessel and harbor craft fuel inspection program.
- Enhance surveillance capabilities and provide surveillance training to regulatory agencies; explore new digital and low light technologies.

Consumer Products Enforcement:

- Work with regulatory development staff on new regulations for Ozone Air Cleaners and Outboard Marine Fuel Tanks to ensure that the requirements are enforceable.
- Maintain the frequency and distribution of inspections at retail, commercial, and internet outlets for consumer products and aerosol coatings while focusing on categories where chlorinated compounds are prohibited, on categories where limits became effective at the end of 2006, or where non-compliance rates are high.
- Enforce the revised date code provisions.
- Enforce the new certification requirements for portable fuel containers and continue to pursue enforcement actions against non-complying utility jugs which are being used as portable fuel containers.

Fuels Enforcement:

- Enforce motor vehicle fuels regulations by conducting frequent inspections of refineries, import vessels, distribution and storage facilities, service stations, and bulk purchaser/consumer facilities.
- Enforce the Cargo Tank Vapor Recovery regulations by certifying and conducting inspections on cargo tank systems.

- Investigate further into existing violations to resolve cases of motor vehicle fuels regulations and cargo tank regulations.
- For upcoming cases which include potential criminal violations, develop cases for referral for criminal prosecution.
- Conduct inspections of on-road vehicles on behalf of the BOE to detect the illegal use of red-dyed diesel.
- Enforce diesel fuel regulations by conducting ongoing audits of small refiners.
- Enforce ethanol blend rate and additives in gasoline by conducting ongoing audits of gasoline terminals.
- Work with the Stationary Source Division to improve the enforceability of motor vehicle fuels regulations.

TRAINING AND COMPLIANCE ASSISTANCE

- Complete and distribute Aggregate Plants interactive CD.
- Complete and distribute Asbestos Demolition and Renovation interactive CD.
- Complete MACT reference interactive CD for distribution in Training Course #290.
- Update Dry Cleaning and Chrome Plating interactive CDs to reflect updates to ATCMs.
- Update and distribute the following handbooks: Wood Burning, Fugitive Dust, Dry Cleaning, and Chrome Plating.
- Update Heavy Duty Diesel Vehicle series brochures in collaboration with Mobile Source Enforcement Branch staff.
- Conduct seven scheduled FOE courses and one or more special VEE Certification courses.
- Conduct at least 30 day VEE recertification sessions, and 13 night VEE recertification sessions, resulting in approximately 1,600 people becoming Method 9 certified.
- Fully deploy the new smoke generator so that there will be a smoke generator in northern California and one stationed in southern California.
- Develop and conduct a new three-day Air Academy.
- Develop an online training component of Air Academy to be delivered in 2008.
- Update and conduct the 14th Annual Environmental Cross Media Enforcement Symposium.

- Develop and implement a new course on air pollution control equipment.
- Develop and expand a new course on Continuous Emission Monitoring.
- Develop and update the classroom portion of the FOE ("smoke school").
- Develop and expand the Introduction to Environmental Law lecture of the 100 Series.
- Conduct and assist in stationary and mobile source investigations.
- Conduct Railroad Compliance Training.
- Participate in Motorcycle Outreach effort.
- Conduct and assist in Harbor Crafts enforcement actions.
- Conduct all the 100, 200, 300 and 400 Series training courses. In addition, conduct the Annual Advanced Air Enforcement Workshop.
- Continue to support Cal/EPA in conducting the Basic Air Academy three times in 2007.
- Continue the work of the Cal/EPA Cross-Media Training Team.
- Continue the work with the National Association of Clean Air Agency (NACAA) Training Committee.
- Continue to support the National Air Compliance Training Delivery Project, CARB-15, which uses retired air pollution officials to train engineers and inspectors in other states using CARB training materials.
- Establish composite wood product enforcement outreach.

Appendix A

Table A-1
Enforcement Case Accomplishments for 2006

Program	Settled/Closed	Penalties*
Mobile Sources**	1,844	$4,179,844.00
Fuels	42	$1,010,500.00
Consumer Products	41	$1,168,457.00
Portable Fuel Containers	10	$260,280.00
Cargo Tanks	36	$13,250.00
Stationary Source/Other	3	$46,696.00
Railroad MOU	18	$7,200.00
Totals	1,994	$6,686,227.00

*Includes supplemental environmental projects, early compliance costs, etc.

** In negotiating settlements the Enforcement Division is often represented by ARB's Office of Legal Affairs.

Table A-2
2006 Case Dispositions

Category	Number Cases	Penalties
Civil Cases Pending[1]	22	$0
Civil Cases Closed[2]	5	$217,280.00
Criminal Cases Pending[3]	2	$0
Criminal Cases Closed[4]	3	$1,100.00
Administrative Cases Closed	1,986	$6,467,847.00
Total Cases Closed:	1,994	$6,686,227.00
Supplemental Environmental Projects (SEPs)	18	$426,987.00

[1] Pending civil cases: Twelve (12) SEIES; four (4) MSEB, & six (6) CPES cases were pending litigation or settlement with the attorney general or various district and city attorneys statewide.
[2] Closed civil cases: Genscience (2 cases), United, and Jobber (portable fuel container cases) and Lewis Motors/Miniguy (Mobile Source case).
[3] Two (2) criminal MSEB cased are pending prosecution with the attorney general or various district and city attorneys statewide.
[4] MSEB closed criminal cases: Stones Customs Cycles and Xpress Cycles. Cargo Tank Program closed criminal case: Techland Testing Inc.

Key:
Civil or Criminal Cases are cases that are referred to the Attorney General's Office or a local District Attorney (DA) or City Attorney's (CA) Office or the U.S. Attorney's Office and are filed in Superior Court or U.S. District Court.
Administrative Cases are cases settled in house via informal staff/violator settlements (used for small violation cases), the Mutual Settlement Program or through an administrative hearing in front of an ARB Administrative Law Judge (ALJ) (this applies to Heavy-Duty Vehicle Inspection Program cases only), or through an administrative hearing before a State Office of Administrative Hearings ALJ.
Investigative Costs are monies received for ARB investigative costs for cases that are referred to a DA/CA.
Supplemental Environmental Projects (SEPs) are programs under which case settlement monies are used for environmental research, education or technology projects (e.g. research on the effects of new gasoline additives, lawn mower exchange programs to promote the use of electric lawn mowers, etc.)
Settlement Agreements are formal signed agreements between the ARB and the violator for major cases settled under the Mutual Settlement Program.

Appendix B

SIGNIFICANT CASE SETTLEMENTS

In most enforcement actions, ARB is able to reach mutual settlement agreements with air quality violators. These settlements generally include a monetary penalty, a corrective action, and in some cases, funds for a Supplemental Environmental Project (SEP) that provides additional emission reduction incentive programs, public education projects, etc. Apart from funds earmarked for SEPs, all penalties submitted to ARB are deposited into the Air Pollution Control Fund, the Vehicle Inspection and Repair Fund, or the Diesel Emissions Reduction Fund, which serve as funding sources to mitigate air pollution throughout California.

