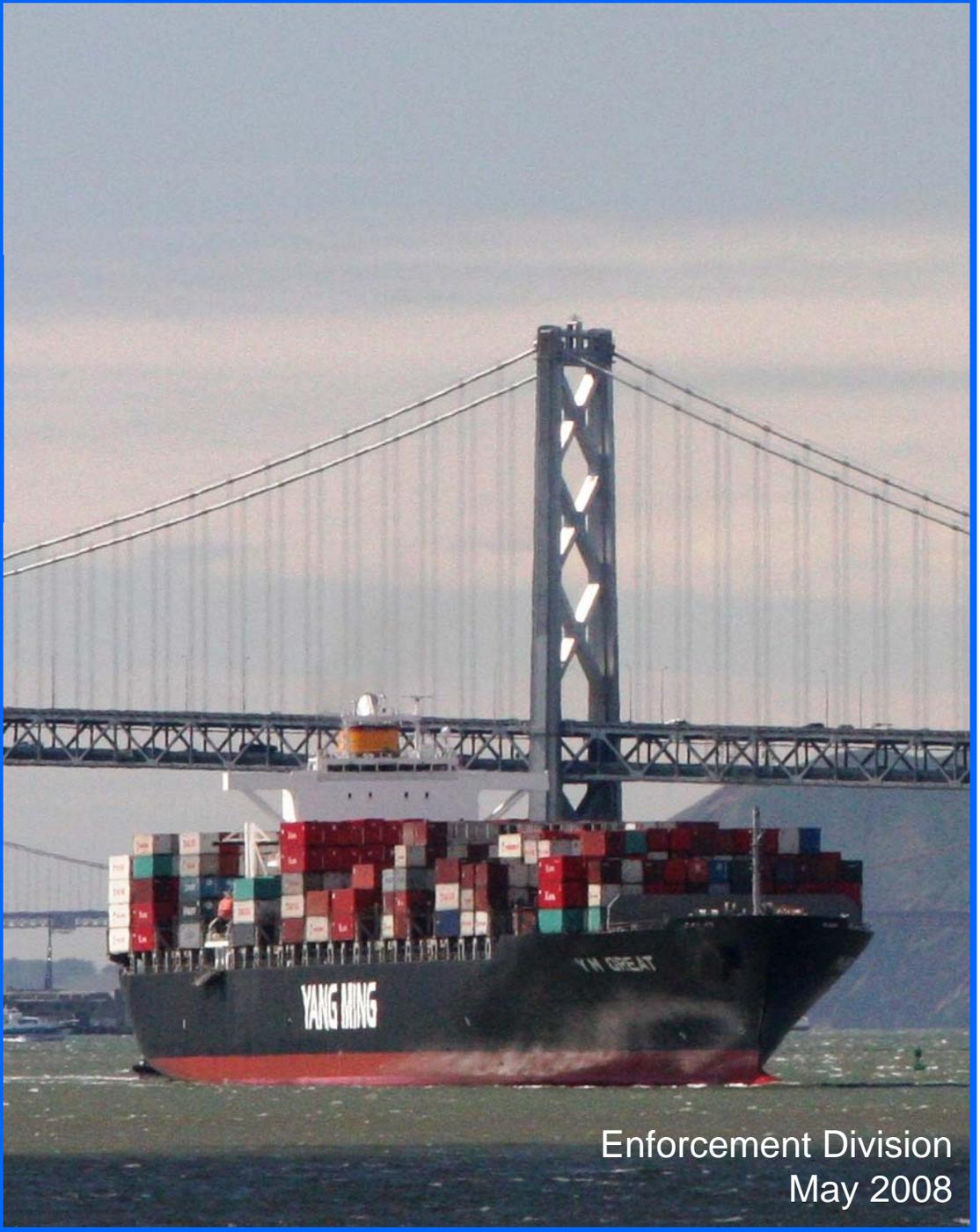


# 2007 Annual Enforcement Report



# REPORT OF ENFORCEMENT ACTIVITIES FOR 2007

## AIR RESOURCES BOARD ENFORCEMENT DIVISION May 2008

### ACKNOWLEDGEMENTS

#### Authors:

Sherry Bercu  
Josh Berghouse  
Greg Binder  
Carl Brown  
Michele Burns  
Barbara Crump  
David Gray  
Cheryl Haden  
Robert Hamamoto  
Rena Hankins  
Paul Jacobs  
Dickman Lum  
Elizabeth Miller

Hortencia Mora  
Cheryl Morgester  
Kim Nguyen  
John Oback  
Nancy O'Connor  
Randall Opfer  
Gretchen Ratliff  
Fred Schmidt  
Ryman Simangan  
R.C. Smith  
Mary Rose Sullivan  
Debra Wiemer  
Michelle Shultz Wood

#### Chief Editor:

Cheryl Haden

#### Associate Editors

Josh Berghouse  
Wendy Maienknecht  
John Oback  
Mary Rose Sullivan  
Peter Venturini  
Rick Wagner

#### Reviewed by:

Robert Jenne, Acting Chief Counsel/Deputy Executive Officer, Air Resources Board\*  
Kirk C. Oliver, Senior Counsel, Air Resources Board\*  
James R. Ryden, Chief, Enforcement Division, Air Resources Board  
Paul E. Jacobs, Chief, Mobile Source Enforcement Branch  
Mary M. Boyer, Chief, Training and Compliance Assistance Branch  
Mark Stover, Chief, Stationary Source Enforcement Branch  
Judy Lewis, Manager, Greenhouse Gas Enforcement Section  
Les Simonson, Manager, Heavy-Duty Diesel Enforcement Section-North  
Darryl P. Gaslan, Manager, Heavy-Duty Diesel Enforcement Section-South  
Manfred Ochsner, Manager, Heavy-Duty Diesel Enforcement Section-Border  
Gregory H. Binder, Manager, Mobile Source Enforcement Section  
Steve Giorgi, Manager, Consumer Products Enforcement Section  
Carl Brown, Manager, Stationary Source Enforcement Section  
Steve Brisby, Manager, Fuels Enforcement Section  
R.C. Smith, Manager, Strategic Environmental Investigations & Enforcement Section  
Louis Chiu, Manager, Compliance Training Section  
Mark Tavianini, Manager, Compliance Assistance Section

This report has been reviewed by the staff of the California Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the Air Resources Board, nor does mention of trade names or commercial products constitute endorsement or recommendation for use. To obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 322-8168.

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

## TABLE OF CONTENTS

<b>Acronyms</b>	<b>4</b>
<b>Executive Summary</b>	<b>7</b>
<b>Introduction</b>	<b>11</b>
<b>General Enforcement Programs</b>	<b>13</b>
<b>Mobile Source Enforcement Programs</b>	<b>16</b>
<b>Heavy-Duty Diesel Vehicle Enforcement</b>	<b>21</b>
<b>Stationary Source Enforcement Programs</b>	<b>30</b>
<b>Fuels Enforcement</b>	<b>31</b>
<b>Consumer Products Enforcement</b>	<b>34</b>
<b>Stationary Source Enforcement</b>	<b>37</b>
<b>Strategic Environmental Investigations and Enforcement</b>	<b>40</b>
<b>Training and Compliance Assistance Programs</b>	<b>47</b>
<b>Compliance Training</b>	<b>48</b>
<b>Compliance Assistance</b>	<b>56</b>
<b>Enforcement Action Items for 2008</b>	<b>60</b>

## **2007 APPENDICES**

<b>A: Enforcement Case Summary Tables</b>	<b>66</b>
<b>B: Significant Case Settlements</b>	<b>68</b>
<b>C: Mobile Source Enforcement Inspection Activity</b>	<b>87</b>
<b>D: Fuels/Consumer Products Enforcement Inspection Activity</b>	<b>91</b>
<b>E: Stationary Source Enforcement</b>	<b>94</b>
<b>F: Compliance Training and Assistance</b>	<b>97</b>
<b>G: Enforcement Program Contacts</b>	<b>99</b>

**Acronym List**

AAOT	Air Academy Online Training
AFS	Air Facility System
APCD	Air Pollution Control District
APCF	Air Pollution Control Fund
AQMD	Air Quality Management District
ARB	Air Resources Board
ASTM	American Society for Testing and Materials [Standards]
ATCM	Air Toxic Control Measure
BACT	Best Available Control Technology
Bhp	Brake-horsepower
BIA	Basic Inspector Academy
BOE	Board of Equalization
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
CCR	California Code of Regulations
CEM	Continuous Emission Monitoring
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
CNC	Certificate of Noncompliance
CPES	Consumer Products Enforcement Section
CTS	Compliance Training Section
CUPA	Certified Unified Program Agency
DMV	Department of Motor Vehicles
DOJ	Department of Justice
DTSC	Department of Toxic Substances Control
ED	Enforcement Division
EJ	Environmental Justice
EO	Executive Order
EPA	Environmental Protection Agency
EVR	Enhanced Vapor Recovery
FCE	Full Compliance Evaluation
FOE	Fundamentals of Enforcement
GHG	Greenhouse Gases
HDVIP	Heavy Duty Vehicle Inspection Program
HPV	High Priority Violation
HSC	Health and Safety Code
ICE	Internal Combustion Engine

## 2007 ARB Report of Enforcement Activities

IRS	Internal Revenue Service
ISO	International Standards Organization
LSI	Large Spark Ignition
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MDAQMD	Mojave Desert Air Quality Management District
MLD	Monitoring and Laboratory Division
MOU	Memorandum of Understanding
MSAB	Mobile Source Analysis Branch
MTBE	Methyl Tert-Butyl Ether
MY	Model Year
MSEB	Mobile Source Enforcement Branch
NACTDP	National Air Compliance Training Delivery Project
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NOV	Notice of Violation
NOx	Nitrogen Oxide
NSR	New Source Review
NTC	Notice to Comply
OBD II	Onboard Diagnostics II
OEM	Original Equipment Manufacturer
OGV	Ocean-Going Vessel
OHRV	Off-Highway Recreational Vehicle
OLA	Office of Legal Affairs
PAH	Polynuclear Aromatic Hydrocarbon
PCCD	Peralta Community College District
PERP	Portable Equipment Registration Program
PM	Particulate Matter
Ppm	Parts per Million
PSD	Prevention of Significant Deterioration
Psi	Pounds per Square Inch
PSIP	Periodic Smoke Inspection Program
PTSD	Planning and Technical Support Division
RR	Railroad
SAE	Society of Automotive Engineers
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SDCAPCD	San Diego County Air Pollution Control District
SEIES	Strategic Environmental Investigations & Enforcement Section
SEIT	Strategic Enforcement Intelligence Team
SEMA	Specialty Equipment Manufacturers Association
SEP	Supplemental Environmental Project
SIME	Spark Ignition Marine Engine
SJUAPCD	San Joaquin Valley Unified Air Pollution Control District
SMAQMD	Sacramento Metropolitan Air Quality Management District

SORE	Small Off-Road Engine
SPA	Secretary for Environmental Protection [Baja California]
SPI	Sierra Pacific Industries
SSD	Stationary Source Division
SSES	Stationary Source Enforcement Section
SWCV	Solid Waste Collection Vehicle
SWRCB	State Water Resources Control Board
TRU	Transport Refrigeration Unit
UP	Union Pacific
VEE	Visible Emissions Evaluation
VOC	Volatile Organic Compound

## **EXECUTIVE SUMMARY**

***“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 Enforcement Division Mission Statement***

Air pollution sources come in all shapes and sizes: from diesel “big rigs” to tricked-out motorcycles; from ocean-going cargo ships to jet skis; from the particle board in the kitchen cabinets to the can of hair spray in the bathroom; from the railroad locomotive engine to the family car.

California’s burgeoning population adds more vehicles and far-flung communities to the mix every year. More people are buying more fuel to drive more miles, while demanding more consumer goods.

California remains one of the country’s biggest air quality concerns. According to the 2007 American Lung Association’s annual “State of the Air” report, California has six of the top ten, and nine of the top 25, most polluted ozone/smog regions in the nation. The situation for inhalable particulate (soot) pollution is also severe; California is home to seven of the top 25 most polluted particulate regions nationwide. Some 33 million people, over 90% of California’s population, live in regions with unhealthy air quality.

Even with the continued growth in California’s population and economic activity, air quality in the state has actually improved dramatically. The California Air Resources Board (CARB, ARB, Board) and the local air pollution control districts continue to steadfastly regulate new and existing sources of pollution for the maximum possible control of emissions. The number of days of smog violations in the Los Angeles region is now under 100 per year, down from over 200 per year when ARB was formed forty years ago.

State laws and regulations in the California Health and Safety Code (HSC) and the California Code of Regulations (CCR) have long required stationary sources to build and upgrade their equipment with the best pollution control technology. The same holds true for passenger vehicles. Over the past 40 years, ARB has reduced emissions from passenger vehicles by over 95% through the use of clean engine and fuels technologies.

But the most important area to reduce pollution emissions is in every Californian’s personal breathing space: Where they live, where they work or go to school, and where, when, how, and how long they must travel every day.

In recent years, the Board has adopted increased numbers of regulations to control emissions of toxic air contaminants, particularly the toxic black soot from the large numbers of diesel vehicles and engines. Diesel-burning sources are everywhere –

on and off roads and highways, at construction sites, in schoolyards, collecting trash in neighborhoods, and hauling cargo at maritime ports and rail yards. While ARB has successfully imposed strict standards on new models, the longevity of diesel engines keeps the older, higher-polluting vehicles on the road. To address this issue, ARB has adopted a series of diesel vehicle and equipment fleet rules requiring owners to retrofit, repower or replace their engines, equipment, or vehicles.

ARB tackles a growing variety of source categories in its fight for clean air. Cleaner fuels, vapor recovery systems, consumer products, light-duty vehicles, small off-road engines, and a host of air toxic control measures are just a few areas. While the sources are diverse, common to each regulation is the basic tenet that we cannot reach our air quality goals unless every member of every industry plays by the rules.

Ideally, the industries that are faced with new or tighter regulations comply voluntarily, and ARB offers education, outreach, incentive, and compliance assistance programs to help. However, there is always some fraction of the regulated population that breaks the law. This not only postpones achieving cleaner air, but also punishes the complying companies by providing an unfair economic advantage to the violators. ARB inspectors and investigators keep watch on those places where non-compliance is most likely, as well as in areas where the violating emissions 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 accommodated 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, affecting 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, too close to children's developing lungs. It requires the lowest-polluting fuel for 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 actively pursue the leads and complaints received from citizens and members of the regulated community. 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 identify 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, when an enforcement case has been resolved and the violator has been brought to justice, that the word gets out, which discourages others from breaking the law.

Finally, the enforcement program has grown in order to keep pace with our operational demands. This growth in staff has been accompanied by an increase in the number of enforcement actions. In the 2006 Annual Enforcement Report, it was noted that 1,992 cases/citations had been resolved. This year the number has grown to 3,442 - an increase of over 73 percent.

The following statistics highlight the achievements of ARB's Enforcement Program in 2007:

- 3,442 cases/citations closed;
- \$29,850,475 in total penalties collected;
- 3,253 mobile source cases/citations closed for over \$8.7M;
- 50 diesel fleet cases closed for over \$3.1M;
- 12 illegal motorcycle and off-highway recreational vehicle cases closed for over \$3.7M;
- Three illegal aftermarket performance parts cases closed for over \$1.2M;
- 44 Certificate of Non-compliance/49 state vehicle cases closed for over \$745,000;
- Three major stationary source cases closed for \$18.5M;
- 22 fuels cases closed for over \$574,000;
- More than 1,900 cargo tanks inspected with 38 cases closed for \$23,500;
- Over 2,500 consumer product samples gathered during inspections with 38 cases closed for over \$1.6M;
- More than 380 inspections of portable fuel containers and spouts conducted with 12 cases closed for over \$330,500;
- More than 9,900 inspections in Environmental Justice areas conducted and 1,343 violations issued;
- Over 20,000 heavy-duty vehicles inspected for smoke emissions and tampering with over 1,500 violations closed for over \$275,000;
- More than 1,580 inspections for commercial vehicle and school bus idling conducted with over 135 violations for over \$12,000;
- Over 1,900 inspections of solid waste collection vehicles with over 350 violations for over \$97,000;
- More than 915 million gallons of gasoline represented in sampling;

- More than 350 million gallons of diesel fuel represented in sampling;
- More than 19,000 inspections for red-dyed diesel fuel conducted;
- More than 1,900 inspections of locomotives conducted; 70 violations issued;
- More than 165 classes or multi-day training programs offered, representing over 8,150 student days of training;
- Over 15,300 publications distributed, and 77,400 web hits on handbooks alone;
- Enforcement of the commercial vehicle idling and the school bus/delivery vehicle idling programs and trained industry on program compliance;
- Enforcement of the AB 1009 Engine Emissions Certification Label/AB 1009 regulations at the California-Mexico border and statewide; and
- Enforcement of regulations regarding illegal Chinese knockoff imports.

The following report includes a detailed discussion of ARB's enforcement programs, as well as tables of statistics compiling 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 ARB 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>.