The following is a summary of the significant cases settled in 2006, including mobile sources, consumer products, fuels, and stationary sources cases. For a complete list of cases settled during 2006 see http://www.arb.ca.gov/enf/casesett/casesett.htm.

MOBILE SOURCE CASES

Lewis Motor/Miniguy - $16,000 Settlement

On September 18, 2006, the Superior Court of the State of California for the County of Ventura awarded a stipulated judgment of $16,000 in favor of the Air Resources Board against Lewis Motors/Miniguy (Miniguy). During 2003 and prior, Miniguy sold and offered for sale direct import pre-1975 Mini Coopers that did not comply with ARB regulations applicable to such vehicles for California residents. Direct import vehicles are light-duty motor vehicles manufactured outside of the United States that were not intended by the manufacturer for sale in the United States and that were not certified by the ARB. Direct import vehicles are not designed to meet California or U.S.E.P.A. emission standards. Special statutory exemptions allow direct import vehicles to be registered and used in California after they have been modified and laboratory tested. Miniguy did not modify the vehicles to meet California emission standards nor did the company have the vehicles go through the required laboratory testing. Miniguy violated California's motor vehicle air pollution control laws and acts of false advertising and unfair competition. The settlement payment of $16,000 was received from Miniguy.

Saleen, Inc. - $700,000 Settlement

During ongoing investigation into the sale and use of uncertified vehicles in California, staff from the Mobile Source Enforcement Section discovered Ford vehicle models modified by Saleen without ARB vehicle certification. The Mobile Source Enforcement Section and Office of Legal Affairs staff reached a settlement with the manufacturer, Saleen, Inc. in Irvine, California, which includes a settlement amount of $700,000 to

the Air Pollution Control Fund and a recall of the Saleen Ford Focus Nitrous Oxide (N_20) vehicles. This settlement was reached in December 2006.

Stater Bros. Market - $19,000 Settlement

Stater Bros. Markets paid $19,000 in penalties for violating air quality regulations. This case was closed in November 2006. An investigation by the ARB showed that Stater Bros. Markets failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations of the PSIP. To settle the case, Stater Bros. Markets agreed to the $19,000 penalty and to comply with the PSIP.

Amerigas - $29,500 Settlement

AmeriGas has paid $29,500 in penalties for violating air quality regulations. This settlement was reached in November 2006. An investigation by the ARB showed that AmeriGas failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations as they related to the PSIP. To settle the case, AmeriGas agreed to the $29,500 penalty and to comply with the PSI and other HDVIP Programs.

Cummins Engine Company - $1,092,500 Settlement

The Cummins Engine Company, manufacturer of heavy duty diesel engines, paid $1,092,500 for allegedly violating its 1998 settlement agreement with ARB to perform clean air projects and certify its engines to reduce smog-forming emissions such as NOx. All monies are being paid to the California Air Pollution Control Fund (APCF).

Among the violations of the 1998 settlement agreement, ARB alleged Cummins obtained state certification for heavy duty engines equipped with emission control systems that did not meet emissions requirements, omitted engines from eligibility for the Low NOx Rebuild (Chip Reflash) program, and failed to complete work on and to submit reports for agreed upon emission reduction projects in a timely manner. ARB investigated these violations jointly with U.S. EPA, which entered parallel agreements to settle these violations.

In addition to paying over $1 million in penalties, as part of the latest settlement agreements, Cummins is required to recall engines nationwide that did not meet state emissions requirements. In addition, Cummins will retire emissions credits from further use. Cummins is reimbursing 979 NOx tons to the U.S. and to California through ARB to compensate for the excess tons generated by the prohibited emission control devices, and 1,042 tons of NOx for its non-compliance with the earlier settlement agreement.

Sempra Energy - $10,000 Settlement

An investigation by ARB showed that Sempra Energy failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations as they related to the PSIP. To settle the case, Sempra Energy agreed to the $10,000 penalty and to comply with the PSI and Reflash Programs.

Westcoast Motorsports - $10,046 Settlement

Investigative efforts by Enforcement Division staff discovered that prior to December 2005, Westcoast Motorsports in San Francisco imported, offered for sale and sold in California uncertified off-highway recreational vehicles. Enforcement Division staff worked with Westcoast Motorsports over the last year to sell as many of the uncertified vehicles as possible out of state. In tandem with those mitigation measures, Westcoast Motorsports paid penalties for their violations to HSC. A total of $10,046 was collected from Westcoast Motorsports and paid to the Air Pollution Control Fund.

Yamaha Motorcycle Dealers - $210,000 Settlement

During an investigation by MSES, it was discovered that Yamaha Motorcycle dealers in California were importing illegal non-California-certified motorcycles and selling them to California residents. Under the HSC, an illegal vehicle is defined as a vehicle with less than 7,500 miles on the odometer and has not been certified by the Air Resources Board. In August 2006, MSES settled Yamaha dealer cases with total penalties of $210,000. These motorcycles were discovered while reviewing records for the Yamaha Corporation investigation. All of these motorcycles were purchased from a Yamaha distributor in Hawaii. The ARB has settled other Yamaha dealer cases.

Lehman Trikes U.S.A. - $70,000 Settlement

The Mobile Source Enforcement Section along with the Office of Legal Affairs has completed its investigation against Lehman Trikes U.S.A., Inc. located in Spearfish, South Dakota. Lehman Trikes was manufacturing aftermarket parts kits that would convert on-road two wheel motorcycles into three wheel motorcycles. The installation of this kit this would alter or modify the original design of the motorcycle and could affect the emission control systems that were certified by the manufacturer through ARB. They were also installing these kits on new Harley Davidson, Honda and Suzuki motorcycles and selling them as complete “Turn-Key” conversions. As part of the settlement it was agreed between both parties that Lehman Trikes would not install, sell, offer for sale, or advertise in California any device intended for use with, or as part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system unless it has first received an exemption from ARB. Lehman has since applied for and received an exemption from ARB for its aftermarket conversion kit. The “Turn Key” motorcycles have not received new vehicle certification, and

therefore can not be offered for sale or sold in California. As part of the settlement, Lehman Trikes has also paid penalties in the amount of $70,000 to the California Air Pollution Control Fund.

West Coast Choppers - $271,250 Settlement

The Mobile Source Enforcement Section and ARB's Office of Legal Affairs negotiated a Settlement Agreement and Release with West Coast Choppers located in Long Beach in the amount of $271,250.

Between 1998 and 2005, inclusive, West Coast Choppers acquired new motor vehicle engines and offered for sale and sold new custom built motorcycles with under 7,500 odometer miles for use or registration in California that were not certified for sale or use in California pursuant to Chapter 2 of part 5 of Division 26 of the California Health and Safety Code. The acquisition of the uncertified engines and the offer for sale and sale of the uncertified motorcycles was in violation of HSC §43151, et seq. West Coast Choppers admits the facts as alleged, but denies any liability arising out of those facts.

West Coast Choppers will pay the sum of $271,250 to the California Air Pollution Control Fund. West Coast Choppers has since certified with ARB and has been issued an Executive Order.