As the Board undertakes its aggressive rulemaking agenda, we anticipate that the future will bring continuing growth due to new regulations that will affect diesel emissions, goods movement equipment, climate change and more. The challenge to the Enforcement Division is enormous, but the staff is willing and eager to face the numerous tasks ahead.

Commenting on one of our largest cases of 2007, ARB Chairman Mary Nichols stated, "The cumulative effects of numerous small, scattered air violations can compromise air quality just as much as larger, more visible violations. This settlement should send a clear message to companies throughout the state that the environmental cops are on the beat."

And indeed we are.

## **INTRODUCTION**

ARB coordinates California's efforts to reach and maintain the health-based air quality standards, and to protect the public from exposure to toxic air contaminants. Since its inception, ARB has been charged with overseeing the efforts of local air pollution control and air quality management (air) districts in controlling air pollution caused by stationary sources.

ARB has also been specifically directed to address the serious problems caused by mobile sources – cars, motorcycles, trucks and buses, off-road vehicles and equipment, and the fuels that power them – major sources of air pollution in the most populous parts of the state.

ARB is also responsible statewide for controlling emissions from smaller but more numerous sources of air pollution, including consumer products, other types of mobile sources like lawn and garden equipment and utility engines, and, especially, any sources of toxic air pollutants.

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 spectrum that extends from nominal breaches of the state's statutes or regulations to deliberate, criminal actions. 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 Enforcement Division or its programs, please contact James R. Ryden, Chief, at (916) 322-7061 or [jryden@arb.ca.gov](mailto:jryden@arb.ca.gov). For questions or comments relating to this report, please contact the Chief Editor, Cheryl Haden, at (916) 323-8410, or email at [chaden@arb.ca.gov](mailto:chaden@arb.ca.gov).

Questions relating to specific program areas may be directed to the appropriate section manager or branch chief listed on the Contacts List in Appendix G. Please refer to the Enforcement Division's web page as well, located at: <http://www.arb.ca.gov/enf/enf.htm>.

## **GENERAL ENFORCEMENT PROGRAMS**

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 informative 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 violators, 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 to prepare cases for referral for civil litigation or criminal prosecution to the California Office of the Attorney General, local District Attorneys, or the United States (US) Attorney's Office.

### **Strategic Plan**

The Enforcement Division has developed and is implementing its Strategic Plan, which guides resource allocations and programs in order to enhance our efficiency. The Division is planning a re-organization this year to effectively incorporate the remaining parts of the Plan.

### **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.

## **Legislation**

In 2007, three statutes were enacted that relate to the administration of ARB's enforcement program.

- *Assembly Bill (AB) 233, Jones (Chapter 592, Statutes of 2007)*

This bill, sponsored by the American Lung Association and the Sierra Club of California, requires ARB to perform an initial review (with triennial updates) of its enforcement program relating to diesel emission control. Under the provisions of the bill, ARB must develop and review in a public Board hearing a strategic plan for enforcement of these regulations.

The bill immediately increases the minimum penalty for commercial vehicle idling from \$100 per violation to \$300. The bill also allows the Department of Motor Vehicles (DMV) to place a registration hold on any heavy duty diesel trucks that have outstanding ARB citations until such time as those citations are cleared. These registration holds are authorized under Vehicle Code section 4755, which was added by AB 233.

The initial review and proposed strategic plan are scheduled to be presented to the Board in May 2008. The strategic plan must be submitted to the Legislature by January 1, 2009.

- *AB 695, Karnette (Chapter 609 Statutes of 2007)*

Beginning on July 1, 2008, this bill requires that a retail seller or an applicant for registration of an inboard or stern drive vessel with a marine engine of model year 2008 and later certify that the engine meets or exceeds ARB's emissions standards by:

- Examining the permanently affixed label on the engine and confirming engine compliance with emissions standards; and
- Writing the engine family name and serial number on the hang tag attached to the vessel, and submitting the tag with the application for registration.

DMV cannot register a vessel unless these conditions have been met. This bill also requires DMV to amend the form used to initially apply for a vessel registration number to show that the two requirements listed above have been met.

New residents to California who purchased a vessel in their previous state of residence are exempt from having to meet these provisions. In addition, this bill exempts (until January 1, 2009) relevant engines exceeding 500 horsepower. Violations of these requirements may be punishable by a fine of \$250.

This bill does not apply to personal water craft or outboard engines. These provisions are not enforced by ARB.

- AB 829, Duvall (Chapter 325 Statutes of 2007)

ARB's vehicle certification program requires that at the time of sale, any new vehicle -- including a motorcycle -- sold in California must be in its originally certified configuration. This means that no aftermarket parts, even those that have been approved for use by ARB, may be installed at the time of transfer to the ultimate purchaser.

This bill allows for the concurrent purchase and installation of ARB-approved aftermarket parts on new motorcycles in California. The bill does not, however, allow for new motorcycles to be equipped with aftermarket parts for the purpose of display on the showroom floor.

ARB will issue an Enforcement Advisory to announce this policy change to the motorcycle industry.

### **California Air Pollution Control Officers Association Enforcement Coordination**

In 2007, Enforcement Division staff continued to work closely with the California Air Pollution Control Officers Association (CAPCOA). Staff attended several CAPCOA Enforcement Managers meetings throughout the state, where local and regional enforcement personnel discuss common problems and share workable solutions, fostering cooperation and mutual understanding among the state's air agencies.

### **Greenhouse Gas Enforcement**

On September 27, 2006, the State of California passed into law the California Global Warming Solutions Act of 2006 (commonly referred to as AB 32), which is the first law to comprehensively limit greenhouse gas (GHG) emissions at the state level.

ARB is specifically directed to address the serious problems caused by GHG emissions. AB 32, HSC §38562(d) states, "Any regulation adopted by the state board pursuant to this part...shall ensure...the greenhouse gas emissions reductions achieved are real, permanent, quantifiable, and enforceable by the state board."

On November 15, 2007, ARB formed the GHG Enforcement Section to ensure that the large numbers of regulations being developed throughout ARB are enforceable, thereby realizing maximum environmental benefits. Staff is working in tandem with the regulation writers to evaluate and comment on the enforceability of the proposed GHG regulations. In addition, staff will develop a training course on writing enforceable regulations.

## **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 in some areas, California is the only state authorized under the Federal Clean Air Act to set its own mobile source emissions and fuels standards. 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.

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 ARB as meeting California emissions standards.

Manufacturers apply for ARB 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 can 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 (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 violator and issue an NOV. The NOV requires that the vehicle(s) be removed from the state, along with paying a civil penalty of up to \$5,000 per vehicle as authorized under HSC §43151 et seq.

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.

Enforcement statistics for this program are found in Appendix C. Further details regarding the mobile source enforcement programs are discussed later in this report, or visit the Enforcement Division's web page at <http://www.arb.ca.gov/enf/enf.htm>.

### **Program Highlights**

#### **Limousine Enforcement**

ARB has regulated on-road motor vehicles since 1971. An original equipment manufacturer (OEM) certifies a vehicle with ARB, based on specific gross vehicle weight, emissions equipment, horsepower, engine size and other criteria. When a limousine manufacturer, either of a brand-new base model chassis or a used vehicle chassis, changes the configuration of the originally certified vehicle, the vehicle is no longer certified.

Modification of vehicles beyond their certified configuration voids the original manufacturer's ARB certification, and results in new, non-California-certified vehicles. Once the original certified configuration is exceeded, the modifier or builder then becomes responsible for certifying the vehicles with ARB.

Over the last few years, the limousine industry has changed from the ordinary Cadillac or Lincoln Towncar limousines to the extreme stretched Hummers and Chrysler 300 M limousines, among others. The violation to California laws occurs when the manufacturer/builder modifies the vehicle beyond the certified configuration, and then sells the vehicle to a California dealer or customer. This type of violation has increased in large numbers over the last few years.

In 2007, enforcement resources have been focused on limousine enforcement. Twelve enforcement cases have been opened, with two closed in 2007. Two of the largest limousine manufacturers have begun the certification process, and are close to certifying one of the biggest-seller models in the limousine industry.

Educational outreach is being pursued by MSES staff through presentations at industry association meetings, and ongoing communication with the manufacturers and their Coach Builders' Association. Staff is also working with the nation's largest industry publication to have an article published, explaining ARB requirements and the certification process regarding the limousine industry.

These enforcement efforts are ongoing and are proving to be very successful, resulting in the manufacturers ceasing California sales of uncertified limousines and certifying the models that are not covered by the OEM Executive Orders (EO).

#### **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 EO that allows for their legal sale in California. Staff provided outreach at the SEMA International trade show in November 2007.

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 efforts 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 2007, ARB staff conducted numerous training seminars for law enforcement personnel. Law enforcement personnel conducted hundreds of street racing strike force operations, 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 2007. 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 were 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 2007, 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 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 2007, staff continued enforcement of ARB's motorcycle regulations. Due to the focus on custom motorcycle builders' enforcement in 2006, this category was found to be generally in compliance in 2007. The 2007 focus turned toward the Asian import motorcycles coming into California without having been certified by ARB. The Motorcycle Industry Working Group, formed in 2006 to foster better government and industry relations and higher levels of compliance, continues 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 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 2007.

### Asian Import Market

During 2007, staff continued its efforts to reduce the incidence of illegal Asian import products (e.g. on- and off-road motorcycles and ATVs, personal watercraft, and lawn and garden equipment, etc.) coming into California through the major shipping ports. Staff is working with the US EPA, US Immigration & Customs Enforcement, US Coast Guard, and Chinese governmental agencies to ensure that Asian import products coming into California fully comply with environmental regulations.

In 2007 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.

During November 2007, staff from ARB met in Beijing with the Beijing Environmental Protection Bureau and the China State Environmental Protection Administration. ARB staff presented, over a three-day period, detailed information regarding ARB's programs and environmental protection. The meetings were very productive, and ARB staff was especially impressed with the tremendous progress being made in China to mitigate air pollution in recent years. MSES staff looks forward to continuing this exchange of information and anticipates it will result in certified products being imported to the US for California sale.

DMV and CHP Interagency Coordination Meetings

During 2007, 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 2007, ARB staff vigorously enforced the Spark-Ignition Marine Engine (SIME) regulations by inspecting marine vessels and engines at dealerships and boat shows. Staff continues to have dialog with the National Marine Manufacturers Association, the Northern California Marine Association, and Southern California Marine Association on various enforcement related topics. The SIME regulations are scheduled to be amended in 2008. For additional information, please refer to the ARB website for detailed information and history on this subject.

Beginning on July 1, 2008, AB 695 requires a retail seller or the registration applicant of an inboard or stern drive vessel with a model year 2008 and later marine engine to certify that the engine meets or exceeds ARB's emissions standards by: (1) examining the permanently affixed label on the engine and confirming compliance with emissions standards, (2) writing the engine family name and serial number on the hang tag attached to the vessel, and (3) submitting the hang tag with the application for registration. DMV cannot register a vessel unless these conditions are met.

This bill requires DMV to amend its initial application form for a vessel number [registration] to include check-off boxes or lines on which a retail seller must certify that the vessel's engine has a permanently affixed label indicating that it meets or exceeds ARB's emissions standards, and to require that the application be accompanied by the vessel's hang tag. New residents to California who purchased a vessel in their previous state of residence are exempt from meeting these provisions.

This bill will not apply to engines exceeding 500 horsepower until January 1, 2009. Non-compliance with this bill is an infraction, punishable by a fine of \$250, for the operation of an unregistered vessel that does not comply with ARB's emission standards.

This bill does not include personal water craft or outboard engines, which may allow for continued purchases of non-California-certified marine engines by California residents. This bill is not enforceable by ARB.

Sandcar Enforcement

In January, 2007, the OHRV regulation was amended by ARB. One of the amendments affected the way Sandcars are required to be certified by ARB. Prior to January, 2007, Sandcars were regulated by LSI regulations. In 2007, they were reclassified and included in the OHRV regulations.

MSES staff began looking at the Sandcar industry in mid-2007. Staff discovered that there are no EOs covering Sandcars, nor had any Sandcar manufacturers submitted an application for certification with ARB. There were, however, many sales of uncertified Sandcars in California. These findings spurred an enforcement effort to ensure that the Sandcar industry came into compliance with the current regulations.

The focus of the 2007 enforcement was on Sandcar manufacturers and the engine builders that provide the engines to the manufacturers, who were offering for sale and selling uncertified products to California customers. As a result of the recent enforcement effort, two engine suppliers have obtained EOs covering their engines. Several additional engine manufacturers are in the process of obtaining EOs to cover more of the industry's Sandcar manufacturers' models.

Overall, the 2007 Sandcar enforcement effort has been successful in bringing this industry into compliance with the new OHRV regulations and requirements. The enforcement effort is ongoing and will continue through 2008, with the goal of certification and compliance throughout this industry.

## **HEAVY-DUTY DIESEL VEHICLE ENFORCEMENT PROGRAMS**

### **Program Overview**

ARB, in cooperation with the California Highway Patrol (CHP), inspects 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.

Although heavy-duty diesel 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 exhaust emissions from these vehicles are of special concern, particularly in populated areas, because of the toxic nature of the sooty particles found in diesel exhaust.

To tackle the problem of excessively smoking and tampered heavy-duty diesel vehicles, 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.

HDVIP is administered by field inspection staff that performs smoke opacity tests on heavy-duty diesel powered vehicles. Vehicles found to have smoke emissions exceeding applicable opacity standards are cited. The citations must be cleared by

repairing the offending engine, performing an additional opacity test for confirmation of lowered smoke levels, submitting repair receipts, and paying an assessed penalty. The enforcement testing is performed at CHP weigh stations and platform scales, random roadside locations, and at fleet facilities.

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 and review logs of smoke opacity test results to ensure that the requirements are being fulfilled.

ARB also inspects heavy-duty gasoline-powered vehicles for emission control systems tampering. Tampered gasoline engines contribute an inordinate amount of hydrocarbons, oxides of nitrogen, and carbon monoxide to total vehicle emissions.

Owners of tampered vehicles are cited. The citation must be cleared by repairing the offending engine, having the engine inspected by an authorized Smog Check Station or ARB inspector, submitting repair receipts, and paying an assessed penalty.

All heavy-duty gasoline engines are also subject to California's Biennial Smog Check Program. ARB has found authorized Smog Check stations performing invalid Smog Checks, and subletting smog repairs illegally. These invalid inspections have been reported to the Bureau of Automotive Repair for enforcement action.

The California Legislature voted recently to enhance ARB enforcement by adopting Assembly Bill 233. This bill authorizes DMV to withhold, at ARB request, the registration of vehicles for violations not cleared in a timely manner. The assembly bill has been signed by the governor and became effective January 1, 2008.

In 1998, ARB determined that diesel exhaust is a toxic air contaminant. As a result, ARB developed Air Toxics Control Measures, a series of programs that are intended to reduce diesel emissions of particulates and oxides of nitrogen. These programs require commercial heavy-duty diesel vehicle exhaust systems to be retrofitted with diesel particulate filters.

Certain segments of the diesel fleet are now required to be equipped with these retrofits, including transit buses, solid waste collection vehicles, public agency and utility vehicles, and cargo handling equipment. Retrofits will be required later on fleet segments that conduct business in seaports, inter-modal rail facilities, transport refrigeration units (trailers equipped with diesel-powered cooling systems), on-road diesel-powered vehicles, and off-road diesel-powered vehicles (earth movers and graders, etc.).

Engine idling of school buses and commercial vehicles is now prohibited for longer than five minutes. This is intended to reduce public exposure, especially that of children, to harmful diesel particulates.

In addition, ARB is authorized to adopt rules to address global warming by reducing the gaseous emissions (methane, carbon dioxide, etc.) that trap heat in the earth's atmosphere. One of the initial efforts includes designing new trucks and trailers and retrofitting in-use trucks and trailers with equipment that enhances aerodynamics, to reduce air drag and increase fuel economy. Other measures will include controls on vehicle tire designs (to reduce rolling resistance) and air pressures, engine efficiency and economy, and the introduction of low-carbon fuels. These strategies are commonly referred to as "Smart Way Technologies."

### **Program Highlights**

#### *Focused Environmental Inspections in Environmental Justice Communities/Ports*

ARB participates in an ongoing program of multi-agency vehicle inspections in mixed residential/industrial locations known as Environmental Justice (EJ) areas. These EJ areas receive an adverse amount of emissions of oxides of nitrogen and particulate matter from diesel-powered trucks and buses. They include but are not limited to the residential housing areas located near the seaports of Los Angeles, Long Beach, Port Hueneme, Oakland, and Stockton, the California/Mexico border ports of entry at Otay Mesa, Calexico, and Tecate, the railroad yards and truck stops, and the travel routes with greater-than-normal traffic flow that are utilized by heavy-duty diesel-powered vehicles.

During these multi-agency events, ARB staff coordinates with enforcement personnel from CHP, US EPA, the United States Coast Guard, the US Immigration and Customs, the California Department of Toxic Substances Control, local law enforcement and hazardous materials agencies, the California Board of Equalization, the Internal Revenue Service, and others to examine the vehicles passing through these areas. These concentrated efforts are designed to detect violations of air quality regulations, expired and invalid drivers licenses, inaccurate log books, illegal transport of hazardous wastes, illegal use of tax-exempt red-dyed diesel fuel, vehicle safety concerns, and other related violations found by the other agencies (including arrests for criminal violations). See Appendix C, Table C-7.

#### *California-Mexico Border Programs*

While Canada and the US have been implementing the North American Free Trade Agreement for several years, full realization of the treaty has not yet occurred at the southern border. The US and Mexico are still negotiating vehicle safety and other homeland security issues, and, to date, no timeline for opening the border has been specified.

Currently, there are designated commercial zones around the ports of entry at Otay Mesa, Calexico, and Tecate, up to 25 miles inland, in which Mexican-domiciled trucks may transport and deliver freight to transfer stations in California. American carriers will load product at these stations and deliver it to final destinations. To guard against excessive particulate matter and oxides of nitrogen emissions from Mexican domiciled vehicles, ARB maintains HDVIP inspection sites at the Otay Mesa, Calexico, and Tecate border crossings. 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 the eventual influx of Mexican trucks, ARB inspects all trucks under the Engine Certification Label Program. It 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 US EPA emissions standards for the year they were manufactured.

Mexican and US EPA standards were aligned from the years 1994 to 2003. After 2003, Mexican engines could not be aligned with US standards, because ultra-low sulfur diesel was not available in Mexico. PEMEX, the Mexican national oil company, is converting to ultra-low sulfur diesel fuel production by 2010.

### ARB Border Region Activities

In 2007, ARB:

- In conjunction with CHP, conducted commercial vehicle inspections to detect excess emissions, tampering, and, as required by AB 1009, Pavley, to ensure that commercial vehicles operating in California have US EPA certified engines. Owners of vehicles found in violation are cited, assessed penalties, and must repair the vehicles; failure to comply can result in CHP impound of non-complying vehicles. During the 2007 calendar year, 3,424 commercial vehicles were inspected in this region and 273 violations were detected, a failure rate of eight percent. This is a marked improvement from the failure rate of 14% during 2006.
- Developed the first diesel fleet enforcement cases against California-Mexico trans-border motor carriers, in cooperation with the California Attorney General's Office.
- Worked with Cal/EPA's Border Affairs Office to establish a dialogue with the Mexican EPA to expedite adoption of a 15 parts-per-million sulfur diesel fuel standard. This is currently planned for 2010, and will bring Mexico's fuel and engine standards in alignment with those in the US and Canada.
- Officially transferred the 13-station air monitoring network to the State of Baja California, Mexico. Over the past 20 years ARB established the network in Baja California, and operated it under the auspices of the US-Mexico Borders 2012 Program. ARB will continue to provide technical assistance and laboratory support to the Baja Secretary for Environmental Protection (SPA,) and will provide consultation as SPA evaluates and updates the Baja California monitoring network.
- Provided technical assistance to update the emissions inventory (currently dating back to 1996) for the Baja California city of Mexicali, in order to provide an accurate air quality planning inventory for Baja and Imperial County.
- Coordinated a Diesel Retrofit workshop for Mexican officials and fleet owners at the request of the former Baja SPA. Topics included: diesel PM and NOx retrofit

technologies; California diesel regulations and implications for Mexican fleets; and discussion of issues and options for developing a retrofit program. Mexican environmental officials have requested similar additional training.

- Held workshops open to Mexican environmental representatives, trucking company owners/operators, and public agencies in San Diego and Imperial County to discuss Heavy Duty Diesel regulations. ARB will hold additional workshops in the border region for domestic and international fleet owners/operators.
- Co-chaired the San Diego-Tijuana Air Quality Taskforce that addresses bi-national air quality issues in the San Diego/Tijuana region and provides feedback to federal, state and local authorities on projects that address these issues.
- Participated in Mexicali-Imperial County Taskforce meetings and presented information on air quality health impacts and the AB32 Early Action Plan.
- Attended Air Policy Forums and National Coordinators meetings to coordinate on air quality policy issues relevant to the Mexican and US federal governments.
- Initiated creation of a web-based display of Imperial County real-time air quality information and assisted the State of Baja in developing a similar website.
- Conducted remote sensing studies and vehicle operator surveys of commercial fleets to better understand the age, mileage and emissions profiles of Mexican trans-border vehicles, and continues to provide compliance assistance training for Mexican fleets' owners/operators.
- Prepared a briefing for the February 2008 meeting between Mexico's President Felipe Calderon and Governor Arnold Schwarzenegger regarding Mexico/California air quality issues.

#### California Council on Diesel Education and Technology (CCDET)

Fleets, firms, and individuals that perform smoke opacity testing related to ARB's HDVIP and PSIP need a clear understanding of the programs' regulations and must be able to correctly administer the Society of Automotive Engineers (SAE) J1667 opacity test. To this end, ARB created the California Council on Diesel Education and Technology (CCDET). It is a partnership among ARB, the diesel trucking industry, and five California community colleges. The College of Alameda, San Joaquin Delta College, Santa Ana College, Los Angeles Trade Tech., and Palomar College offer a low-cost, one-day class in the proper application of SAE J1667.

ARB policy requires that certification through CCDET be renewed every four years (see ARB Advisory 340 at [www.arb.ca.gov/enf/advs/advs340.pdf](http://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.

The CCDET colleges held 41 classes in 2007.

### 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 ARB, have implemented programs for contacting the owners of smoking vehicles. Under these programs, citizens report excessively smoking vehicles and the owners are sent notices asking that they check (and repair as needed) their vehicles. ARB's program generated a 19 percent compliance response rate in 2007. 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 2007, ARB staff selected eight locations for spot checks and investigations. Over 100 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 and the accompanying diesel emissions.

ARB inspectors are periodically sent to different locations around California to conduct idling enforcement on commercial vehicles. These locations include produce markets, parking lots where tour buses pick up passengers, industrial warehouse lots, entertainment zones, high school events, truck stops, and

residential neighborhoods. Drivers of vehicles with a gross vehicle weight rating of 10,000 pounds and above may be issued an NOV if found in violation of the idling regulations.

Exemptions are provided for idling that is necessary for passenger comfort, safety, and operational purposes, and until recently included the trucks with sleeper berths.

On January 1, 2008, the sleeper berth idling exemption was lifted. The exemption had allowed a driver resting in the sleeper berth of the vehicle to idle longer than 5 minutes. Now, all sleeper berth trucks that do not meet the NOx emission standard, regardless of model year, are subject to the five-minute limit.

Drivers of trucks not meeting the standard may use an on-board auxiliary power system, a shore line (electric plug provided for electricity-driven heating and air conditioning appliances), or special off-board air ducts that are attachable through the truck window for cab comfort purposes. For detailed information, please go to <http://www.arb.ca.gov/toxics/idling/idling.htm>.

ARB staff maintains a web site for the public to report incidents of unnecessary commercial vehicle idling. The vehicle owner is issued an advisory notice, and is asked to respond with information outlining compliance efforts. In 2007, 117 complaints were received, 117 Advisory letters were sent, and 24 responses were received, for a response rate of 21%. For the remainder of the 2007 enforcement statistics of this program, see Appendix C, Table C-4.

#### *Diesel Fleet Enforcement Actions*

When ARB performs fleet audits under PSIP, fleet vehicle records are inspected to assure that valid testing of the vehicles has been annually performed. In addition, ARB has embarked on “one-stop-shopping” audits, which include inspecting the facility and compliance reports submitted to ARB regarding diesel exhaust retrofits, plus inspecting each vehicle for the installation of diesel particulate filters, engine certification labels, and filter device, engine, and cab labeling.

When violations are found, the documentation is compiled into a case against the fleet. The developed case includes the violations, assessed penalties based upon HSC and CCR regulations, and a list of additional requirements, such as attending CCDET classes, re-flashing computer engine, an injunction of future violations, etc. These cases are initially presented to the fleet for settlement with ARB. Cases that remain unsettled are forwarded by staff for prosecution by the State Attorney General or to local district attorneys.

In 2007, ARB reached 50 settlements totaling \$3,161,675 with companies for violating regulations governing these programs. See Appendix C, Table C-10.

#### *Fleet Rule for Transit Agencies*

The Fleet Rule for Transit Agencies is ARB’s effort to reduce both criteria pollutant emissions and exposure to toxic air contaminants from urban buses and transit fleet

vehicles operated by and for public transit agencies. The regulation affects both public transit operators and heavy-duty engine manufacturers.

Urban bus engines are required to meet an urban bus certification requirement and must meet fleet fuel strategy requirements. Operators of all public transit vehicles are required to meet fleet-wide PM reductions and lower NOx fleet averages. This can be achieved through the use of verified diesel emission control strategies, i.e. by installing certified particulate filters, by replacing older engines with ones that meet the 2007 engine exhaust emission standards, or by using alternative fuels. Annual reporting is also required from all public transit providers by January 31<sup>st</sup> of each year. During 2007, five transit fleet cases were settled for a total of \$99,000.

#### Transport Refrigeration Unit Regulation

The Transport Refrigeration Unit (TRU) rule was passed in February, 2004 and went into effect in December, 2004. This regulation uses a phased approach to reduce the PM emissions from in-use diesel-powered TRU and TRU generator equipment, used to power the electrically-driven refrigerated shipping containers and trailers that are operated in California.

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

Several TRU facilities were audited and found to be in violation of this reporting requirement. Full enforcement of this regulation will begin in 2009, pending a waiver from US EPA under Section 209 of the Federal Clean Air Act.

#### Solid Waste Collection Vehicle Program

California's Solid Waste Collection Vehicle (SWCV) regulation became effective in 2004. The SWCV regulation reduces cancer-causing particulate matter and smog-forming nitrogen oxide emissions from these trucks.

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 from 2004 through 2010, waste hauling and waste recycling companies are required to retrofit exhaust systems on their trucks by installing diesel particulate filters or diesel oxidation catalysts. The ARB must verify these devices for performance prior to installation.

A phase-in was scheduled from 2004 through 2007 to retrofit entire fleets. By December 31, 2005, SWCV fleets were required to reduce particulate soot emissions from 25 percent of their trucks equipped with 1988-2002 MY engines. By December 31, 2006, this requirement rose to 50 percent, and by December 31, 2007 it was 100 percent.

The objective is for fleets to have diesel emissions from all of their SWCVs at or below a 0.01grams of PM per brake-horsepower per hour (bhp/hr) level by 2010.

Enforcement of this program is being conducted in conjunction with HDVIP and PSIP. During 2007, three SWCV fleet cases were settled for \$97,500. See Appendix C, Table C-10 for other statistics regarding this program.

## **STATIONARY SOURCE ENFORCEMENT PROGRAMS**

The Board's Stationary Source Enforcement Programs conduct research, planning, and compliance functions in conjunction with the 35 local air districts, and oversee local air district enforcement 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 consumer products.

Stationary sources contribute substantially to emissions of certain pollutants. Up to 50% of the ozone-forming pollutants emitted are from stationary sources. The nature of stationary source pollution is that it is identifiable as from a specific source, whether it is a single facility such as a factory, or a class of sources, such as residential chimneys.

ARB's stationary source enforcement initiatives include the following programs: fuels enforcement, consumer products enforcement, general stationary source enforcement, and strategic environmental investigations and enforcement. Further details regarding the stationary enforcement programs are discussed in this report, or may be found at <http://www.arb.ca.gov/enf/enf.htm>.

## **FUELS ENFORCEMENT PROGRAM**

### **Program Overview**

The ARB is authorized to set standards and adopt regulations to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources. The ARB Fuels Enforcement Program regulates the composition of motor vehicle fuels and ensures compliance with motor vehicle regulations, including California Reformulated Gasoline regulations, California Diesel Fuel regulations, and Cargo Tank Vapor Recovery regulations.

The enforcement of the fuels program includes: inspections of cargo tank vapor recovery systems; inspections of motor vehicle fuels facilities which produce, import and retail California gasoline and diesel fuel; the investigation and research into existing motor vehicle fuels violations; the evaluation of company reports; the maintenance of data systems for predictive models, certified fuel formulations, fuel distributors, and cargo tanks; and the development of motor vehicle fuels cases and cargo tank cases.

The program also provides information in the form of training seminars, individual company meetings, instructive and informative web pages, and ongoing support to refiners, distributors, importers and regulators to assist in clarifying and complying with the complex aspects of the regulations. This support also keeps the regulated community informed about the alternative compliance options available for maintaining conformity with the motor fuel regulations.

### **Program Highlights**

#### **Field Investigations**

Inspections of motor vehicle fuels are conducted year-round at refineries, import vessels, distribution and storage facilities, service stations, and bulk purchaser/consumer facilities. Fuels inspectors obtain samples of the fuels and transport them to the Enforcement Division's mobile fuels laboratory for analysis to determine whether they comply with the specifications of Phase 3 California Reformulated Gasoline (CaRFG3) regulations and California Diesel Fuel regulations.

The gasoline samples are analyzed for Reid Vapor Pressure, 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 analyzed.

In 2007, the fuels staff collected 2,664 samples of gasoline and 703 samples of diesel fuel for a total of 3,367 samples. See Appendix D, Table D-4 for more data regarding fuels inspections. You may also visit the ARB Fuels Enforcement web page for further information at <http://www.arb.ca.gov/enf/fuels/fuels.htm>.

### Mobile Fuels Laboratory

Inspectors transport fuel samples directly to the mobile fuels laboratory for analysis. Chemists test the samples in accordance with approved ASTM (American Society of Testing and Materials) test methods. The results are then recorded in an ARB test log and reviewed for violations. When a violation occurs, an NOV is issued and a case is developed.

The mobile laboratory contains analysis instruments and support equipment necessary to test for the regulated parameters of the fuel. Because the lab is driven to the vicinity of the inspection site, the close proximity has significantly increased sampling capability and turnaround time.

In 2007, fuels staff conducted 26,301 analyses on gasoline and diesel fuel in the mobile fuels laboratory. See Appendix D, Table D-4 for detailed fuels analysis data.

### Phase 3 California Reformulated Gasoline (CaRFG3)

Changes to the CaRFG3 limits were implemented to give flexibility to producers who may use a Predictive Model for their final gasoline blend. A California model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB) allows producers to project the final parameters of the gasoline after all components are blended.

In 2007, ARB inspectors enforced the Phase 3 regulations by collecting samples of gasoline, performing over 24,000 analyses of California gasoline.

### Alternative Compliance Options and Self-Reporting

Alternative compliance options allow refiners and importers of CaRFG3 and California diesel fuel flexibility in production methods. These alternative options include: predictive model limits, designated alternative limits, and certified diesel fuel formulations. Certain reporting requirements must be met, including providing the ARB with data regarding the specific alternative compliance limits. Electronic forms have been developed which allow producers, importers, and small refiners to submit this information.

The enforcement of these regulations requires Fuels staff to monitor 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 2007, staff received and evaluated 3,228 predictive models from producers and importers of California gasoline.

### Fuels Distributor Certification Program

The Fuels Distributor Certification Program was developed to provide motor vehicle fuels retailers with a list of legally certified distributors. It also provides 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.

In 2007, staff certified over 290 distributors of motor vehicle fuel in the program. Fuels staff issued its annual list of certified distributors to gasoline and diesel fuel retailers in 2007, and made it available to the public on the ARB 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

The Internal Revenue Service (IRS) and the State Board of Equalization (BOE) collect motor vehicle fuel tax on diesel fuel that is used by on-road vehicles. Diesel fuel that is used solely for off-road equipment is not subject to this tax. Non-taxed diesel fuel is required to be dyed red so that it may be recognized by trained inspectors. IRS estimates that approximately one billion dollars are lost from the national tax revenue each year due to the illegal use of non-taxed diesel fuel.

ARB is contracted by BOE to conduct field inspections for red-dyed diesel fuel, red-dyed analysis, and diesel fuel investigations. Heavy-duty diesel inspectors, whose primary responsibility is to inspect diesel trucks for excessive smoke, also inspect on-road trucks for the illegal use of red-dyed diesel fuel. The inspectors obtain samples of fuel that is suspected of being dyed red, and ARB laboratory staff analyzes the samples for the presence of the red dye.

ARB Fuels Enforcement inspectors also conduct special investigations of companies suspected of illegally using red-dyed diesel fuel. The inspection information and the test results are forwarded to BOE for prosecution.

In 2007, staff conducted more than 19,507 red-dyed diesel fuel inspections and found 173 violations. These inspections are conducted as part of the HDVIP program. For more detailed information, please see Appendix D, Table D-6 of this report.

#### Cargo Tank Vapor Recovery Program

The Cargo Tank Vapor Recovery Program is responsible for the enforcement of HSC §41962(g), which requires any tank vehicle transporting gasoline to have a vapor recovery system that is certified annually by the ARB, and is installed and maintained in compliance with the requirements for certification. Vapor recovery systems on cargo tanks capture the gasoline vapors produced during the transportation and delivery of gasoline.

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 2007, staff certified 5,791 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 an NOV 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 ARB 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 2007, 536 new cargo tanks were evaluated by ARB Cargo Tank inspectors. See Appendices A and D, Table D-3 for further information regarding inspection results from 2007. For more information about this program, please visit <http://www.arb.ca.gov/enf/cargotanks/cargotanks.htm>.