Victory Motorcycles - $18,000 Settlement

During 2006, Victory Motorcycles installed, sold, offered for sale or advertised new aftermarket Stage 1 performance kits for Victory Motorcycles that were not exempted by ARB pursuant to title 13, California Code of Regulations, Section 2222 et seq. Victory Motorcycles instituted a number of actions in mitigation of the violations. First, after Victory Motorcycles conducted a self-audit confirming that aftermarket kits were shipped to California, offered for sale, and sold to California residents before ARB had issued an appropriate exemption, a "Stop Sale" notice was promptly issued to Victory Motorcycles' dealers. Second, Victory Motorcycles promptly self-reported all known potential violations to ARB. Third, Victory Motorcycles recovered all such aftermarket kits which were in its dealers' inventories (those which were not installed). Fourth, for those kits that had already been installed prior to the issuance of Executive Order No. D-608, Victory Motorcycles issued a notice to its dealers to upgrade the kits to the certified configuration.

Victory Motorcycles instituted a number of actions to prevent recurrences of these alleged violations. First, Victory Motorcycles is developing and will conduct internal training of its employees on California's anti-tampering law and the VC 27156 exemption program. Second, Victory Motorcycles is enhancing its dealer control systems and other processes to minimize the potential for future shipments or installations of aftermarket kits sold by Victory Motorcycles that do not comply with California law. Victory Motorcycles paid $18,000 to the APCF to settle this case.

Motor Trike, Inc. - $25,000 Settlement

The Mobile Source Enforcement Section along with the Office of Legal Affairs has completed its investigation against Motor Trike, Inc. located in Troupe, Texas. Motor Tike Inc. was manufacturing after-market parts kits that would convert on-road two wheel motorcycles into three wheel motorcycles. Installing this kit this would alter or modify the original design of the motorcycle and could affect the emission control systems that were certified by the manufacturer through ARB. As part of the settlement it was agreed between both parties that Motor Trike Inc. would not install, sell, offer for sale, or advertise in California, any device intended for use with, or as part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system unless it has first received an exemption from ARB. Motor Trike Inc. also paid penalties in the amount of $25,000 to the California Air Pollution Control Fund as part of the settlement.

Scully Transportation Services - $99,000 Settlement

Scully Transportation Services paid $99,000 in penalties ($74,250 to the California Air Pollution Control Fund, and $24,750 to Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations. An investigation by the ARB showed that Scully Transportation Services failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations of the Periodic Smoke Inspection Program (PSIP). To settle the case, Scully Transportation Services agreed to the $99,000 penalty and to comply with the PSIP and the Low NOx Software Upgrade (Reflash) program.

Sacramento Concrete - $15,000 Settlement

The California Air Resources Board (ARB) has received settlement monies totaling $15,000 from Sacramento Concrete for failing to properly self-inspect their diesel truck fleets as required under ARB regulations. Sacramento Concrete penalties included $11,250 to the APCF and $3,750 to the Peralta Community College district for their violations.

AT&T - $161,750 Settlement

AT&T has paid $161,750 in penalties ($121,312.50 to the California Air Pollution Fund, and $40,437.50 to the Peralta Community College District for participating CCDET colleges), for violating air quality regulations. An investigation by ARB showed that AT&T failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations as they related to the PSIP. To settle the case, AT&T agreed to the $161,750 penalty and to comply with the PSIP and Reflash Programs.

Dependable Highway Express - $75,000 Settlement

Dependable Highway Express has agreed to pay $75,000 in penalties ($56,250 to the California Air Pollution Fund, and $18,750 to the Peralta Community College District for participating CCDET colleges) for violating air quality regulations. An investigation by the ARB showed that DHE failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, DHE agreed to the $75,000 penalty and to comply with the PSIP and Reflash Programs.

Ford - $13,150 Settlement

In October 2003, ARB became aware that the emissions labels on some 2003 model year 6.0L Excursions stated that the vehicles were certified to California ARB emission requirements when in fact the vehicles were built and certified as U.S. EPA (Federal) only vehicles. According to Ford's records and a search of the California Department of Motor Vehicles registration information, three (3) of the affected vehicles were first sold and registered in California. Ford has made a concerted effort to locate these vehicles. The affected 6.0L Ford Excursions that were identified as being registered in California were, with ARB approval, modified to the California certified configuration. In addition, Ford paid a penalty of $13,150 to the California Air Pollution Control Fund to settle these violations.

Ferguson Enterprises, Inc. - $137,000 Settlement

Ferguson Enterprises, Inc. (Ferguson) has agreed to pay $137,000 in penalties, ($102,750 to the California Air Pollution Fund and $34,250 to the Peralta Community College District for participating CCDET colleges) for violating air quality regulations. An investigation by the ARB showed that Ferguson Enterprises, Inc., headquartered in Newport News, Virginia with fleet operations in California, failed to properly annually self-inspect their diesel trucks to assure the trucks met state smoke emissions standards. ARB documented numerous violations as they related to the PSIP regulations. To settle the case, Ferguson agreed to pay a $137,000 penalty, comply with PSIP regulations, immediately install low NOx software on all applicable heavy-duty diesel engines in their fleet and have their vehicle maintenance staff complete training through the ARB's CCDET Program.

Husqvarna Outdoor Products and Sears - $281,600 Settlement

In March 2005, the ARB was contacted by a California citizen that had purchased a Husqvarna Outdoor Products (HOP), trimmer from Sears that was labeled "Not for sale in California" on the exterior box. That tip caused further investigation by ARB and it was determined that 49-State, EPA-certified, and EPA-labeled engines used to power Craftsman Wheeled Weed Trimmers were offered for sale and sold in California at Sears stores. The engines on these trimmers had an additional separate label indicating in red letters, "Not for sale in California."

HOP and Sears fully cooperated with ARB and together submitted documentation indicating there had been 2,816 of these mislabeled units sold in California. ARB determined that offering for sale and selling the 49-State, EPA-labeled units in California was unlawful and in violation of the title 13, California Code of Regulations, Section 2404. By selling the mislabeled products in California, HOP did not comply with the requirements of HSC Section §43212.

In this case, HOP did not notify Sears in advance that the 2816 engines/trimmer contained a 49-state EPA label, instead of an ARB emission label. Because Sears did not receive notice that would have enabled them to develop and implement plans to segregate the 49-State, EPA-labeled engines/trimmers from the ARB-labeled engines/trimmers, HOP assumed 100 percent of the responsibility. HOP paid a penalty in the amount of $281,600 to the California Air Pollution Control Fund in settlement of this case. This case was settled in July 2006.

CONSUMER PRODUCTS CASES

Car Care Packaging, LLC - $75,000 Settlement

On February 14, 2006, Car Care Packaging, LLC (CCP) entered into a settlement agreement and paid $75,000. Between January 1, 2003 and August 23, 2004, CCP sold, supplied, offered for sale, or manufactured for sale in California Car Brite Tire Shine and the Car Brite Shine. Both products failed to meet the three percent volatile organic compound limit for non-aerosol Rubber and Vinyl Protectants in the Consumer Products Regulation. In addition, the containers did not clearly display the date of manufacture. These products were obtained in a retail outlet in Ventura, California.