### Case Development

Case Development staff determines the date of onset, cause, and extent of violations of air pollution regulations. Staff notifies the violating entity as quickly as possible, in order to remove non-complying fuel from distribution, issues an NOV to the violator, and initiates settlement negotiations. Almost all of the fuel specification cases are settled in lieu of negotiation; the cases that cannot be settled in this manner are referred to OLA for civil or criminal litigation, with case development staff assisting the prosecution.

In 2007, staff settled or closed 39 fuels cases and collected \$596,500 in penalties. See Appendices A and B for an overview of case dispositions and summaries of significant cases resolved in 2007.

## **CONSUMER PRODUCTS ENFORCEMENT PROGRAM**

### **Program Overview**

Consumer products are a significant source of volatile organic compound (VOC) emissions in California, which contribute to the formation of ozone and particulate matter pollution. The Consumer Products Enforcement Section's (CPES) responsibilities are to ensure that consumer products comply with the state standards that are set in the California Consumer Products Regulations.

CPES staff conducts inspections and collects samples at retail and commercial establishments throughout California. Samples are also obtained from internet and mail order outlets, to verify that products available for sale to household and institutional consumers in California comply with the Consumer Products Regulations. CPES staff also conducts follow-up inspections to ensure that compliance is maintained.

In 2007, CPES staff purchased over 2,500 consumer products, including hairsprays, household cleaning products, air fresheners, automotive chemicals, household pesticides, aerosol coatings, and other chemically formulated products from various establishments and on the internet. Once the products are purchased, CPES transfers 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 state VOC standard are assigned to CPES staff for further investigation to confirm whether or not 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 settlement agreement, or refers the case to OAL. CPES staff settled 38 cases and collected \$1,676,818 in penalties for the year of 2007.

In addition to consumer products, the portable fuel containers and their spouts sold in California are also subject to state law 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 maintained an ongoing sampling and testing program for spill-proof systems and spouts, investigated the sale of non-complying products, settled cases where violations were found, and monitored corrective actions. During 2007, 12 portable fuel container cases were settled for \$330,550 in penalties.

### **Program Highlights**

#### **Automotive Chemical Violations**

Staff investigated numerous VOC violations of the Consumer Products Regulations in the "automotive chemical" sections of the regulations. Products in this area include windshield washer fluids, brake cleaners, carburetor and choke cleaners, and paint waxes/sealants.

Some of the largest violations in both excess emissions and penalty amounts were in the Automotive Windshield Washer Fluid category. Windshield washer fluids sold in the non-mountainous regions of the state (known as "non-type A areas") are limited to a maximum of 1% VOC concentration. Most of the windshield washer fluid violations had VOC concentrations in the 25%-35% range. Several repeat violations were found at retailers, which was a large factor in the penalty amounts in 2007.

#### **Portable Fuel Containers**

The performance standards in the Portable Fuel Containers and Spouts regulation continued to be enforced during 2007 and enforcement actions were taken for the sale of non-complying utility jugs and kerosene containers. Starting on July 1, 2007, all portable fuel containers manufactured for sale in California must be certified by ARB as meeting diurnal emission standards, durability, leakage, and automatic closure standards, plus administrative requirements. During 2007, ARB issued EOs

certifying containers to four manufacturers. Staff conducted 398 inspections of these containers in 2007, obtained and analyzed 124 samples, and issued 15 NOVs.

*Certification of Charcoal Lighter Material Products*

The Consumer Product Regulations require manufacturers of charcoal lighter material products to be certified with ARB. The South Coast Air Quality Management District (SCAQMD) also requires certification if the product is sold in their district. Consumer Product enforcement staff obtained several products that were certified by SCAQMD, but manufacturers had neglected to seek certification from ARB, and other products that were not certified by either agency. Three cases were resolved with \$25,000 collected in penalties, and three other cases are pending resolution.

*Internet Sales of Non-Compliant Portable Fuel Containers and Consumer Products*

ARB staff has found numerous internet web sites selling non-compliant portable fuel containers and consumer products to customers residing in California. Although ARB has limited authority on sales through the internet to non-California customers, it is a violation of both regulations if a business or a person sells non-compliant products to a California consumer who purchases the products over the internet.

Several enforcement actions were settled during 2007 for internet sales to California consumers. CPES staff encourages companies to take reasonable precautions to prevent shipping these non-compliant products to California customers. Staff recommends that clear and concise language be placed on the web site, advising California consumers that products not in compliance with California regulations will not be shipped to California. Additionally, we encourage companies to set up a computer system to block sales of non-complying products to California consumers.

*Indoor Air Cleaner Regulation*

CPES staff worked with staff of the Research Division to develop an enforceable regulation to reduce ozone emissions from indoor air cleaning devices. The regulation was adopted on September 27, 2007.

Two years after the above date, indoor air cleaners may not be manufactured for use in California, or sold, supplied, offered for sale, or introduced into commerce in California, unless they are certified by ARB to produce an ozone emission concentration not exceeding 0.050 ppm. No additional time for sell-through of non-complying products will be allowed.

*Imported Products Cases*

Several cases settled in 2007 dealt with non-compliant products that were either destined for foreign markets and then were diverted to California stores, or products imported for sale in California made to non-compliant specifications. One violation involving imported portable fuel containers was found and settled. Several ongoing investigations involve imported products, including adulterated and misbranded or mislabeled hair care products and diverted products.

### Self- Reporting

Several companies voluntarily disclosed to ARB that they sold or supplied products in California that did not meet the VOC limit for the applicable standard. One company became aware of a violation while compiling data for ARB's 2003 Consumer & Commercial Products Survey. Other companies identified products they had acquired through the purchase of another business.

Two companies completed self-audits and reported additional products in violation after CPES staff identified initial violations. Another company voluntarily disclosed that it had inadvertently and unknowingly sold or supplied products that did not meet the VOC limit. After becoming aware of the violation, this company took steps to have some of the non-complying products returned to them. All of the companies entered into settlement agreements with ARB and paid reduced penalty amounts to resolve the self-disclosed violations, in accordance with Cal/EPA policy.

## **STATIONARY SOURCE ENFORCEMENT SECTION**

### **Program Overview**

The Stationary Source Enforcement Section (SSES) is responsible for providing oversight for certain stationary source programs and activities in all of the local air pollution control districts. The programs and activities that the section oversees are presented below. Please refer to Appendix E for additional statistics of these programs and activities.

### **Program and Activity 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, reviews, and investigates the demolition/renovation notifications for compliance with the Asbestos NESHAP.

The program includes two asbestos NESHAP task force meetings annually, for air districts and US EPA, to facilitate communication and enforcement continuity. The program also assists US EPA in training district staff to enforce the asbestos NESHAP. In 2007, staff received and reviewed 746 notifications, addressed 497 asbestos issues, and inspected 51 asbestos projects.

### Complaint Investigation

The Section conducts special investigations of complaints about the air pollution generated by certain stationary sources that are referred to ARB by air districts, by OLA and the Executive Office, and by other agencies. The Section conducts compliance inspections to assist other Enforcement Division sections with case development and special projects to ensure compliance with all HSC requirements concerning stationary sources. In 2007, staff completed 24 complaint hotline follow-ups, 21 special assignments, and provided investigation for two major cases: Santa Cruz Harbor dredging and Collection of Perchloroethylene fees.

### 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, vapor recovery equipment problems at gas stations, smoking vehicles, and to ask questions regarding air pollution. Every call received is recorded, assessed, and either referred to the appropriate air district or agency, or investigated by ARB. In 2007, staff responded to 883 complaints/questions.

### Variances

HSC regulations authorize air district hearing boards to grant variances to stationary sources that are or will be out of compliance with district rules or HSC 41701. A district hearing board is also authorized to issue an Order of Abatement, requiring a source to stop operations unless the source can meet specific operating conditions. A petition for a variance or abatement order must be brought before an air district's hearing board, which grants or denies the petition, based on a set of criteria defined by HSC.

The Section reviews all hearing board orders for compliance with HSC requirements, and sends a letter requiring corrective action to the affected air district and hearing board if the board order does not comply with the mandated requirements. The Section also maintains a database to monitor all activity related to hearing board orders, and conducts hearing board training workshops throughout the State.

Both the Beginning and Advanced Hearing Board Workshops offer Minimum Continuing Legal Education Credits to legal members who attend. Government and industry lawyers alike often take advantage of the opportunity to obtain these required credits.

Staff also attends hearings conducted by the hearing boards and performs audits of the districts' variance programs to evaluate their effectiveness. In 2007, staff addressed 665 hearing board issues and reviewed 491 variances and abatement orders.

### Air Facility System (AFS)

The Section oversees the collection, input, and quality assurance of the compliance and permitting data entered into the US 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 for US EPA.

The HPV Program calls for the air districts to report District NOVs and the Section staff determines if the NOVs meet the US EPA threshold of an HPV. Staff uploads identified HPV data into the AFS database and pulls monthly reports for the 26 districts and US EPA. The Section performs quality assurance on existing and supplied AFS data.

Staff conducts mini-audits where supporting documentation, supplied data, and the practices for the FCE and HPV programs are reviewed. The Section also assists US EPA in training district personnel to effectively use the AFS database. In 2007, staff addressed more than 280 FCE issues and 303 HPV issues.

### Continuous Emission Monitoring Program

Any stationary source that an air district requires to install and operate a continuous emission monitor (CEM) is also required by HSC section 42706 to report the violations of emission limits recorded by the CEM to the air district, and the air district, in turn, must report them to ARB. The Section collects, stores, analyzes and reports this information. In 2007, staff received and logged more than 2,928 reports.

### Rule Review

ARB works cooperatively with local air districts to ensure that the district regulations that are adopted will achieve the most effective air pollution control and will obtain maximum emission reductions. The Rule Review Program staff accomplishes this by carefully reviewing rules for clarity and enforceability, for accuracy and complete definitions, for the presence of test methods, for optimum emission device efficiencies, and for recordkeeping requirements.

The district is notified verbally of errors and deficiencies, followed by a formal written comment letter which includes suggestions for ensuring the rule is enforceable.

Thorough review of draft rules has proven vital in reducing the need for amending 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 air district rules submitted to ARB. In 2007, staff reviewed 245 rules.

### Open Burning

The Section investigates and responds to agricultural burning and other open burning complaints, as well as questions and concerns from the public and the air

districts. Open burning is only allowed when ARB and district meteorologists forecast the required weather conditions indicating that smoke emissions will rise and dissipate. Some citizens complain about seeing smoke; others complain about not being able to burn without more burn days. In 2007, staff addressed 37 burn issues and completed one special project.

### **Program Highlights**

#### **Santa Cruz Harbor Dredging Report**

In 2007, SSES staff and MLD completed the investigation of the Santa Cruz Harbor dredging issue. The investigation culminated in a report titled "Santa Cruz Harbor Air Monitoring for Hydrogen Sulfide," completed in October 2007. The investigation arose in response to citizens in the area of the Harbor complaining that they were experiencing adverse health effects from the hydrogen sulfide emissions produced by harbor dredging. The investigation found no significant levels of hydrogen sulfide coming from the dredging operation.

#### **Dry Cleaners Perchloroethylene Fee Collection**

Again in 2007, SSES was asked by the Stationary Source Division (SSD) to collect delinquent perchloroethylene fees from manufacturers and distributors (facilities) that sold perchloroethylene 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 \$69,395 in penalties and fees, and referred four facilities to OLA for collection of fees.

## **STRATEGIC ENVIRONMENTAL INVESTIGATIONS AND ENFORCEMENT SECTION**

### **Program Overview**

The Strategic Environmental Investigations and Enforcement Section (SEIES) conducts special and joint investigations of cross-media environmental cases (i.e., cases involving multiple environmental areas such as air, water, soil, toxic wastes, regular waste, or pesticides). In addition, the Section supplies surveillance services in support of multi-media cases. The Section works under a Memorandum of Understanding with Cal/EPA to provide the investigative services necessary to fulfill Cal/EPA's statutory enforcement responsibilities.

SEIES is also tasked with providing enforcement assistance (inspections, investigations, and case preparation) to local air districts and other local and regional environmental agencies. To help support this tasking, the Section's staff actively participates in a number of environmental task forces throughout the state. Staff also enforces the ARB Railroad MOU, and performs statewide inspections in

rail yards, ports, and marinas to enforce a variety of programs that are known collectively as the “Goods Movement” regulations.

In 2007, SEIES successfully concluded several major cases valued at over \$18,000,000 in penalties and mitigation costs.

### **SEIES Investigations**

#### **Sierra Pacific Industries Investigation**

On June 26, 2007, ARB, the California Attorney General and the Placer County Air Pollution Control District (APCD) settled an enforcement case with Sierra Pacific Industries (SPI) that began in 2000 with the filing of a complaint about visible emissions from SPI’s Susanville sawmill and co-generation plant. In early 2001, the case was expanded to include emission violations found at SPI’s Lincoln, Quincy, and Loyalton facilities.

Among the many alleged air quality violations in the civil complaint were:

- Falsification of emission reports as a result of operator tampering with monitoring equipment;
- Hundreds of violations of emission limits over several years at several locations;
- Failure to report emissions above allowable limits as required by state law, District regulations, and permit conditions;
- Failure to operate and maintain air pollution control equipment;
- Unauthorized alteration, removal, and disabling of air pollution control equipment; and
- Discharging particulate soot from the Lincoln facility that caused nuisances to nearby residences.

The settlement includes \$8.5 million for public agency costs, fees and penalties, and \$4.5 million for supplemental environmental projects (SEPs) to benefit air quality, including facility improvements not otherwise required, and extensive compliance auditing, monitoring and oversight. As part of the settlement, SPI will ensure that all alleged conditions will not occur in the future.

#### **Evergreen Pulp Mill Investigation**

On September 26, 2007, ARB, US EPA, and the North Coast Unified AQMD reached a \$5 million settlement agreement with Evergreen Pulp, Inc. that will protect air quality in the Eureka area by reducing emissions of particulate matter and hazardous air pollutants from Evergreen’s wood pulp mill by approximately 340 tons annually. The case was a model of inter-agency cooperation, with staff of the District, ARB, and US EPA sharing in the work.

Violations alleged in the case included violating the federal emission standard for hazardous air pollutants by approximately 230 percent, and failure to meet federal emission monitoring, reporting, and recordkeeping requirements. ARB and the District also alleged violations of state air pollution control laws for nuisance, opacity, and air pollution control equipment maintenance requirements.

Under the settlement, Evergreen paid a combined penalty totaling \$900,000. The company also spent approximately \$4 million to install an electrostatic precipitator on its lime kiln to capture particulate matter. Source tests show that the new control device is reducing emissions of harmful particulate matter.

*West Coast General Corp./Erreca's Inc./Signs & Pinnick, Inc. Portable Equipment Registration Program (PERP) Investigation*

SEIES staff began an investigation of the West Coast General Corp/Erreca's Inc./Signs & Pinnick, Inc. operations in San Diego County at the request of the San Diego County APCD in 2003. The District, in response to citizen-generated dust complaints at subdivision development sites in Carlsbad and La Mesa, identified violations of the Portable Equipment Registration Program (PERP) certificates. The District issued nine NOVs for violations of 13 CCR §2457(a) (2), exceeding the 82 lbs. PM<sub>10</sub>/day PERP limit, but were unable to obtain a settlement. SEIES staff jointly inspected the La Mesa site with District personnel, interviewed key contractor personnel, verified the emissions calculations in the District inspection reports, and submitted the case to OLA. OLA staff and ED management fashioned an out-of-court settlement with the parties on November 15, 2007 for \$500,000.

*Community Recycling & Resource Recovery, Inc. Investigation*

SEIES staff conducted a joint complaint investigation with staff of the San Joaquin Valley Unified APCD (SJVUAPCD) of the Community Recycling & Resource Recovery facility in Arvin, CA. The facility was alleged to be emitting odors from its composting facility. Staff investigated the facility and found only the minimal odors that one would expect from such a composting operation that remained on-site. The facility was operating in compliance with its permits on the day of the inspection.

The facility had earlier been issued three NOVs by the District for operating a recycled drywall/asphalt/concrete facility while still under an Authority to Construct, which ultimately resulted in a Conditional Use Permit violation from the Kern County Department of Environmental Health and Planning Departments.

*Granite Construction's Garnet Aggregate Facility Investigation*

SEIES staff conducted an investigation and inspection of Granite Construction's Garnet Aggregate facility in North Palm Springs in response to a complaint referral from US EPA Region IX. Granite Construction operates an aggregate crushing/screening operation in N. Palm Springs. This complaint alleged deposition of unknown material at this site, questionable industrial operations, and the generation of fugitive dust.

Staff investigated the facility and found one crushing/screening operation that was permitted under SCAQMD and PERP rules. It was operating in compliance with the conditions of its District permit. The investigation of the fugitive dust complaint was referred to SCAQMD for follow-up.

#### Moyer Program Fraud Investigation

The Moyer Program is authorized by HSC to provide grants to offset the cost to the public of replacement or retrofit of old internal combustion engines (ICE) with “clean” engines that meet stringent emission standards. There are formalized Moyer Guidelines, but no Moyer regulations.