Shell Oil Products US - $70,000 Settlement

During inspections conducted in February 2002, samples of non-complying Gumout Carb & Choke Cleaner and Gumout Small Engine Carb & Choke Cleaner were purchased in San Diego County. During the course of the investigation it was determined that over 237,252 cans of Gumout and 6,996 cans of Gumout Small Engine sold in California by Shell Oil Products US between April 1999 and December 2002 which exceeded the 75 percent volatile organic compound limit. During the follow-up investigation, staff was able to verify that both products were reformulated to meet the newer 45 percent limit prior to the December 31, 2002 effective date. Shell Oil Products US agreed to settle the violation and paid $70,000 on March 16, 2006.

AMREP, Inc. - $421,682 Settlement

During 2006, three different settlement agreements were negotiated with Amrep, Inc. (Amrep), a contract filler of various aerosol and liquid products. Initial investigations showed that between 2003 and 2005, Amrep, Inc. supplied, offered for sale, or manufactured for sale in California 106,472 units of 12-oz. aerosol STP Throttle Body & Intake Cleaner that exceeded the VOC standard of 45 percent for Carburetor or

Fuel-Injection Air Intake Cleaners. Since this was the second violation for Amrep during the past year, the company initiated a comprehensive self-audit to identify other potential violations. As part of that self-audit, Amrep reported additional sales of non-complying STP Silicone Spray and STP Carb Cleaner. Amrep settled this combined case on March 20, 2006 and paid $270,000 in penalties. In addition, they committed to continue their self-audit process and report any additional violations which would be addressed in separate settlement agreements.

On April 7, 2006, Amrep informed ARB staff that between December 31, 2002, and January 2006, they sold 37,229 cans of non-complying tire sealant and inflators that exceeded the 20 percent VOC limit. In addition, Amrep indicated that after January 1, 2005, it sold 1,552 cans of non-complying aerosol rubber and vinyl protectants that exceeded the 10 percent VOC limit. As a result, a new settlement agreement was executed on May 8, 2006, which calls for Amrep, Inc. to pay an additional $48,662 in penalties.

Another settlement agreement was executed with Amrep on November 20, 2006, as a result of their ongoing self-audit process which will result in the payment of an additional $103,020 in penalties. Amrep reported to ARB staff in September that they had found additional violations of California's Consumer Products Regulations resulting from the sale of non-complying general purpose degreasers, general purpose cleaners, crawling bug insecticides, flying bug insecticides, automotive wax products, double phase aerosol air fresheners, engine degreasers, bug and tar removers and carburetor or fuel-injection air intake cleaners. Amrep is continuing to examine their product lines and will self-report any more products they find in violation of the VOC regulations by early 2007.

Jobber's Wholesale, Inc. - $55,000 Settlement

During 2003, Jobber's Wholesale, Inc. (Jobber's) sold or supplied non-compliant 1.5-gallon gasoline containers in California that had been imported from China. After an investigation and several attempts to negotiate a mutual settlement, the case was referred to the Attorney General's Office. A civil compliant was filed in June 2005 in Los Angeles County. The parties agreed to resolve the case through a negotiated settlement and the case was settled on March 15, 2006, for $55,000. Jobber's paid $5,000 initially and the remaining $50,000 will be paid if additional violations occur within one year.

United Automotive Lawsuit - $55,000 Settlement

During 2003, staff obtained samples of the one-gallon and two-gallon AA brand portable fuel containers from two distributors in Los Angeles that had been imported from China, one of which was United Automotive & Oil Company Wholesale, Inc. (United Automotive). In addition, United Automotive was also found selling gas cans from two different manufacturers in December 2003 that were in violation of the Portable Fuel Containers and Spouts Regulation. After several attempts to negotiate a mutual settlement, the United Automotive case was referred to the Attorney General's Office in Los Angeles. A civil compliant was filed in June 2005. The case was settled on March 15, 2006, for $55,000 after the parties agreed to resolve the case through a stipulated settlement agreement. United Automotive and its owner paid $5,000 and the remaining $50,000 will be paid if additional violations occur within one year.

Honeywell - $25,000 Settlement

On March 18, 2003, Enforcement Division staff obtained samples of Prestone De-Icer Windshield Washer Fluid -34° F from an AutoZone store in El Centro, California. El Centro is located in Imperial County which is a non-Type A area of California. Honeywell is the manufacturer this product which exceeded the one-percent volatile organic compound standard for windshield washer fluids in non-Type A areas as required by the Consumer Products Regulation. The case was referred to the Office of Legal Affairs for resolution and on April 7, 2006. Honeywell settled this case for $25,000.

Davines - $14,000 Settlement

During several inspections conducted between March 2003 and November 2004, samples of non-complying hair care products manufactured by Davines North America were obtained. Defining System Artifixture Style Gel, Shine System Shine Gel, Defining System Glam Power Spray and Bio-O Invisible Hairspray were found to contain volatile organic compounds that exceeded the appropriate limits for hairspray and hair gel. The case with Davines was settled on April 11, 2006, with a payment of $14,000.

Wal-Mart - $75,000 Settlement

Wal-Mart was found selling two different non-complying windshield washer fluids at their stores in non-type A areas of California beginning in January 2002. One of these products was Super Tech, an in-house brand manufactured for Wal-Mart by SouthWin. The other product was 20/10 DeIcer. Neither product complied with the 10 percent VOC limit nor with the one percent VOC limit that became effective on December 31, 2002. As part of the settlement executed on May 16, 2006, Wal-Mart paid $75,000 and provided shipping documentation, contract language, and declarations which will assist in additional enforcements actions.

Barnes Distribution - $12,775 Settlement

Barnes Distribution sold, supplied, or offered for sale in California 3,611 units of BD7-77 Plus Penetrant between January and November 2003, which contained VOCs in excess of the 50 percent VOC limits specified for penetrants in the Consumer Products Regulation. During the investigation, Barnes Distribution audited their historical sales of other Barnes Distribution products within California and voluntarily disclosed to ARB additional violations of the regulations. The case was settled for $12,775 on June 7, 2006.

Autozone - $12,500 Settlement

Between January 2003 and July 2005, AutoZone sold or offered for sale 2,474 containers of Prestone Windshield Melt De-Icer Additive product in non-Type A areas of California, which exceeded the one percent VOC limit for Automotive Windshield Washer Fluids (dilutable) as required in the Consumer Products Regulation. AutoZone had been notified by the manufacturer that the product should not be sold in California. On June 7, 2006, AutoZone settled this case for $12,500.

Chilton Products - $40,000 Settlement

Between January 1, 2001, and December 31, 2005, Western Industries, Inc. (parent company for Chilton Products) manufactured Chilton Products brand one-gallon and two-gallon spill-proof systems for sale in California that did not meet the performance standards as required in the Portable Fuel Containers and Spouts Regulations. The case was referred to Office of Legal Affairs for resolution and on June 9, 2006, Western Industries, Inc. settled this case for $40,000.

New Albertsons's Inc. - $101,000 Settlement

On September 11, 2006, the New Albertson's Inc. settled two Notices of Violation for a total of $101,000. The New Albertson's Inc. was found selling 6,775 gallons of non-compliant Peak Premium Windshield Deicer & Cleaner -30° F and 20,052 gallons of non-compliant Sav-On Windshield Washer Anti-Freeze/Cleaner (protects to -20° F) products in non-Type A areas of California. Automotive windshield washer fluid offered for sale in non-Type A areas of California cannot exceed the one percent VOC limit as required in the Consumer Products Regulation.

Genscience Default Judgment - $91,280 Settlement

During 2003, Genscience Medical imported non-compliant one and two gallon gasoline containers from China and sold these containers to Jobber's Wholesale, Inc. and United Automotive & Oil Company Wholesale, Inc. for re-sale in California. After an investigation and several attempts to negotiate a mutual settlement, cases against all three parties were referred to the Attorney General's Office. Civil complaints were filed in June 2005, in Los Angeles County.

Genscience Medical and their representatives did not respond to the complaint, so the court issued a default judgment on August 1, 2006, against the company and the manager.

Barbeques Galore - $15,500 Settlement

On October 13, 2006, Barbeques Galore settled the alleged violations in the NOV for $15,500. Barbeques Galore offered uncertified charcoal lighter material for sale in California. The uncertified charcoal lighter material was one-quart Picnic Eco-Start 100 percent Natural Charcoal Lighter Fuel. While the product was manufactured by Packaging Services Company, Barbeques Galore had previously been issued a NOV for offering for sale another brand of uncertified charcoal lighter material. All charcoal lighter fuel material must be certified to meet 0.020 pounds of VOC per start prior to being sold in California.

Apollo Industries - $15,000 Settlement

During inspections in 2002, 2004 and 2005, samples of Duro All-Purpose Spray Adhesives were obtained from various locations in California. The laboratory analysis of all of the samples showed that the aerosol adhesive containers exceeded the 65 percent VOC limit for Mist Spray Adhesives. The manufacturer, Apollo Industries, initially insisted that the product complied with the VOC limits. However, the company reformulated the product and modified their production processes to prevent the loss of exempt solvents during filling. Samples of the reformulated product were purchased.

MACCO - $225,000 Settlement

On January 18, 2005, samples of Liquid Nails Clear Small Projects & Repair Adhesive were obtained from MACCO, a Yardbirds store in Petaluma. The adhesive product did not comply with the ten percent VOC limit for general purpose adhesives. During the investigation, it was determined that 316,231 units of the adhesive had been sold in California. Macco settled the violations on October 29, 2006, for a payment of $225,000.

Weiman Products LLC - $11,000 Settlement

Between 2005 and 2006, Weiman Products, LLC sold, supplied, and offered for sale in California non-compliant Weiman Cook Top Quick Wipes Glass Smooth Top Range Cleaner subject to the VOC limit for general purpose cleaners. The product samples were picked up at K Mart in Santa Paula, California on October 4, 2006. The case was settled for a payment of $11,000 on December 13, 2006.

Walgreen Co. - $16,000 Settlement

In November of 2005, samples of Mr. Clean Windshield Wash and Deicer -30°F were

purchased from a Walgreens in Orange County. Walgreens had previously settled a violation for selling a similar product from the same manufacturer. After initially failing to provide sales records, Walgreens acknowledged they sold 98 gallons of Mr. Clean Windshield Wash and Deicer -30°F at 17 stores between September 2005 and March 2006. The case was closed on December 19, 2006, with the payment of $16,000.

FUELS CASES

Tesoro Case - $425,000 Settlement

Routine sampling on April 5, 2004 found that three tanks of regular CARBOB at Tesoro's Martinez refinery had aromatic hydrocarbon contents that exceeded the specifications of their respective predictive models. The cause was determined to be incorrect results from Tesoro's laboratory, so retain samples were analyzed to determine when the laboratory equipment failed, and how many other batches were also in violation in the meantime. The case has been settled $425,000. Of that total, $250,000 cash was paid to the Air Pollution Control Fund; $75,000 cash was paid to the California District Attorneys Association to support their Circuit Prosecutor Project; and an environmental trade-off of 5,000 tons of emission reductions is valued at $100,000.

C. L. Bryant Case - $45,000 Settlement

In early April 2004, several local brokers complained that their competitor, C. L. Bryant, was illegally selling jet fuel to local farmers for use in motor vehicles at a price much lower than CARB diesel, and thereby stealing their customers. A quick and intensive investigation was launched; ED field staff quickly verified that between March 29 and April 14, C. L. Bryant had been selling kerosene (a product also sold as diesel #1 and jet fuel) to several local farmers after holding a meeting with them in which he assured them that the fuel was legal for use in motor vehicles. The fuel does not meet CARB aromatic standards. The case was settled for $45,000.

7-Eleven Case - $30,000 Settlement

Routine sampling on April 19, 2005 revealed that the premium gasoline being sold at this convenience store in Apple Valley had an RVP that exceeded the State standard. A request for pump-out records revealed that the non-complying fuel had been taken to two other 7-Eleven service stations in the vicinity, adding two more violations to the NOV that was issued. The case was settled for $30,000

Shore Terminals Case - $42,000 Settlement

Shore Terminals reported that between May 12 and June 4, 2004, they dispensed 43 loads of premium and regular grade Chevron gasoline unoxygenated. New software installed in connection with a new contract with Chevron had not been programmed to

add ethanol at the rack. The case was settled for $42,000.

Chevron Cases (7) - $100,000 Joint Settlements

Seven violations occurring between July 2002 and March 2, 2004, have been settled jointly for $100,000. The violations included supplying diesel fuel with:
sulfur and aromatic contents exceeding the standards, gasoline with an aromatic hydrocarbon content that exceeded the predictive model specification, a late predictive model notification, and 21 incorrect predictive model notifications.

BP Cases (7) - $200,000 Joint Settlements

1. On October 1, 2002, piping at the East Hynes terminal was reassembled incorrectly after modifications were made, causing the additive intended for premium gasoline to enter the mid-grade loading arm. Therefore, the premium gasoline was not being additized.

2. On March 11, 2003, BP experienced a failure of the ethanol blending equipment at their San Diego terminal, resulting in the dispensing of unoxygenated regular grade gasoline to 59 service stations in the area.

3. On May 2, 2003, BP's Carson refinery submitted a predictive model notification for Phase 3 CARBOB that had an RVP specification of 5.79 pound per square inch (psi), which is less than the minimum standard of 6.40 psi. Investigation revealed that their laboratory technician had erroneously entered the RVP of the CARBOB, rather than that of the finished gasoline, as called for.

4. On October 6, 2003, an operator at the BP terminal in Vinvale discovered that no ethanol was being blended into the midgrade gasoline; the non-complying gasoline was delivered to eleven service stations, which were pumped out. The terminal switched to its back-up oxygenation system, but found on October 9 that this system was under oxygenating the midgrade, affecting 65 BP stations and three commercial stations.

5. On March 1, 2004, routine sampling at the BP refinery in Carson found that a retain sample of regular grade CARBOB had an RVP of 6.02 psi, while the predictive model report specified a limit of 5.76 psi. The sample had been taken on February 28, before the start of the RVP season, but the fuel was identified as summertime RVP gasoline.