A complaint was received at Butte County AQMD alleging that one or more engines taken out of service in the Moyer Program and “destroyed,” had been repaired and fraudulently placed back in service. These engines were allegedly being offered for sale through an auction house in Yuba City, in the neighboring Feather River AQMD (FRAQMD).

SEIES staff discussed the matter with BCAQMD and others at the Sacramento Valley Environmental Crimes Task Force meeting in Oroville. SEIES staff planned and coordinated a field investigation with the Air Pollution Control Officer and enforcement personnel at FRAQMD. No evidence of any Moyer Program engines was found, but SEIES remains open to new information and further investigations. SEIES will assist Moyer Program staff as needed and will continue to investigate information about potential fraud or abuse associated with this important ARB initiative.

#### **SEIES Inspections**

##### Railroad Memorandum of Understanding (MOU) Inspections

SEIES staff was given the lead role in enforcing the Railroad (RR) MOU. This is the second year of the MOU, which involves enforcement and ongoing coordination with the RRs in developing the enforcement plan, as well as being a part of the community meetings in the public awareness aspect of this process. During 2007, SEIES made two rounds of inspections (the first in May/June 2007 and the second in October/November 2007) on the 32 covered and designated railroad yards identified in the MOU.

The enforcement activity was expanded to look at locomotives outside the covered and designated rail yards to better assure compliance with the MOU. SEIES staff inspected 2,050 locomotives and issued 84 NOVs and 10 NTCs, 626 more locomotives and 37 more NOVs than in 2006. The number of NTCs issued decreased by 19. Starting in 2007, staff began sampling locomotive fuel at the rail yards to enforce a new low sulfur fuel standard. Laboratory analysis was conducted on numerous fuel samples, and all were in compliance with the sulfur standard.

In addition to the inspections, SEIES staff also attended public outreach meetings conducted by Union Pacific (UP) Railroad and Burlington Northern Santa Fe

Railroad in several locations throughout the year. SEIES staff was also present at the ARB Board Meeting held at Cal/EPA in July 2007. Staff from SSD briefed the Board members on the railroad inspections that SEIES staff performed in the latter part of 2006, plus the first series of inspections in the Spring of 2007. The presentation also included the progress the railroads are making in meeting implementation time frames outlined in the MOU.

#### *Incinerator Inspections on Cruise Ships and Ocean-Going Vessels*

SEIES staff inspected incinerator operations on six cruise ships calling at the ports of San Francisco, Los Angeles, Long Beach, and San Diego in 2007. 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) the vessels' garbage incineration logs, which give latitude and longitude points for the initiation/cessation of garbage incineration.

Originally, this ATCM regulation applied only to cruise ships. On November 28, 2007, restrictions on incinerator operations were expanded to cover ocean-going vessels as well. Staff began educating ship crews about this new requirement while conducting auxiliary engine inspections in December, but no violations have been issued pending the release of an ED Advisory on this topic. Beginning in 2007, incinerator inspections have been conducted in conjunction with the auxiliary engine inspections, in order to maximize inspector efficiency.

#### *Ocean-Going Vessel Auxiliary Engine Inspections*

During 2007, SEIES staff began a new program, inspecting ocean-going vessels at the Ports of Oakland, San Francisco, Sacramento, Stockton, Port Hueneme, Los Angeles, and San Diego. Staff boarded 32 ships in northern California and 120 in southern California, and obtained samples of auxiliary engine fuel for laboratory analysis to verify compliance with the sulfur specification that applies to marine gas oil and marine diesel oil.

Staff also obtained copies of records such as auxiliary engine fuel purchases and fuel switching, to verify compliance with regulations that apply to ocean-going vessels while in port or traveling within 24 nautical miles of the California baseline. This area is known as the "Regulated California Waters." Fuel samples were transferred to the laboratory and analyzed for sulfur content, following ISO 8754.

#### *Marina Low-Sulfur Fuel Inspections*

The marina fuel dock inspection program is new for 2007; the regulations governing ARB diesel were recently expanded to cover harbor craft. SEIES staff collected samples of marine diesel fuel and reviewed records at 55 marina fueling docks located in northern and southern California. These facilities were located at both coastal and inland waterways.

The samples were taken to verify compliance with the on-road diesel specification. The samples were handled by the fuels lab in El Monte and ARB's mobile lab. No violations of the standard were uncovered in 2007. SEIES will continue to monitor marina fuels in 2008 to help ensure continued compliance with the ARB diesel standard.

*Inspection of Texas Industries to Address Variance Issues*

SEIES staff conducted a site visit and tour of the Texas Industries Oro Grande cement manufacturing facility in Oro Grande on January 24, 2007, in response to questions raised by ARB variance staff in Sacramento concerning the number of variances requested and received by the facility, and the reporting of same by the Mojave Desert AQMD (MDAQMD). The site visit enabled the variance staff to observe the equipment in operation, and to further document the reporting and recordkeeping problems that the District staff encounters on a first-hand basis.

*Mojave High Desert US EPA Title V Inspection Assistance*

SEIES staff inspected six Title V facilities with US EPA Region IX staff. These facilities were: the Searles Valley Minerals Argus facility, plus the Trona facility in Trona; the Mitsubishi Cement manufacturing facility in Lucerne Valley; the American Float Glass facility in Victorville; the Cabo Yachts facility in Adelanto; and the Duffy Electric Boat facility in Adelanto. PSD permit violations were documented at the American Float Glass facility, and US EPA is preparing an NOV for that facility. Open containers were observed at the Cabo Yachts facility, and the District issued an NTC to Cabo Yachts. EPA staff had concerns over the compliance status of these facilities, based on review of the Title V Significant Deviations report that is submitted biennially to US EPA.

*China Lake Naval Air Weapons Station Title V/Multi-media Inspection with US EPA*

SEIES staff conducted joint Title V and multi-media inspections with staff of the Kern County APCD, MDAQMD, the Great Basin Unified APCD, US EPA Region IX staff and their contractor, Kern County Environmental Health Department, and DTSC at the China Lake Naval Air Weapons Station in Ridgecrest, CA. Roughly 60% of the 370 permits were for portable ICEs, used for powering remotely-sited weapons system testing. No violations of District rules or of PERP regulations were documented; however, the EPA contractor did document some violations of the federal hazardous waste placarding and storage requirements.

*Non-Toxic Dry Cleaning Equipment Verification Inspections*

SEIES staff has inspected 21 facilities in southern California for SSD staff. Assembly Bill 998 (AB998) established the Non-Toxic Dry Cleaning Incentive Program to provide financial assistance to the dry cleaning industry to switch from systems using perchloroethylene, or "Perc," an identified toxic air contaminant and potential human carcinogen, to non-toxic and non-smog-forming alternatives. These inspections are used to confirm the use of the alternative Water-Based Cleaning Systems and the removal of the "Perc" equipment.

*Inspection and Enforcement 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 task and has been actively involved with the District's enforcement program in 2006 and 2007. SEIES staff completed analysis of data from a cogeneration facility and the District is currently having settlement discussions with the company. In 2007, SEIES staff inspected 11 permitted facilities in Placer County. The inspections revealed a number of minor violations which the District is in the process of settling.

**SEIES Special Projects**

*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, ARB provides the service (both the equipment and a technician to install it) free of charge to environmental investigators in California. The SEIS 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 case. Video evidence is a highly effective tool in environmental crime enforcement, and its use by state and local agencies continues to grow.

**Notable Upcoming SEIES Activities in 2008**

*Goods Movement and Greenhouse Gas*

In 2006 and 2007, SEIES became involved in goods movement inspections in the rail yards, marinas, and ports. In the future, it is anticipated that those duties will grow, as rules such as ocean-going ship main engine, shore power, cargo handling, harbor craft, and others are passed. In addition, SEIES staff is preparing to add Greenhouse Gas inspections and enforcement activities to their areas of responsibility, as directed by AB32.

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

## **TRAINING & COMPLIANCE ASSISTANCE PROGRAMS**

The dynamic transitions occurring in business and government, including the rapid changes in technologies and sweeping new legislation, continue to challenge the environmental community. These changes are mandating redefined priorities and increased workloads that must be accomplished on ever-shrinking budgets. Today, more than at any time in the past, it is essential that the professionals in the environmental field receive quality training to keep current with this accelerated evolution.

ED's training and assistance programs provide comprehensive education to further the professional development of environmental specialists. The courses offered provide current, practical, usable and cost-effective information for both new and experienced environmental professionals working in California. Compliance Training staff offer similar training throughout the country and internationally.

In addition to the reference manuals initially designed for the training classes, the Compliance Assistance Program (CAP) develops and distributes a variety of practical, rule-specific publications and web-based information. This information is aimed at a diversity of audiences, from process operators to air quality specialists, from small businesses to the interested public.

CAP publications range from outreach flyers and pamphlets to increase awareness of new air quality regulations, to handbooks that assist regulated businesses in complying with these regulations, to the reference manuals that provide the comprehensive technical, regulatory, and inspection information to government and industry environmental professionals.

## **COMPLIANCE TRAINING SECTION**

### **Program Overview**

2007 has been an exceptional year for the Compliance Training Section (CTS), as the section has increased our training offerings, as well as taken on additional duties within the ED. 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. CTS also took on various enforcement functions and outreach activities, and expanded and revised the compliance training

In 2007, CTS provided a total of 167 classes or multi-day training programs, representing 5,879 student days of training. This is a 15% increase in the number of courses taught, and a 53% increase in the number of student days of training in 2006.

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

CTS uses 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. So, 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. See Appendix F, Table F-1.

Aside from overall attendance, CTS emphasizes program development, 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 has 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, by providing compliance training and regulatory support for their staff.

100 Series - Uniform Air Quality Training Program (UAQTP)

Four 100-Series programs were conducted in California in 2007. Inspectors from California agencies, as well as a number of representatives from the regulated industries and the military, attended the four regularly scheduled four-day sessions in various locations throughout California.

In 2007, CTS staff completed the final touches on revising the 100 series lesson plan to include the latest up-to-date 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 courses thus far have been excellent.

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 include 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. 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. See Appendix F, Table F-2.

In addition, the following 200/300 Series courses have either been added or revised to reflect new regulatory requirements:

- Fugitive Dust (newly designed for three districts that have fugitive dust rules),
- Chrome Plating (newly designed),
- Dry Cleaner ATCM (updated to reflect the amended ATCM),
- Stationary I. C. Engines (updated to reflect the amended ATCM),
- Baghouses, Aggregates, Concrete Batch Plants, and Cement Plants & Hot Mix Asphalt (updated older presentations), and
- Health & Safety (updated to include new Heat & Illness Prevention requirements).

National Program

On September 30, 2007, the National Air Compliance Training Delivery Project (NACTDP), with the assistance of ARB, completed its fifteenth successful year of

nationwide environmental training (CARB 15). This date also marked the delivery of over 34,885 student-days of instruction since the project began in 1992.

Principal funding support for the program comes from US EPA grants that are administered by the National Council on Aging and are coordinated, managed, and directed by the Training and Compliance Assistance Branch of ARB.

The NACTDP consists of air pollution control training classes contained in three series:

- The 100 Series is a basic introductory group of 15 courses presented over a four or five day period,
- The 200 Series consists of 37 advanced classes. A set of three or four classes is given within a week, and each class lasts for one day, with the exception of "Petroleum Refining," which is a 2-day course, and
- The 300 Series contains classes of special interest to many air pollution professionals. This series includes New Source Review and Prevention of Significant Deterioration (NSR/PSD), Permit Writing I & II, and Principles of Environmental Compliance and Enforcement. Depending on the subject, these classes are two to three days in length, and are presented in a lecture/workshop format.

Regional consortia sponsored most of the classes in CARB 15. These included the Northeast States Coordinated Air Use Management (NESCAUM), the Mid-Atlantic Regional Air Management Association (MARAMA), the South Eastern States Air Resources Management (SESARM), METRO 4 (made up of the sixteen city and county federally approved air pollution control agencies in the Southeastern portion of the U.S.), the Central States Air Resources Agencies (CENSARA), and the Western States Air Resources Council (WESTAR). State agencies and/or local agencies also sponsored several classes.

CARB 15 brought classes to sites in 21 different states. Attendees at these classes represented agencies from 34 states. As in previous years, state employees formed the largest single group of attendees. Employees from local agencies comprised a much smaller component. Federal employees (primarily US EPA and the Department of Defense) and non-government personnel usually formed only a small percentage of attendees in most classes.

The majority of attendees in most CARB 15 classes were field inspectors and compliance/enforcement personnel. The next largest group was comprised of engineers and permit writers. Rule/regulation writers, managers, supervisors, technicians, planners, or "other," made up the small remainder.

In 2007, staff developed a new course called "Case Development and Resolution." The course is designed to assist environmental agency personnel involved in the development and resolution of environmental enforcement cases. The course

presents the subject material in a general context, and is not designed for the policies and practices of any individual environmental agency.

While the course provides an understanding of the processes and principles associated with case development and resolution, it is important for individuals to also fully understand the policies and practices of their particular agency. This course will be given in a variety of locations throughout the US.

*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 a one-week training course with subject areas that include:

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

In calendar year 2007, this training was provided twice in Sacramento and once in Los Angeles, to participants from the following agencies:

- California Environmental Protection Agency,
- Air Resources Board,
- Department of Pesticide Regulation,
- Department of Toxic Substances Control,
- Integrated Waste Management Board,
- State Water Resources Control Board,
- South Coast Air Quality Management District,
- The Rincon Band of Luiseno Indians,
- U. S. Coast Guard,

- 25 City and County Agencies, and
- 2 Local Fire Departments.

### Cross-Media Enforcement Symposium

The 14<sup>th</sup> Annual Cross-Media Enforcement Symposium was held May 29 – June 1, 2007, in Napa, California. In all, over 300 people were involved in this year's event. A total of 253 students, representing 13 air districts, and students from each of Cal/EPA's boards, departments, and agencies were in attendance. Students from over 30 cities and counties came from Local Enforcement Agencies (LEAs) and Certified Unified Program Agencies (CUPAs). Industry was represented by seven companies from around the state. Students from Colorado, New Jersey, Nevada and Oregon 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 and media (air, water, soil, solid 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, to determine what agencies may need notification after violations are identified, whether the violations may be administrative, civil or criminal offenses, and what follow-up enforcement actions need to be taken.

The 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 2007 Symposium included the latest environmental scenarios. The latest enforcement methods were also addressed at the Symposium by top officials from Cal/EPA, ARB, DTSC, IWMB, SWRCB, and DPR. In addition, local environmental enforcement staff and local prosecutors offered their perspectives on current issues.

### **Program Highlights**

#### Chinese Delegation Presentation

In early 2007, the Enforcement Division was asked by Cal/EPA Executive Office to take a lead role in carrying out the terms of an MOU between Cal/EPA and Beijing, China. This agreement was entered into to provide the Chinese government with

technical expertise on how ARB researches, creates, promulgates and enforces air pollution regulations in California. The hope is that the Chinese government will be able to take what ARB does and apply it to their own situations, especially with regard to vehicular emissions.

To support this project, CTS staff designed and produced 15 training modules and a total of 18 presentations that cover all aspects of ARB functions. The focus of most of the presentations was informational, but covered a lot of enforcement-related issues. Each presentation included comprehensive speaker notes to aid the presenters.

In October 2007, the Enforcement Division sent a two-person delegation to Beijing for ten days, with six of the aforementioned presentations. The trip was, by all accounts, a tremendous success, and future information exchanges will take place in the next few years. CTS will again take a lead role in providing support for these meetings.

### Web Casting

In 2007, with the approval of a Budget Change Proposal designed to promote long distance learning, the Training and Compliance Assistance Branch was allotted over \$150,000 to implement a workable program. CTS staff were put in charge of the project and the resulting equipment and training.

The main conference room CTS uses for training classes (Training Room 5) was converted from a simple white board, chairs, tables and a podium into a "virtual" classroom complete with a high performance Digital Light Processing (DLP) ceiling mounted projector, an electronic computer-connected white board, two built-in high end digital video cameras, a chroma-green wall for superimposing a speaker over their presentation, and a wireless LCD touch panel connected to a central control personal computer to run the whole system.

The room is now configured to send a live presentation feed online, which is made available to anyone who has a pc and an internet connection. Additionally, to accommodate those local districts that do not have internet connections, have slow speed internet connections, older personal computers or no personal computers, or any technical issues that would not allow them to view the online training, CTS brokered the purchase and configuration of 10 pelican-cased laptops that can be checked out and shipped prior to any class being provided via the internet.

The first courses to be offered via this distance learning medium will happen in the latter part of 2008. Ultimately, CTS will create video-based site tours that can be used as virtual inspections for each of the 200 Series courses. Distance learners will then get the full benefit of this new technology.

### 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 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 BIA when and where it is convenient for them. The online portion also allows the students, and the instructors, to spend less time away from their offices and to be more efficient and productive on their jobs.

The remaining classroom portion of 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 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”.

#### Advanced Air Quality Enforcement Workshop Course #400

The Compliance Training Section offered the Advanced Air Quality Enforcement Workshop, Course #400 in September 5-7, 2007 in Shell Beach, California.