6. On March 22, 2004, the BP refinery in Carson moved approximately 15,000 barrels of isooctane into two tanks at their Carson terminal that contained CARBOB. Five loads were lifted from those tanks before the violation was identified; two of the trucks were stopped before leaving the terminal and did not make their deliveries. The three service stations that received delivery were shut down and pumped out.

7. On December 31, 2004, BP's Carson refinery submitted a predictive model notification for a batch of regular grade CARBOB that had incorrect specification values. A corrected notification was submitted on January 3, 2005, after the start of transfer.

Vitol Case - $20,000 Settlement

On March 9, 2005, Vitol submitted their final notification for an import of diesel on the marine vessel Nordeuropa, declaring the marine vessel as the import facility per their protocol. The protocol specifies that the final notification must be provided as early as practicable, but in no case after the start of physical transfer of the California motor fuel from the marine vessel, or less than 12 hours before physical transfer is completed or the motor fuel in the marine vessel is commingled with other product. The final notification received on March 9, 2005 at 0700 hours indicated that transfer of the fuel started on March 8, 2005, at noon. The case was settled for $20,000.

Westport Case - $40,000 Settlement

On March 15, 2005, Westport imported between 52,000 and approximately 140,000 barrels of CARBOB on the marine vessel "Kudu." Final notification for each of several compartment batches was not made until after start of transfer. Additionally, testing revealed that the total aromatics of at least one compartment exceeded the predictive model submitted for it. The case was settled for $40,000.

Techland Testing, Inc. - $600 Settlement, Probation and Jail Time*

California's Attorney General arrested and filed criminal charges against Techland Testing, Inc. (Techland), a Central Valley gasoline tanker inspection company, and three employees for faking air quality inspections and for sending fraudulent "passing" results to CARB. Techland came under investigation after Enforcement Division inspectors conducted undercover surveillance of Techland testing procedures in seven counties. The surveillance revealed that in 13 instances, Techland and its employees failed to actually conduct an inspection. Inspectors observed that employees either did not show up at all, or appeared only long enough to place stickers indicating compliance on the tanker trucks.

- A deal was reached with the Sacramento DA's office and Techland pleaded guilty to a misdemeanor per HSC §42400, Criminal Penalty for Violations. Techland Testing, Inc. received 3 years probation and a $500 fine. Michael Miller received 30 days jail time, 3 years probation and a $100 fine. As part of the agreement, Techland and Miller, now operating Miller's Mobile Tank Testing, must guarantee that all employees are trained per HSC §41962 and all related test procedures.

STATIONARY SOURCE CASES

I.T.E.S. Air Conditioning (Freon) Case - $100,409 Settlement

SEIES staff began an investigation of I.T.E.S for illegal venting of freon (Hydrofluorolcarbons) based on a referral by Sacramento Code Enforcement in June of 2004. SEIES worked in conjunction with Federal EPA, Sacramento County DA's Office, DTSC, and Sacramento County Environmental Health in obtaining evidence to conduct a search warrant. SEIES captured on video over 100 violations over a one year time period and the search warrant solidified improper hazardous waste disposal practices by the company. Since the service of the search warrant, the company has changed its name from I.T.E.S to Energy King, Inc., and the owner is in the process of selling the business. The Sacramento DA's office settled out of court with this company for a total of $100,409.52 broken down as follows: 1) DTSC investigative costs of $25,123.52; 2) ARB investigative costs of $19,296; and 3) Civil Penalties of $55,990.

Florin Perkins Landfill - $77,329 Settlement

Florin Perkins Landfill in Sacramento County was investigated for violation of numerous environmental laws including illegal disposal and storage of hazardous wastes, release of air contaminants, permitting and licensing issues, and tax fraud. At the request of DTSC, SEIES staff worked in conjunction with DTSC, Waste Management Board, County of Sacramento Environmental Health, and District Attorneys Office – as well as the FTB. As part of the investigation a criminal search warrant was served at the facility and the home of the business owners.

On July 19, 2006 both defendants pled no contest to a misdemeanor violation of revenue and Taxation Code Section 19706. The remaining charges were dismissed in the interests of justice. They were given 3 years of informal probation, ordered to obey all laws, pay $100 restitution fine, $20 court certification fee, pay a fine of $6,000 plus penalty assessment of $1200, pay back taxes and penalties of $37,757, and pay costs of investigation to FTB of $32,252. The court ordered the return of all seized property taken under the warrant after satisfaction of all payments of fines and fees. The fines and restitution to FTB was joint and severable. Probation is to terminate upon proof of completion of payments by the defendants.

S.B. Supply, Inc - $25,000 Settlement

On October 17, 2006, S.B. Supply settled the notice of violation for failure to remit payment for the perchloroethylene it sold and/or distributed between January 2005 and December 2005 in accordance with the provisions of the HSC §41988.

Appendix C

Mobile Source Enforcement Program and Inspection Activities – 2006

Table C-1
Heavy-Duty Vehicle Inspection Program

Number of Inspections	17,585
Number of Violations	703
Failure Rate	4.3%
Appeals Received/Closed	17/17
Violations Closed	840
Current HDVIP II Penalties Assessed	$205,200f
Current HDVIP II Penalties Collected	$199,857.00
Delinquent HDVIP I/II Citations Closed	243
Delinquent HDVIP I/II Penalties Collected	$121,057.66
Total HDVIP I/II Penalties Collected	$320,914.66
Trucks Held under VC 27159 by CHP*	58

*If a citation is in delinquent status and is encountered during a roadside inspection, under Vehicle Code 27159 (VC 27159), California Highway Patrol will often hold the truck until payment is received.

Table C-2
Smoking Vehicle Complaint Program

Letters Sent	2,927
Responses Received	345
Response Rate	12%

Table C-3
School Bus ATCM Enforcement and Outreach

School Districts Contacted	307
Schools Contacted	611
Presentations	64
School Bus Spot Checks/Inspections	2,280
Complaints Received	4
Advisory Letters Sent	4
Notice of Violations	1
Compliance-Rate	99.9%

Table C-4
Commercial Idling Enforcement and Complaint Program

Commercial Vehicle Spot Checks/Inspections	2,130
Notice of Violations	97
Compliance Rate	95.4%
Penalties Assessed	$9,700
Complaints Received	49
Advisory Letters Sent	49
Responses Received	19
Response Rate	39%

Table C-5
Certificate of Non-Compliance (49-State Vehicle) Program

Certificates Received	1,219
Certificates Reviewed	243
Cases Opened	53
Cases Closed*	56
Penalties Received	$298,994.00

*Cases closed exceeded cases opened in 2006 because of open carry-over cases from 2005 and earlier.

Table C-6
Low NOx Reflash Enforcement Inspections

Number of Inspections	9,160
Number of Vehicles Reflashable	3,067
Number of Violations	1,230
Number of Violations Rescinded	242
Failure Rate	32%
Violations Closed	566
Penalties Assessed	$296,400.00
Total Penalties Collected*	$172,310.00
*Total amount will be refunded pursuant to Sacramento Superior Court ruling of October 2006.	