The development of this course was due to numerous requests from the local air districts and cooperation and guidance from CAPCOA, as well as ARB’s ED Chief. The Compliance Training Section, in partnership with San Luis Obispo County APCD, created the agenda. Staff from many local, state and federal agencies gave the presentations.

Course #400 includes current topics such as:

- Reducing California’s Green House Gas Emissions,
- US EPA Changes to the Maximum Achievable Control Technology (MACT) Enforcement Priority, and Leak Detection and Repair Standards,
- Heat Illness Prevention,
- Safety Issues for Source Test Engineers,
- Wood Burning Oven Case,
- Continuous Emission Monitoring,

- Dairy Enforcement Update,
- PM Source and Diesel Reduction at Ports,
- Community Involvement and Air Quality Complaint Resolution,
- Training the Next Enforcement/Compliance Generation,
- Diesel Particulate ATCMs,
- Statewide PERP, and Portable Engine ATCM, and
- Diesel Enforcement Update.

Fifty people, representing seven districts from up and down the state, attended this training course. Also in attendance were two representatives from private industry.

The course is open to enforcement inspectors and management from the local APCDs and AQMDs throughout California, as well as any out-of-state air pollution control agencies. It will be offered again in September 2008 in Yosemite, 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 was 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 the agenda and revised program.

The three-day class includes modules from ED CTS Courses #101-115, the Uniform Air Quality Training Series, as well as presentations from all Executive Staff. The first class was held in Sacramento May 1-5, 2007 for 161 students. The second class was held in Sacramento from March 5<sup>th</sup> - 7<sup>th</sup>, 2008.

#### Air Academy (Online Portion)

In December, 2006, CTS staff with experience in online training development issued, along with Administrative Services Contracts staff, a Request for Proposal in order to hire a contractor to develop the online portion of the new, revitalized Air Academy for ARB employees. The contract was awarded to GanTek in early 2007. During the following months, several meetings took place and the contractor has developed multiple modules, and the work continues to progress.

Air Academy development will continue through the first half of 2008, being reviewed by staff in the Training Section as well as the various divisions within ARB. In the Fall of 2008, the Air Academy will consist of two parts:

- The online portion will provide a foundation for part two, and;

- 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 supports ED 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 ongoing success of the Compliance Training Program, staff makes the necessary adjustments, and will continue to do so as the need arises.

## **COMPLIANCE ASSISTANCE PROGRAM**

### **Program Overview**

A key component of any enforcement program is providing information to the regulated community and to enforcement agency staff to help them be aware of and understand compliance requirements. The Compliance Assistance Program (CAP) fulfills this role by developing and making available, both on the internet and in print, a variety of practical, rule-specific publications which describe source processes and emission control equipment, clarify rule requirements, identify compliance issues, and promote self-regulation.

CAP publications include technical manuals on interactive CD, self-inspection handbooks, and pamphlets. 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 concise, colorful, and easy to read, with helpful inspection checklists, flowcharts, diagrams, and illustrations. In creating these publications, CAP staff routinely works with local air pollution control districts, the regulated community, Compliance Training Section staff, and staff in other ARB divisions.

CAP staff also coordinates the Visible Emissions Evaluation (VEE) training and certification program. The two components of the VEE program are the Fundamentals of Enforcement (FOE) training course and the VEE certification program. FOE is a basic overview of air pollution and enforcement of air pollution regulations, emphasizing evaluation of visible emissions. It is prerequisite to becoming VEE-certified in accordance with US EPA Reference Method 9 (EPA Method 9).

The one-and-one-half day classroom session is followed by 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 CAP publications and (where applicable) visible emissions evaluation skills, businesses can increase awareness of their compliance responsibilities and are better equipped to perform routine self-inspections to improve compliance, and enforcement personnel can plan and conduct inspections more effectively.

### **Program Highlights**

#### **Publications**

In 2007, the CAP library had 34 handbooks and pamphlets in print and/or online, and 35 technical manuals on CD. CAP publications activities are listed below:

- Distributed 15,290 copies of publications, an increase of nearly 79% from 2006. The distribution was as follows: 4,794 technical manuals (including interactive and archival CDs), 7,700 handbooks, and 2,796 pamphlets.
- Recorded 77,383 hits on the Handbooks external webpage.
- Published interactive CDs on *Fugitive Dust Control*, *Aggregate Plants*, *Asbestos Demolition & Renovation*, and *Maximum Achievable Control Technology (MACT)*. Compliance Training Section staff distribute these CDs as reference material for training courses.
- Completed a *Transport Refrigeration Unit (TRU) Owners and Operators* pamphlet in English and in Spanish at the request of SSD. This pamphlet explains new requirements phasing in under the ATCM for TRUs.
- Completed an *Enhanced Vapor Recovery (EVR) Program* pamphlet to inform gasoline dispensing facilities, local permitting agencies, and vapor recovery systems installation contractors of the April, 2009 deadline for EVR Phase II systems to be upgraded.
- Updated the *Fugitive Dust Control Handbook* to include new emissions estimates and to add links to local district rules.
- Created a pamphlet for the 2007 Enforcement Symposium.

The top five CDs and handbooks requested and distributed, and the top five website inquiries are shown in Appendix F, Tables 3 and 4.

In 2007, two requests were made by local air agencies to use portions of the Wood Burning Handbook for local publications. Also, the Commonwealth of Virginia, Department of Environmental Quality, requested the use of some photos from the

Vapor Recovery Interactive CD for their 2008 Vapor Recovery Compliance Calendar.

### Outreach Events

CAP team staffed a booth at the 18<sup>th</sup> Annual Continuing Challenge Workshop at the Radisson Hotel in Sacramento, CA. Staff distributed over 500 technical CDs, handbooks, and pamphlets to attendees, and discussed air pollution issues and future needs for new publications.

The team also displayed publications at the Sacramento Sustainable Business Awards Ceremony and Exposition at the Sacramento Municipal Utility District headquarters. Attendees visiting the CAP booth were interested in the program in general, and also had specific questions about CAP subject materials, notably naturally-occurring asbestos, vapor recovery, and coatings. Several attendees were interested in the status of mobile source regulations and enforcement.

### Air Academy On-Line Training

One CAP staff continued to coordinate development of the Air Academy On-Line Training (AAOT). This effort involves creating detailed narratives explaining nearly every aspect of ARB's work, soliciting the input of subject matter experts from every division at ARB, and working closely with a contractor to transform this information into engaging and informative on-line content.

When AAOT is available, ARB staff will be able to learn about the agency from the comfort of their own desks, but will still attend a face-to-face meeting of participants with the Executive Office and Division representatives to complete the training. It is anticipated that AAOT will be launched in late 2008.

### Support of Sections

CAP staff developed and distributed the 2007 Training and Compliance Assistance Survey to all the local air quality agencies in California. The results of this survey were used to plan the 2008 training schedule and to prioritize publication development activities for 2008. CAP staff assisted CTS with maintenance of the website and course schedule. CAP staff also worked with CTS staff to coordinate the registration and trade show activities for the Annual Enforcement Symposium.

CAP staff assisted MLD in the effort to publicize the April 1, 2009 deadline for upgrading Phase II vapor recovery systems. In addition to developing a pamphlet (see Program Highlights), CAP staff attended outreach meetings, CAPCOA Vapor Recovery Committee meetings, visited gas stations, and collaborated in updating the EVR website.

### Fundamentals of Enforcement Program

VEE Program staff conducted seven scheduled FOE courses (#100) in 2007, with a total attendance of 261 private sector and government agency personnel.

VEE Program staff held one additional FOE course by request for Western Mesquite Mines, Inc. approximately 60 miles east of Brawley. This course was customized to address the needs of the mine, based on their permit requirement to have VEE certified readers onsite. A VEE certification session was also held at the site.

*VEE Certification Program*

Fifty-one VEE day and night certification/recertification sessions were completed in 2007, including eight practice sessions. Out of 2,229 participants, 1,659 successfully certified or recertified in 2007.

**KEY ENFORCEMENT DIVISION ACTION ITEMS FOR 2008**

**General Enforcement:**

- Improve and enhance the ARB Enforcement Program web pages (<http://www.arb.ca.gov/enf/enf.htm>).
- Prevent the sale of illegal products (e.g. consumer products, engines and vehicles) through mail order and internet venues such as eBay.
- Implement the new case tracking database and upgrade current enforcement program databases for better functionality and efficiency.
- Environmental Justice Strike Forces in selected communities in support of the ARB's Environmental Justice Action Plan.
- Implement re-organization to complete the "ARB Enforcement Strategic Plan."
- 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.
- Deter fraud in the Carl Moyer Program and in PTSD's Proposition 1B Program.
- 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.
- Strengthen cooperative bonds between ARB, air districts, and US EPA.
- Ensure that all enforcement actions are timely, effective, and appropriate to the severity of the situation.
- Ensure that any repeated or similar non-compliance activity by a source results in increased 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.
- Improve compliance in the Chinese import market, and refer cases of noncompliance for prosecution.

- Develop Budget Change Proposals to secure needed resources to implement and enforce ARB's Diesel Risk Reduction, Goods Movement, and Climate Change programs.
- Develop the Composite Wood Program enforcement procedures.
- Monitor developments in the Greenhouse Gas programs.
- Develop new enforcement databases.

**Mobile Source Enforcement:**

- Implement the 2007 provisions of AB 233: Increasing commercial vehicle idling penalties; DMV registration holds on vehicles with outstanding ARB violations; and completing the January 2009 Report to the Legislature regarding diesel emission reductions.
- Inspect points of distribution and retail outlets for illegal engines and vehicles.
- Increase enforcement audits of heavy-duty diesel vehicle fleets and refer cases for litigation or settlement where violations are found.
- Participate in multi-media inspection events in mixed-use (industrial/residential) neighborhoods for the Environmental Justice Program.
- Develop new Heavy-Duty Vehicle Inspection (HDVI) database.
- Improve 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.
- Aggressively enforce ARB's Off-Highway Vehicle regulations.
- Aggressively enforce ARB's Large Spark-Ignited Engine and Non-Road regulations.
- Enforce ARB's Marine Pleasure Craft regulations.
- Remove vehicles from service for repeat offenders of the HDVIP, as provided in statute under the Vehicle Code section 27159.
- Collect delinquent citations from HDVIP.
- Consistently enforce the 49-state vehicle program.
- Expand enforcement against illegal motorcycles, including on-road and off-road motorcycles.

- Focus on the import market for illegal vehicles and engines (scooters, pocket bikes, OHVs, etc.) working with US EPA and federal, state and local prosecutors.
- Implement, with local law enforcement and 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.
- Work with DMV, CHP, and local law enforcement agencies improving compliance with ARB's regulations (49-state vehicles, gray market vehicles, off-road motorcycles, gas-powered scooters, pocket bikes, street racers, etc.).
- Enforce aftermarket parts regulations and conduct peace officer training to discourage emission control system tampering and street racing.
- Enforce the School Bus Idling regulations and train school district bus drivers on program compliance.
- Implement and enforce the TRU regulatory program, and enforce these regulations upon issuance of an EPA waiver.
- Enforce regulations controlling diesel particulate emissions from on-road heavy-duty solid waste collection vehicles.
- Improve the smoking vehicle complaint database and web site, and administer the smoking vehicle complaint program.
- Improve the web sites and complaint databases for idling vehicles for the School Bus Idling enforcement program and the HDVIP.
- Enforce the Heavy-Duty Diesel Commercial Vehicle Idling program.
- Work with the Mobile Source Operations Division and Mobile Source Control Division 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.
- Enforce the cargo handling equipment rule at ports and intermodal facilities.
- Begin enforcement of the public and utility diesel vehicle fleet regulations.
- Work with the regulatory divisions on the port truck, private on-road truck fleet and off-road diesel vehicle regulations, and implement these programs.
- Work with ARB rule-writing staff on development of the Best Available Control Technology (BACT) Enforcement Resource Database.

**Stationary Source Enforcement:**

- Enforce the Asbestos NESHAP.
- Conduct Asbestos NESHAP Task Force Meetings to pursue uniform enforcement.
- Assist non-grantee districts in reviewing and logging data in US EPA's Air Facility System.
- Enforce HSC requirements for issuing variances.
- Conduct Hearing Board workshops to train air district hearing board members, and industry and district staff on the requirements of HSC.
- Include the status of stationary source complaints on ARB intranet.
- Aggressively resolve complaints through investigation and referral.

**Strategic Environmental Investigation and Enforcement:**

- Expand the Ocean-Going Ship, Harborcraft, and other Goods Movement enforcement programs.
- Implement a program to enforce the airborne toxic control measure (ATCM) to reduce formaldehyde emissions from composite wood products including hardwood plywood, particleboard, medium density fiberboard, thin medium density fiberboard, and also furniture and other finished products made with composite wood products.
- Enhance surveillance capabilities and provide surveillance training to regulatory agencies. Explore new digital and low light technologies.

**Consumer Products Enforcement:**

- Maintain the frequency and distribution of inspections at retail, commercial, and internet outlets for consumer products and aerosol coatings, while focusing on categories where limits became effective in 2007, where the sell-through period has expired, where toxic prohibitions became effective, and where non-compliance rates are high.
- Work with regulatory development staff to ensure that new regulations and amendments proposed for 2008 adoption are enforceable. These regulations include: consumer products, outboard marine fuel tanks, and climate change regulations impacting products sold to consumers.
- Pursue investigation in cases involving non-complying imported and diverted products.
- Ensure that only certified portable fuel containers are sold in California and that certified containers and spouts continue to meet the performance specifications.

**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 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 SSD to improve the enforceability of motor vehicle fuels regulations.

**Training and Compliance Assistance:**

- Develop and conduct a new three-day Air Academy.
- Update and conduct the 15<sup>th</sup> Annual Environmental Cross-Media Enforcement Symposium.
- Develop and expand the Introduction to Environmental Law lecture of the 100 Series.
- Conduct and assist in stationary and mobile source investigations.
- Participate in Motorcycle Outreach efforts.
- 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.
- Support Cal/EPA in conducting the Basic Air Academy three times in 2008.
- Work with the Cal/EPA Cross-Media Training Team.
- Work with the National Association of Clean Air Agency Training Committee.

- 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.
- Update and distribute *Dry Cleaning Handbook* to reflect updates to ATCM.
- Update and distribute *Dry Cleaning CD* to reflect updates to ATCM.
- Update and distribute *Chrome Plating CD* to reflect updates to ATCM.
- Create new *Vapor Recovery* compliance assistance material, based on results of surveys, discussions, and visits with gasoline facility operators and district staff.
- Update *Vapor Recovery CD* to incorporate information about regulatory changes and new technologies.
- Update Heavy-Duty Diesel Enforcement Program pamphlets to improve appearance and incorporate new information.
- Create new compliance-focused pamphlets for recent diesel regulations as directed.
- Assist Heavy-Duty Diesel Enforcement Program by providing staff to attend outreach events as appropriate.
- Launch Air Academy On-Line Training.
- Conduct six scheduled and one or more by-request FOE courses.
- Conduct at least 30 day and 13 night VEE certification sessions.
- Station one smoke generator in southern California.
- Purchase and deploy field scanners to streamline registration of VEE certification session attendees.
- Make operational an in-office scanner for verifying scores on VEE certification forms.

**Appendix A****Enforcement Case Summaries for 2007****Table A-1**  
**2007 Enforcement Program Closed Cases**

<b>Program*</b>	<b>Settled/Closed</b>	<b>Penalties**</b>
Mobile Sources	3,253	\$8,723,507
Fuels	22	\$574,500
Consumer Products	38	\$1,676,818
Portable Fuel Containers	12	\$330,550
Cargo Tanks	60	\$23,500
Stationary Source/Other	3	\$18,500,000
Railroad MOU	54	\$21,600
<b>Total Cases</b>	<b>3,442</b>	<b>\$29,850,475</b>

\*In negotiation settlements, the Enforcement Division is often represented by ARB OLA.

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

**Table A-2**  
**2007 Case Dispositions**

<b>Category</b>	<b>Number Cases</b>	<b>Penalties</b>
Civil Cases Pending <sup>1</sup>	11	--
Civil Cases Closed <sup>2</sup>	6	\$16,230,344
Criminal Cases Pending <sup>3</sup>	3	--
Criminal Cases Closed	0	--
Administrative Cases Closed	3,436	\$13,620,131
<b>Total Cases Closed</b>	<b>3,442</b>	<b>\$29,850,475</b>
Supplemental Environmental Projects (SEPs)	11	\$9,379,500

<sup>1</sup> Pending civil cases: 11 cases were pending litigation or settlement with the attorney general or various district and city attorneys statewide.

<sup>2</sup> Closed civil cases: See Table A-3 on next page.

<sup>3</sup> Three (3) criminal MSEB cases are pending prosecution with the attorney general or various district and city attorneys statewide.

**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, the Mutual Settlement Program, or through an administrative hearing in front of an ARB Administrative Law Judge (this applies to Heavy-Duty Vehicle Inspection Program cases only), or, through an administrative hearing before a State Office of Administrative Hearings Administrative Law Judge.

## 2007 ARB Report of Enforcement Activities

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.