Table C-7
Administrative Hearings

Number of Cases	17
Number Closed	17
Number Pending	0
Settled	17

Table C-8
Ports and Environmental Justice Inspections

Road Side Inspection Events	71
Enforcement Program Inspections*	5772
Enforcement Program Violations*	881

Note: The figures in this table are integrated in Table C-1

Table C-9
Emission Control Label Warning Activities

Number of Emission Label Warnings	248
Number of Emission Label Warnings Cleared	34
Number of Emission Label Warnings Pending	214

Table C-10
Solid Waste Collection Vehicle Program

Number of Inspections	2,206
Number of NOVs Issued	305
Number of NOVs Cleared	102
Number of NOVs Rescinded	62
Failure Rate	11%
Number of NOVs Pending	141
Penalties Assessed	$72,300.00
Penalties Reduced	$600.00
Total Penalties Collected	$43,400.00

Table C-11
Diesel Fleet Cases Closed Summary

Type of Case	Total # of Cases	Total Amount Closed
PSIP	13	$647,450.00
SWCV	1	$5,000.00
Transit Buses	1	$6,000.00
Total	15	$658,450.00
PSIP: Period Smoke Inspection Program SWCV: Solid Waste Collection Vehicle		

Appendix D

Fuels and Consumer Products Enforcement Inspection Activities -- 2006

Table D-1
Consumer Products Inspections and Samples

Samples Obtained	2,685
Lab Results Received	1,863
Alleged Violations	519
NOVs Issued	47

Table D-2
Portable Fuel Containers and Spouts

Number of Inspections	539
Samples Obtained	135
NOVs Issued	11

Table D-3
Cargo Tank Vapor Recovery Certification

Cargo Tanks Inspected	880
Cargo Tanks Tested	274
Cargo Tanks Certified	5,525
Pressure Violations (nitrogen test)	33
Uncertified Equipment Violations	8
Liquid Leak Violations	2
Annual Tests Observed	97

Table D-4
Motor Fuel Inspection Summary

Number of Samples	2,421
Number of Analyses	18,226
Reid vapor pressure	1,271
Lead	4
Sulfur (gasoline and diesel fuel)	2,373
Oxygen	1,959
MTBE	1,959
Benzene	1,898
Total aromatics	1,898
Olefin	1,832
Distillation, T50	1,922
Distillation, T90	1,922
Aromatic hydrocarbon (diesel fuel)	570
PAH (diesel fuel)	570
Nitrogen (diesel fuel)	48

Table D-5
Gallons Represented in Sampling

Gasoline	523,689,000
Diesel	230,276,000

Table D-6
BOE Dyed Diesel Program *

Number of Inspections	14,570
Number of Violations	47
* The ARB works under a reimbursable services contract for the Board of Equalization for this program and conducts these inspections concurrent with HDVIP roadside inspections.	

Appendix E

Stationary Source Enforcement
Air District Oversight Activity -- 2006

Table E-1
Asbestos Enforcement Activity

Notifications Reviewed	433
Demolition/Renovation Inspections	36
Investigations	4
Related Phone Calls/E-Mails Received	423
Workshops Conducted	2
Outreach Training	1
Special Projects	3

Table E-2
Hotline Complaints Activities

Total Complaints Received	**642**
Stationary Source	151
Vapor Recovery	67
Smoking Vehicle	4
Questions Answered	420
Referrals to Air Districts	218
District Responses Received	239
Referred for Investigation	1
Referred to Other ARB Divisions	43
Referred to Other Agencies	293

Table E-3
Variance Activity

Variances Reviewed	534
Notices Received	409
Variances Questioned	23
Variances Returned	8
Issues Addressed	897
Workshops Conducted	2
Hearing Board Visits	7
Audits	5

Table E-4
Air Facility System (AFS) Compliance Data

Reports Received	80
Reports Entered	63
Issues Addressed	367
Reports Sent to Districts	153
Audits Conducted	5
CEM Summaries Received	26
FCE Data review	85

Table E-5
Air Facility System (AFS) High Priority Violators (HPV)

Reports Received	275
Reports Entered	28
Issues Addressed	340
Reports Sent to Districts	300
Audits Conducted	5

Table E-6
Continuous Emissions Monitoring (CEMs) Program Activity

Total Reports Received	2,896
NOx	625
SO_2	480
H_2S	506
CO	616
Opacity	669

Table E-7
Air District Rule Review

Rules Received	259
Rules Reviewed	228
Rules Commented On	13

Table E-8
Agricultural Burning

Burn Issues Addressed	35
Meetings Attended	3
Special Projects	23
Audits conducted	5

Table E-9
Strategic Environmental Investigations

TYPE OF ACTIVITY	TOTAL
Continuing Investigations	8
New Investigations	8
Cases Closed	5
Cases Referred for Investigation	0
Cases Referred for Prosecution	0
Continuing Prosecution	6
Case Settlement/Prosecution	2
Investigative Assistance	3
Continuing Surveillance	8
New Surveillance	9
Surveillance Closed	12
Source Inspections	25
Locomotive RR MOU Inspections	1360
Rail yards inspected under RR MOU	32 *
RR MOU NOVs Issued	33
RR MOU NTCs Issued	29
Task Force Meetings Attended	64
Special Projects	39

* All 32 designated and covered rail yards were inspected twice.

Appendix F

Enforcement Division Contacts and Other Information

http://www.arb.ca.gov/enf/enf.htm

Division Contacts:

Division Chief	James R. Ryden	(916) 322-7061
Division Secretary	Anita Ortiz	(916) 322-7061
Enforcement Database Coordinator	Reggie Guanlao	(916) 445-2815
Enforcement Division Administrative Coordinator	Valerie Sarver	(916) 322-2659
Enforcement Policy Coordinator	Elizabeth Miller	(916) 322-6212
Enforcement Division Case and Programs Coordinator	Ryman Simangan	(916) 322-0355
Enforcement Division FAX (Sacramento – HD Diesel Program)	-	(916) 322-8274
Enforcement Division FAX (Sacramento – General Enforcement)	-	(916) 445-5745
Enforcement Division FAX (El Monte – HD Diesel Program)	-	(626) 450-6170
Enforcement Division FAX (El Monte – MS Enforcement Program)	-	(626) 350-6431

Mobile Source Enforcement Contacts:

Chief, Mobile Source Enforcement Branch	Paul E. Jacobs	(916) 322-7061
Manager, Mobile Source Enforcement Section	Gregory Binder	(626) 575-6843
Manager, Heavy-Duty Diesel Enforcement Section – North	Judy Lewis	(916) 322-1879
Manager, Heavy-Duty Diesel Enforcement Section – South	Darryl Gaslan	(626) 450-6155
Manager, Heavy-Duty Diesel Enforcement Section – Border	Manfred Ochsner	(626) 350-6532
HD Diesel Field Supervisor – Northern California	Chuck Owens	(916) 445-2049
HD Diesel Field Supervisor – Southern California	Vacant	(626) 450-6155
HD Diesel Field Supervisor – Border	Damacio Arevalos	(626) 350-6449
Citation Administration – Northern California	Renae Hankins	(916) 322-8275
Citation Administration – Southern California	Debbie Wiemer	(626) 450-6161
Citation Administration – Border	Gretchen Ratliff	(626) 350-6561
Collections Administration	Cheryl Morgester	(916) 322-2654
Administrative Hearings – Northern California	Cheryl Morgester	(916) 322-2654
Administrative Hearings – Southern California	Michele Burns	(626) 350-6490
Administrative Hearings – Border	Gretchen Ratliff	(626) 350-6561
PSIP Fleet Cases	Michele Burns	(626) 350-6490
CCDET Liaison	Michele Burns	(626) 350-6490

Stationary Source Enforcement Contacts:

Chief, Stationary Source Enforcement Branch	Mark Stover	(916) 322-2056
Manager, Fuels Enforcement Section	Acting: Mark Stover	(916) 322-2056
Manager, Consumer Products Enforcement Section	Steve Giorgi	(916) 322-6965

CaRFG/Diesel Regulations Enforcement	Dickman Lum	(916) 327-1520
Case Development Program	Janice Ross	(916) 327-1526
Cargo Tank Enforcement Program	Brad Cole	(916) 322-3951
Cargo Tank Certification Program	Juli Sawaya	(916) 322-3034
Enforcement Program Web Pages	Mary Rose Sullivan	(916) 327-1523
Fuel Distributor Certification Program	Nelson Chan	(916) 445-0287
Fuels Inspection Program	Fred Schmidt	(916) 327-1522
Manager, Strategic Environmental Investigations & Enforcement Section	R.C. Smith	(916) 445-1295
Manager, Stationary Source Enforcement Section	Carl Brown	(916) 323-8417
Air Facility System (AFS)	James McCormack	(916) 324-8020
Agricultural Burning Program	Cheryl Haden	(916) 323-8410
Asbestos NESHAP Program	Ahmad Najjar/ Nestor Castillo	(916) 322-6036 (916) 322-0749
Complaint Hotline Program	Verna Ruiz	(800) 952-5588
Continuous Emission Monitoring Program	Verna Ruiz	(916) 327-7574
Variance Program	Vickie McGrath Ed Virgin	(916) 324-7343 (916) 322-5866
Training & Compliance Assistance Contacts:		
Chief, Training & Compliance Assistance Branch	Mary Boyer	(916) 322-6037
Branch Registrar, Training & Compliance Assistance	Teresa Campos	(916) 322-3937
Manager, Compliance Training Section	Louis Chiu	(916) 323-8412
Manager, Compliance Assistance Section	Mark Tavianini	(916) 327-0632
CAP Publications	Marci Fenske	(916) 327-7211
FOE/VEE Program	Min Li	(916) 327-1168
Other Contacts:		
ARB Office of Legal Affairs	W. Thomas Jennings, Chief Counsel	(916) 322-2884
ARB Complaints Investigations	Simeon Okoroike	(916)327-3529
ARB Complaint Hotline (Alternative Number)		(800) 363-7664 (800) END-SMOG
ARB Enforcement Division Spanish Speaking Assistance	Anita Ortiz Hortencia Mora	(916) 323-8541 (626) 350-6590
Special Investigations/Collections	Jay Zincke	(916) 323-1608

- All individuals listed above may be contacted via e-mail. Email addresses can be found at the ARB's web site at www.arb.ca.gov.

Acronym List

AFS	Air Facility System
APCD	Air Pollution Control District
APCF	Air Pollution Control Fund
AQMD	Air Quality Management District
ARB	Air Resources Board
ASD	Administrative Services Department
ASTM	American Society for Testing and Materials Standards
ATCM	Air Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BDO	Boards, Departments, and Office
bhp	brake horse power
BIA	Basic Inspector Academy
BNSF	Burlington Northern Santa Fe Railroad
BOE	Board of Equalization
CAM	Compliance Assurance Monitoring
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CARBOB	California Reformulated Blendstocks for oxygenate blending
CaRFG3	California Reformulated Gasoline Phase III
CAS	Compliance Assistance Section
CCDET	California Council on Diesel Education Technology
CCP	Car Care Packaging
CCTV	Closed Circuit Television
CDAA	California District Attorneys Association
CEM	Continuous Emission Monitoring
CHMIA	California Hazardous Materials Investigators Association
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
CNC	Compressed Natural Gas
CPES	Consumer Products Enforcement Section
CPMS	Continuous Parametric Monitoring System
CTS	Compliance Training Section
DHE	Dependable Highway Express
DHS	Department of Health Services
DMV	Department of Motor Vehicles
DOJ	Department of Justice
DTSC	Department of Toxic Substances Control
ED	Enforcement Division
EJ	Environmental Justice
EPA	Environmental Protection Agency

ERC	Emission Reduction Credit
FBI	Federal Bureau of Investigation
FCE	Full Compliance Evaluation
FLETC	Federal Law Enforcement Training Center
FOE	Fundamentals of Enforcement
FTB	Federal Tax Board
HDVI	Heavy Duty Vehicle Inspection
HDVIP	Heavy Duty Vehicle Inspection Program
HOP	Husqvarna Outdoor Products
HPV	High Priority Violation
HSC	Health and Safety Code
IRS	Internal Revenue Service
LSI	Large Spark Ignition
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MLD	Monitoring and Laboratory Division
MOU	Memorandum of Understanding
MY	Model Year
MSCD	Mobile Source Control Division
MSEB	Mobile Source Enforcement Branch
MSOD	Mobile Source Operation Division
N_20	Nitrous Oxide
NAFTA	North American Free Trade Agreement
NACAA	National Association of Clean Air
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NIPC	National Infrastructure Protection Center
NOA	Naturally Occurring Asbestos
NOV	Notice of Violation
NOx	Nitrogen Oxide
NSPS	New Source Performance Standards
NSR	New Source Review
NTC	Notice to Comply
OBD II	Onboard Diagnostics II
OEM	Original Equipment Manufacturer
OHRV	Off-Highway Recreational Vehicle
OLA	Office of Legal Affairs
PAH	Polynuclear Aromatic Hydrocarbon
PERP	Portable Equipment Registration Program
PM	Particulate Matter
ppm	parts per million
psi	pounds per square inch
PTSD	Planning and Technical Support Division
RFP	Request for Proposal
RR	Railroad

RVP	Reid Vapor Pressure
SAE	Society of Automotive Engineers
SB	Senate Bill
SJVUAPCD	San Joaquin Valley Unified Air Pollution Control District
SCAQMD	Southern Coast Air Quality Management District
SDAPCD	San Diego Air Pollution Control District
SMAQMD	Sacramento Metropolitan Air Quality Management District
SEIES	Strategic Environmental Investigations and Enforcement Section
SEIT	Strategic Enforcement Intelligence Team
SEMA	Specialty Equipment Manufacturers Association
SEP	Supplemental Environmental Project
SORE	Small Off-Road Engines
SSD	Stationary Source Division
SSEB	Stationary Source Enforcement Branch
SSES	Stationary Source Enforcement Section
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TRU	Transportation Refrigeration Unit
UP	Union Pacific
VEE	Visible Emissions Evaluation
VOC	Volatile Organic Compound
YSAQMD	Yolo-Solano Air Quality Management District