**Table A-3**  
**2007 Civil Cases Closed**

<b>Case Name</b>	<b>Prosecuting Agency</b>	<b>Date Closed</b>	<b>Settlement Amount</b>
Yamaha Motor Corp. USA	California Attorney General	12/2007	\$3,000,000
Stones Master Bike Builder	California Attorney General	12/2007	\$120,000
Big Mike's Choppers	California Attorney General	5/2007	\$50,000
DWP Classic Cars/Motorcycles	Riverside County District Attorney	6/2007	\$30,344
Games and Wheelies	Alameda and San Joaquin County District Attorneys Offices	6/2007	\$30,000
Sierra Pacific Industries	California Attorney General	6/2007	\$13,000,000

**The total amount received for civil cases closed in 2007 was \$16,230,344.**

## ***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 2007, including mobile sources, consumer products, fuels, and stationary sources cases. See the complete list of cases settled during 2007 at <http://www.arb.ca.gov/enf/casesett/casesett.htm>.

### **MOBILE SOURCE CASES**

#### **Toys “R” Us-Delaware, Inc. - \$16,000 Settlement**

Toys “R” Us-Delaware paid \$16,000 in penalties for violating air quality regulations. \$12,000 went to the California Air Pollution Control Fund (APCF) and \$4,000 to Peralta Community College District (PCCD) for distribution to participating California Council on Diesel Education and Technology (CCDET) colleges.

#### **City of Santa Clarita Transit - \$48,000 Settlement**

The City of Santa Clarita-Santa Clarita Transit paid \$48,000 in penalties for violating air quality regulations: \$36,000 to APCF; and \$12,000 to PCCD for distribution to participating CCDET colleges.

#### **Los Angeles Department of Water and Power - \$208,000 Settlement**

The Los Angeles Department of Water and Power (LADWP) paid \$208,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that the LADWP failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to the Periodic Smoke Inspection Program (PSIP). LADWP agreed to pay the \$208,000 penalty amount, and to comply with PSIP and other regulations.

### **Coca-Cola Bottling Company - \$528,500 Settlement**

The Coca-Cola Bottling Company (Coca-Cola) has paid \$528,500 in penalties: \$132,125 to PCCD and \$396,375 to APCF for violating air quality regulations. An investigation by ARB showed that Coca-Cola failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Coca-Cola agreed to pay the \$528,500 penalty, and to comply with PSIP and other regulations.

### **7UP – San Francisco - \$12,375 Settlement**

7UP paid \$12,375 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that 7UP 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, 7UP agreed to the \$12,375 penalty and to comply with PSIP and other ARB regulations.

### **Hi-Grade Materials - \$27,375 Settlement**

Hi-Grade Materials paid \$27,375 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Hi-Grade Materials failed to properly self-inspect the portion of their diesel engine vehicles fleet that falls under PSIP. Hi-Grade Materials agreed to pay the \$27,375 penalty and to comply with PSIP and other regulations.

### **Wayne Bare Trucking - \$15,500 Settlement**

An investigation by ARB showed that Wayne Bare Trucking failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Wayne Bare Trucking agreed to pay the \$15,500 penalty and to comply with PSIP and other regulations.

### **Union Pacific Railroad - \$120,000 Settlement**

Union Pacific (UP) Railroad paid \$120,000 in penalties for violating air quality regulations: \$90,000 to APCF, and \$30,000 to PCCD. An investigation by ARB showed that UP failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. UP agreed to pay the \$120,000 penalty to settle their case, and also to comply with PSIP and other regulations.

### **Advance Disposal - \$20,000 Settlement**

The Advance Disposal Company paid \$20,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Advance Disposal Company failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle their case, Advance Disposal Company agreed to pay the \$20,000 penalty, and to comply with PSIP and other regulations.

**Ratto Group - \$70,500 Settlement**

The Ratto Group paid \$70,500 in penalties for violating air quality regulations: \$52,875 to APCF, and \$17,625 to PCCD. An investigation by ARB showed that the Ratto Group failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Ratto Group agreed to pay the \$70,500 penalty, and to comply with PSIP and other regulations.

**Bulk Transportation - \$24,000 Settlement**

Bulk Transportation agreed to pay \$24,000 in penalties to APCF for violating air quality regulations. An investigation by the ARB showed that Bulk Transportation failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to the PSIP. To settle the case, Bulk Transportation agreed to pay the \$24,000 penalty and to comply with PSIP and other regulations.

**Complete Logistics - \$85,000 Settlement**

The Complete Logistics Company paid \$85,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Complete Logistics failed to properly self-inspect the portion of their diesel engine vehicles fleet that falls under PSIP. To settle the case, Complete Logistics agreed to pay the \$85,000 penalty and to comply with PSIP and other regulations.

**Atlantic Express of CA, Inc. and Atlantic Express of L.A., CA (Atlantic Express) - \$105,000 Settlement**

Atlantic Express paid \$80,000 in penalties to APCF, and will also conduct a special environmental project worth \$25,000 for violating air quality regulations. An investigation by ARB showed that Atlantic Express failed to properly self-inspect the portion of their diesel engine vehicles fleet that falls under PSIP. To settle the case, Atlantic Express agreed to pay the \$80,000 penalty, to fund a special environmental project worth \$25,000, and to comply with PSIP and other regulations.

**Pacific Gas and Electric (PG&E) - \$220,000 Settlement**

PG&E paid \$220,000 in penalties for violating air quality regulations. \$165,000 of the penalty went to APCF, and the remaining \$55,000 went to PCCD for distribution to the colleges participating in the CCDET education system. An investigation by ARB showed that PG&E failed to properly keep records showing that they smoke tested their diesel vehicles. ARB documented violations as they related to PSIP. PG&E agreed to pay the \$220,000 penalty and to comply with PSIP and other regulations.

**Idealease of Stockton - \$10,500 Settlement**

Idealease of Stockton paid \$10,500 in penalties for violating air quality regulations. ARB documented violations as they related to PSIP. Idealease of Stockton agreed to pay the \$10,500 penalty and to comply with PSIP and other ARB programs.

**East Bay Muni Utility District - \$41,250 Settlement**

East Bay Muni Utility District paid \$41,250 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that East Bay Muni Utility District failed to properly self-inspect their diesel fleet to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. East Bay Muni Utility District agreed to pay the \$41,250 penalty and to comply with PSIP and other ARB regulations.

**Americold Logistics, LLC - \$64,800 Settlement**

Americold Logistics, LLC paid \$64,000 in penalties to APCF for failing to file a Transport Refrigeration Unit (TRU) facilities report. The TRU regulation (CCR, title 13 Section 2477) requires cold storage facilities with more than 20 loading docks to submit a report by January 31, 2006. The report provides detailed information about TRU activity at the facility. Americold Logistics, LLC signed a settlement agreement to comply with TRU and other ARB regulations.

**City of Elk Grove - \$18,000 Settlement**

The City of Elk Grove paid \$18,000 in penalties for violating air quality regulations. An investigation performed by ARB showed that the City of Elk Grove failed to properly self-inspect diesel vehicles to assure that those vehicles met state smoke emission standards, and failed to achieve required fleet emissions reductions.

ARB documented violations as they related to PSIP and the Fleet Rule for Transit Agencies. To settle the case, the City of Elk Grove agreed to pay the \$18,000 penalty and to comply with PSIP, the transit rule, and other ARB regulations.

**Holliday Rock Co., Inc. - \$78,000 Settlement**

Holiday Rock Co., Inc. has paid \$78,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Holliday Rock Co., Inc. failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Holliday Rock Co., Inc. agreed to pay the \$78,000 and to comply with PSIP and other ARB regulations.

**Double Eagle Transportation - \$30,000 Settlement**

Double Eagle Transportation agreed to pay \$30,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Double Eagle Transportation failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Double Eagle Transportation agreed to the \$30,000 penalty and to comply with PSIP and other ARB regulations.

**City of Santa Monica - \$14,000 Settlement**

The City of Santa Monica paid \$14,000 in penalties to APCF for violating air quality

regulations. An investigation by ARB showed that the City of Santa Monica failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, the City of Santa Monica agreed to the \$14,000 penalty and to comply with PSIP and other ARB regulations.

**A.L. Gilbert Co. - \$18,750 Settlement**

A.L. Gilbert Co. paid \$18,750 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that A.L. Gilbert Company failed to properly self-inspect their diesel trucks to ensure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. A.L. Gilbert Company agreed to the \$18,750 penalty and to comply with PSIP and other ARB regulations.

**City of Visalia - \$12,000 Settlement**

The City of Visalia paid \$12,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that the City of Visalia failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, the City of Visalia agreed to the \$12,000 penalty and to comply with PSIP and other ARB regulations.

**Columbus Distributing - \$14,000 Settlement**

Columbus Distributing paid \$14,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Columbia Distributing failed to properly self-inspect their diesel fleet to ensure their trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Columbus Distributing agreed to pay the \$14,000 penalty and to comply with PSIP and other ARB regulations.

**Coca-Cola - Sacramento - \$27,375 Settlement**

Coca-Cola - Sacramento paid \$27,375 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Coca-Cola - Sacramento failed to properly self-inspect their diesel fleet to ensure their trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Coca-Cola - Sacramento agreed to pay the \$27,375 penalty and to comply with PSIP and other ARB regulations.

**Pepsi Bottling Group (PBG) – Sacramento - \$25,875 Settlement**

PBG - Sacramento paid \$25,875 in penalties to the APCF for violating air quality regulations. An investigation by ARB showed that PBG - Sacramento failed to properly self-inspect their diesel fleet to ensure their trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, PBG - Sacramento agreed to pay the \$25,875 penalty and to comply with PSIP and other ARB regulations.

**Brink's, Inc. - \$147,000 Settlement**

Brink's, Inc. paid \$147,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Brink's, Inc. failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Brink's, Inc. agreed to the \$147,000 penalty and to comply with PSIP and other ARB regulations.

**Transportes InterCalifornias, Inc. - \$17,250 Settlement**

Transportes InterCalifornias, Inc. paid \$17,250 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Transportes InterCalifornias, Inc. failed to properly self-inspect their diesel buses to ensure that the buses met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, Transportes InterCalifornias, Inc. agreed to the \$17,250 penalty and to comply with PSIP and other ARB regulations.

**Waste Management - \$1,011,000 Settlement**

Waste Management paid \$1,011,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that Waste Management failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. Waste Management agreed to pay the \$1,011,000 penalty and to comply with PSIP and other ARB regulations.

**H & D Electric - \$15,000 Settlement**

H&D Electric paid \$15,000 in penalties to APCF for violating air quality regulations. An investigation by ARB showed that H&D Electric failed to properly self-inspect their diesel trucks to ensure that the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. H&D Electric agreed to the \$15,000 penalty and to comply with PSIP and other ARB regulations.

**Aim-Ex Industry Inc. - \$60,000**

An investigation by the Mobile Source Enforcement Section determined that Aim-Ex Industry Inc., of City of Industry, California, was selling and offering for sale off-highway recreational vehicles (OHRV) prior to being issued an EO by the ARB. In addition, the vehicles were labeled as being certified for sale in California. Since then, Aim-Ex Industry Inc. has received their 2007 EOs. The case was settled on June 5, 2007 for \$60,000.

**BMC Motorcycle Company - \$50,000**

The Mobile Source Enforcement Section, in conjunction with OLA and the California Attorney General's Office, has entered into a settlement agreement in the amount of \$50,000 with BMC Motorcycle Company, aka Big Mike's Choppers, located in Bend, Oregon.

BMC Motorcycle Company had been issued an EO by ARB so that they could sell their motorcycles in California. During routine inspections at various dealers for BMC, inspectors found that nine of the models that were shipped to California dealers had a hose missing from the charcoal canister to the air cleaner assembly, and one model had no emission control equipment at all.

This hose is part of the evaporative system that was certified by ARB, and must be in place to have the motorcycle in a certified condition. The hose was installed on all motorcycles that were in violation, and the motorcycle with no emission control equipment was removed from California. BMC agreed to pay \$50,000 into APCF to settle this matter.

#### **DWP Classic Cars Inc. - \$30,344**

The Mobile Source Enforcement Section, in conjunction with OLA and the Riverside County District Attorney's Office, has entered into a Final Judgment Pursuant to Stipulation in the amount of \$30,344 with DWP Classic Cars, located in Riverside, California.

DWP was building custom motorcycles and selling them to California residents without California emissions certification. As part of the settlement, DWP was required to go through testing with one of the motorcycles they built, and install an evaporative emissions control system on the motorcycle. They were then required to retrofit the other motorcycles they built with the same system.

As part of the judgment, DWP was permanently enjoined and restrained pursuant to Business and Professions Code 17203 from violating HSC sections 43151, 43152 and 43153. DWP paid \$5,344 to ARB for investigative costs, and paid the Riverside County District Attorney \$25,000.

#### **Dobeck Performance - \$100,000**

The Mobile Source Enforcement Section, along with OLA, has completed an investigation and settlement with Techclusion, Inc., dba Dobeck Performance, located in Belgrade, Montana. Dobeck was manufacturing aftermarket "Fuel Management Products" that would alter the air-fuel mixture and the ignition timing for on-road and off-road motor vehicles.

These fuel management parts were not exempted by ARB pursuant to title 13, CCR, sections 2222 or 2474. The installation of these parts would alter or modify the original design of the motor vehicle, and would affect the emission control systems that were certified by the manufacturer through ARB.

As part of the settlement, Dobeck agreed to 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. Dobeck paid penalties in the amount of \$100,000 to APCF.

### **Dynojet - \$1,000,000**

The Mobile Source Enforcement Section, along with OLA, has completed its investigation of Dynojet Research, Inc. located in Las Vegas, Nevada. Dynojet was manufacturing an aftermarket part called the "Power Commander" that would alter the air-fuel mixture and the timing on off- and on-road motor vehicles. Installing the Power Commander would alter or modify the original design of the motor vehicle and would affect the emission control systems that were certified by the manufacturer through ARB.

As part of the settlement, both parties agreed that Dynojet 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.

Dynojet has now certified a California version of the Power Commander that is legal for sale and use on California motor vehicles. Dynojet also paid penalties in the amount of \$1,000,000 to APCF as part of the settlement.

### **Games and Wheelies - \$30,000**

During our ongoing investigation into the sale and use of non-California-certified small off-road engines (SOREs), MSES staff discovered a total of 66 illegal pocket bikes, mini-choppers, motorized skate boards, and scooters offered for sale at Games and Wheelies locations throughout Alameda and San Joaquin counties. Games and Wheelies settled the violations for \$30,000.

### **Harley Davidson Dealers - \$90,000**

While on routine inspections of Harley Davidson dealers located in California in March 2007, MSES inspectors found that some dealers were selling motorcycles built by Thunder Mountain Motorcycle Company that had not been certified by ARB.

The Thunder Mountain motorcycles found in violation were built by a manufacturer located in Colorado that had certified only one model of their line of motorcycles for sale in California for model years 2006 and 2007. The motorcycles found in violation were built with a Harley Davidson engine and transmission.

Staff issued an NOV to San Diego Harley Davidson, with penalties of \$35,000 for violations of HSC 43150-43153. An NOV was also issued to Bartels' Harley Davidson, located in Marina Del Rey, with penalties of \$35,000. A third NOV was issued to Harley Davidson of Sacramento, with penalties of \$20,000.

The manufacturer paid the penalties for all of the dealers, and removed the illegal non-California-certified motorcycles that were left in the dealers' stock from California. Thunder Mountain has now certified all of its models for 2007 with ARB.

**O2 Sports Inc. - \$12,000**

An investigation by MSES staff determined that O2 Sports Inc. was selling off-highway recreational vehicles (OHRV) prior to being issued an EO by the ARB. In addition, the vehicles were labeled as being certified for sale in California. Subsequently, many OHRV vehicles were sold to California customers over the Internet and through dealers. Since the settlement of this case, O2 Sports Inc. has received their 2007 EOs. The case was settled for \$12,000 on May 22, 2007.

**Pepboys Auto - \$154,000**

In December, 2006 Pep Boys Auto sold and offered for sale several non-California certified all-terrain vehicles (ATVs) to California customers. Offering for sale and the sale in California of non-California certified engines and illegal non-California certified vehicles is unlawful and in violation of CCR title 12, sections 2400(a)(2) and 2410(a)(2). Pep Boys self-reported these violations, and settled the case in October, 2007 for \$154,000.

**Stones Master Bike Builder - \$120,000**

The Mobile Source Enforcement Section, in conjunction with OLA, the California Attorney General's Office, and the Superior Court of the State of California in and for the County of Orange, have received a Judgment from the County of Orange Superior Court in the amount of \$120,000 against Stones Master Bike Builder, Tory Stone and All World Motorcycles, Inc., all the same entity.

Tory Stone had a business in Anaheim, California that was building custom motorcycles and selling them to California residents without getting certification from ARB. This is a violation of HSC section 43150, et seq.

Tory Stone left California and moved his business to Las Vegas, Nevada, and continued to build and sell his illegal non-California-certified motorcycles to California residents, even after he was issued a cease-and-desist letter for California sales. Mr. Stone also collected \$500 from each of his California customers, and told them he would get California registration for their motorcycles.

The case was referred to the California Attorney General's Office for prosecution. The case was heard in Orange County Superior Court, and Mr. Stone was ordered to pay civil penalties in the amount of \$100,000 to APCF. He was also ordered to pay restitution to the Office of the California Attorney General in the amount of \$20,000.

This money is to be held in trust for any person who paid Mr. Stone to register a new motor vehicle with DMV. Mr. Stone was also immediately and permanently enjoined and restrained from violating HSC section 43150, et seq.

**Sun L Group Inc. - \$27,566**

MSES staff determined that Sun L Group Inc. of City of Industry, CA, was selling OHRVs, SORES, and on-highway vehicles prior to being issued an EO by ARB.

Subsequently, many OHRV vehicles were sold to California customers over the Internet and through dealers, and many were even registered with DMV. Sun L Group is now in possession of 2007 California EOs for their vehicles. The case was settled on July 15, 2007 for \$27,566.

**Sunset Ford - \$90,000**

On January 1, 2006, Sunset Ford began installing a non-exempt aftermarket device into new 2005 through 2007 MY light- and medium-duty motor vehicles manufactured by Ford Motor Corporation. This was done before the equitable or legal title of the vehicles had been transferred to an ultimate purchaser. By installing the non-exempt aftermarket part, Sunset Ford transformed each motor vehicle from a California certified to a non-California-certified configuration. Sunset Ford has implemented measures to recall and restore each of the vehicles to their ARB certified configuration. Sunset Ford settled the violations in March 2007 for \$90,000.

**Thunder Mountain Custom Cycles - \$167,000**

The Mobile Source Enforcement Section, in conjunction with ARB OLA, has entered into a settlement agreement in the amount of \$167,000 with Thunder Mountain Custom Cycles, Inc., located in Fort Collins, Colorado.

Thunder Mountain had been issued an EO by ARB for model year 2006 so that they could sell their motorcycles in California. During routine inspections at various Harley Davidson dealers that carry Thunder Mountain motorcycles, inspectors found that the dealers had sold and were offering for sale 2007 model year Thunder Mountain Motorcycles. No EO had been issued by ARB for the 2007 models that had been sold or were being offered for sale.

All of the motorcycles that were inspected had all of the proper emissions equipment, but they all had 2006 emissions labels. Thunder Mountain agreed to remove from California all of the 2007 models that were non-California certified. Thunder Mountain agreed to pay \$167,000 into APCF to settle this matter. Thunder Mountain also paid an additional \$90,000 for the penalties that had been assessed against their dealers.

**Vengeance Performance Products and San Diego Indian Motorcycle Company - \$19,000**

MSES staff, in conjunction with OLA and the California Attorney General's Office, has entered into two different settlement agreements - one with John McDonnell, former owner of Vengeance Performance Products, and one with Richard Urban of BCS West, aka San Diego Indian.

Vengeance Performance Products had been issued an EO by ARB so that they could sell their motorcycles in California. During a routine inspection at San Diego Indian Motorcycle Company, MSES inspectors found that some of the models that were being offered for sale were missing emissions controls, and one model had no emission control equipment at all. The missing emission controls were all part of the

evaporative control system that is required for all on-road motorcycles certified and sold in California.

As part of the corrective action, each motorcycle was returned to its certified configuration. In addition, John McDonnell agreed to pay \$12,000 into APCF to settle this matter, and was permanently enjoined from violating HSC section 43150 et seq. Richard Urban also agreed to pay \$7,000 into APCF to settle this matter.

**Venom Motors - \$40,000**

MSES inspectors determined that Venom Motors of Las Vegas, Nevada sold and offered for sale uncertified OHRVs and SOREs. Subsequently, many OHRV vehicles and SOREs were sold to California customers over the Internet and were subsequently introduced into California. The case was settled on December 7<sup>th</sup>, 2007 for \$40,000.

**Yamaha Motor Corporation U.S.A. and South Seas Cycle Exchange, Inc. - \$3,000,000**

MSES, OLA and the Office of the Attorney General for the State of California have entered into a court-approved settlement agreement in the amount of \$2,000,000 with Yamaha Motor Corporation, U.S.A. (Yamaha USA) located in Cypress, California, and South Seas Cycle Exchange, Inc. (South Seas) located in Honolulu, Hawaii.

This case involved the importation or delivery of non-California certified motorcycles to California residents that were subsequently registered or sold in California, which is prohibited by HSC sections 43150 et seq. and Business and Professions Code sections 17200 and 17500.

Under the terms of the agreement, Yamaha USA agreed to pay approximately \$1.2 million to APCF, approximately \$500,000 to fund a Supplemental Environmental Project (SEP) to test the impact of ethanol fuel blends on evaporative and exhaust emissions from off-road gasoline engines, and approximately \$300,000 to the Office of the Attorney General for attorneys' fees.

Yamaha USA and South Seas are also enjoined and restrained from violating HSC section 43150, et seq. for a period of ten years. The agreement does not constitute an admission of violation of any law or regulation.

In addition to the monetary penalties, Yamaha Motor Corporation, U.S.A. and South Seas Cycle Exchange, Inc. will initiate a vehicle purchase program to buy back and either destroy or remove from California the motorcycles that have been identified by ARB in this complaint as not certified for use or registration in California. This program should cost them in excess of one million dollars to complete.

## **CONSUMER PRODUCTS CASES**

### **Chemcor Chemical Case Settlement for \$22,000**

On February 5, 2007, a case was settled with Chemcor Chemical Company for selling into California approximately 10,513 pounds of Old Fashion Lemon Furniture Polish that did not comply with the seven percent by weight VOC limit for non-aerosol furniture maintenance product, and 7,724 pounds of Spots Off, that did not comply with the eight percent by weight VOC limit for non-aerosol spot removers. The company paid \$22,000 in penalties to settle the case.

### **True Value Company Settlement for \$14,500**

On February 7, 2007, True Value Company settled a consumer products case for \$14,500 after the issuance of an NOV. True Value Company sold windshield washer fluid that exceeded the ten percent VOC limit in non-Type A areas of California from September 1, 2002 to December 31, 2002. After the December 31, 2002 date, "Automotive Windshield Washer Fluids" offered for sale in non-Type A areas of California could not exceed one percent VOC.

### **Carquest Products, Inc. Settlement for \$10,250**

On January 25, 2007, Carquest Products, Inc. executed a settlement agreement over violations of the portable fuel container regulation for \$10,250. Carquest Products, Inc. sold non-compliant 1.25-gallon, 2.5-gallon, 5-gallon, 6.6-gallon gasoline containers, 5-gallon plastic jeep-style gasoline containers, 5-gallon metal gasoline containers, and 5-gallon plastic diesel containers that were all manufactured by Wedco Moulded Products. All of the aforementioned containers failed to meet the performance standards specified in the regulations.

### **CSK Auto, Inc. Settlement for \$19,000**

On February 20, 2007, CSK Auto, Inc. settled violations of the portable fuel container regulation for \$19,000. CSK Auto, Inc. owns and operates 1,307 retail auto parts stores in 22 states under the brand names Checker Auto Parts, Schuck's Auto Supply, Kragen Auto Parts, and Murray's Discount Auto Stores.

From 2002 through July 2006, CSK Auto, Inc. sold, supplied, or offered for sale in California 1.25-gallon, 2.5-gallon, 5-gallon, and 6-gallon portable fuel containers which, at the time of sale, did not meet all of the performance standards. The manufacturer had notified CSK Auto that the products could not be sold in California.

### **Spectrum Brands Settlement for \$45,000**

From 2003 to 2006, approximately 172,746 units of non-compliant Cutter Free Backyard Fogger (which indicated on the label that the product was suitable for use against crawling and flying insects) were sold into California. The product was found to be in violation of the 20 percent by weight VOC limit for crawling bugs prior to

12/31/05, and the 15 percent limit for products manufactured after that date. The case was settled on May 9, 2007 for \$45,000.

#### **Amrep, Inc. Settlement for \$298,318**

Amrep finally completed their self-audit process, started after ED staff found a second product in violation during inspections in 2003 and 2004. Amrep reported in March 2007 that they had found additional violations of California's consumer products regulations, resulting from the sale of non-complying automotive brake cleaners, general purpose degreasers, general purpose cleaners, spot removers, carpet and upholstery cleaners, silicone multipurpose lubricants, multipurpose lubricants, rubber and vinyl protectants, crawling bug insecticides, automotive windshield washer fluids, liquid air fresheners, engine degreasers, and floor wax strippers.

A final settlement was executed by OLA, and an additional payment of \$298,318 for the newly reported violations was assessed. The combined total for all of the settlements with the company to date is \$734,000. The company feels that they are now in full compliance with the consumer products regulation in California. Violations that are found in the future will not be covered under the agreement.

#### **Packaging Services Settlement for \$10,000**

Packaging Services Company, Inc. settled a violation of the consumer products regulation for \$10,000 on June 4, 2007. Packaging Services Company, Inc. sold, supplied, or manufactured for sale in California approximately 2,136 containers of the *Picnic Eco-Start 100% Natural Charcoal Lighter Fuel* product that were not certified by ARB.

Charcoal lighter materials are required to be certified to meet a limit of 0.020 pounds of VOC emissions per start, prior to being sold in California. The company has subsequently applied for and received certification for this product.

#### **Sears Holding Company Settlement for \$13,500**

On June 6, 2007, Sears Holding Company settled a violation of the portable fuel container regulation for \$13,500. Sears Holding Company operates Kmart and Sears retail store outlets in California, and offered automotive supplies for sale through both their retail outlets and their websites. From January 2003 to December 2006, Sears Holding Company sold or supplied one, two, five, and six gallon gas containers, manufactured by Blitz, to California residents. The containers did not meet all of the performance standards specified in title 13, CCR, § 2467.2 et seq.

#### **CSL, LLC / Joseph Enterprises, Inc. Settlement for \$16,000**

On July 10, 2007, CSL, LLC and their agent, Joseph Enterprises, Inc. settled a violation of the Consumer Products regulation for \$16,000. Joseph Enterprises, Inc. sold *CSL Ignite-O Firestarter Packets* (20 packet box) in California but failed to get the charcoal lighter material certified by ARB prior to the sales.

### **Dollar Tree, Inc. Settlement for \$94,000**

Between January and May, 2007, Dollar Tree Inc. supplied and offered for sale *Sanitax Toilet Bowl Deodorizer* and *Protecto Toilet Bowl Deodorizer* at retail locations throughout California. Both products exceeded the VOC and para-dichlorobenzene limits set under the Consumer Products Regulation, section 94509, (a) and (o), for the "Toilet/urinal care product non-aerosol" product category. The case was settled on July 19, 2007 for \$94,000.

### **Universal Packaging Settlement for \$15,000**

A settlement was reached with Universal Packaging, a manufacturer of *ROK-N-HRD Gel*, on July 30, 2007, for \$15,000. This non-compliant product was being sold at various hair salons in California from May 2003 through December 2005. Approximately 3,889 containers of non-compliant product were sold during that time.

### **2-2-0 Labs Settlement for \$10,000**

A settlement was reached with 2-2-0 Labs, a contract filler of *Gel Mousse* and *Mousse Pomade*, on July 30, 2007, for \$10,000. Approximately 3,631 containers of non-compliant gel mousse and 960 containers of mousse pomade were sold at various hair salons in California between June 2003 and July 2006.

### **Alen USA Settlement for \$73,000**

On September 11, 2007, a case was settled with Alen USA for selling the following consumer products into California: *Festival Wipes*, exceeding the ten percent VOC limit for non-aerosol general purpose cleaners manufactured prior to 12/31/04; *Festival Degreasers*, containing concentrations of VOCs exceeding the four percent limit for non-aerosol general purpose degreasers, and *Pine Oil Pinalen Multicleaner* and *Natural Essences Pinalen Multicleaner*, exceeding the four percent VOC limit (for non-aerosol general purpose cleaners after the minimum recommended dilution listed on the product label.)

The company also failed to report annual date code explanations, and did not clearly display the day, month, and year of manufacture on all of their products. The company paid \$73,000 in penalties to settle the case.

### **Ace Hardware Inc. Settlement for \$850,000**

Between November 2003 and April 2007, Ace Hardware Inc. supplied, offered for sale, and sold *Ace Windshield Wash* and two varieties of *Mr. Clean Windshield Wash and Deicer* at retail locations throughout non-Type A areas of California. All three products exceeded the one percent VOC limit set under consumer products regulation section 94509, part (a) for the "Automotive Windshield Washer Fluid, all other areas" product category.

The *Ace Windshield Wash* product was subject to a previous settlement agreement, but the product continued to be sold at many store locations due to data entry errors in the company's sales restrictions databases. Multiple inspections documented

additional violations, including sales of the two additional windshield washer fluids.

Because this was the second NOV issued to the company for the same product, and this violation resulted in significant excess emissions over an extended period of time, the case was pursued with OLA. The case was settled on October 2, 2007 and the company paid \$850,000.

### **Personal Care Products Settles Two Cases for \$99,000**

Personal Care Products manufactures inexpensive beauty care and home cleaning products. Between April 1, 2001 and May 1, 2004, Personal Care Products sold or supplied *Powerhouse Instant Stain Remover* to retail outlets in California. In addition, from January 2007 to June 2007, Personal Care Products imported, sold and supplied *PC Super Hold Hairspray*, *PC Ultra Hold Hairspray*, and *Personal Care Styling Mousse* that had been manufactured in China. All of these products exceeded the VOC limit set under consumer products regulation section 94509(a) for their product category.

The hairspray also contained high levels of a hazardous ingredient, and trace levels of several toxic air contaminants. During our investigation we consulted and coordinated with FDA's Division of Cosmetics and Colors, California Department of Public Health, and US EPA. On November 13, 2007, both cases were settled for \$99,000.

### **Granitize Products, Inc. Settlement for \$18,700**

On November 27, 2007, Granitize Products, Inc. entered into a settlement agreement with ARB and paid \$18,700 to resolve the alleged violations in an NOV. During 2005 and 2006, Granitize sold, supplied, and offered for sale in California a fabric cleaner and spot remover product, a hard surface cleaner product, and a tar, wax, and grease remover product that exceeded the VOC limits as specified in the consumer products regulation (title 17, CCR, § 94509(a)).

The manufacturer also failed to clearly display on the container the date of manufacture, or a code indicating a date, and failed to file an explanation for the code indicating the date of manufacture.

### **GDB International Case Settlement for \$15,500**

Between November 2005 and May of 2006, GDB International sold or supplied 65,628 aerosol cans of *Spra-Loos* and *Swift-Lube* that exceeded the 50% VOC limit for multi-purpose lubricant. These products had been manufactured prior to the effective date of the limit by another company, for sale in a foreign country; however, GDB International subsequently relabeled the products after the effective date of the limit.

GDB International supplied these products to discount retail chains in California, and the lubricants were sold after the end of the 3-year sell-through period. GDB International settled the case on December 26, 2007 for a payment of \$15,500.

### **Wal-Mart Settlement for \$250,000**

During an inspection in May 2006, Wal-Mart Stores, Inc. sold non-complying diesel and kerosene portable fuel containers in California. After a CPES staff investigation of the violation of the portable fuel containers regulations, an NOV was issued on August 9, 2006.

During the investigation, Wal-Mart Stores, Inc. indicated that the violations resulted from a computer systems "glitch" in their sales restrictions databases, which allowed non-complying products to be sold at many of their stores. In addition, Wal-Mart Stores, Inc. did an internal investigation and discovered that they had sold several other types of non-compliant portable fuel containers and spouts.

They self-reported the sales information to ARB, and the quantities sold were combined with the products included in the NOV. Because this was the fourth NOV issued to the company for violations of the portable fuel containers regulations, the case was pursued under direct supervision of OLA. On November 14, 2007, the Executive Officer signed the settlement agreement to conclude this case for \$250,000.

## **FUELS CASES**

### **IPC Case - \$10,000 Settlement**

On May 22, 2006, IPC imported diesel fuel on a marine vessel. Their import protocol requires that final notification of any import be made before the start of transfer. In this case the final notice was not sent until the day after discharge was completed. The case was settled for \$10,000.

### **VP Racing Fuels Case - \$10,000 Settlement**

In early May 2004, two truckloads of non-complying gasoline were imported by VP Racing Fuels. Predictive model notifications provided by VP showed oxygen content of 2.0 percent to 3.0 percent, but the fuel's actual oxygen content was 3.65 percent. The case was settled for \$10,000.

### **Flying J Case - \$50,000 Settlement**

In an investigation triggered by a consumer complaint, staff found that on March 16, 2005 and March 20, 2005, deliveries of straight denatured ethanol were made instead of regular grade gasoline to the Flying J Truck Plaza in Lodi, California, resulting in sales to the public of highly over-oxygenated gasoline. The case was settled for \$50,000.

### **Shell Oil Cases - \$253,000 Settlement Total**

As a result of Shell's error, CARBOB being transferred from a marine vessel into a tank at the Kinder Morgan facility in Carson was contaminated with desulfurized gas oil. The case was settled for \$30,000.

On June 18, 2005, a line-up error at the Shell refinery in Wilmington caused conventional gasoline intended for Arizona to be piped into the regular grade CARBOB tank that was supplying the sales rack. The case was settled for \$53,000.

During routine sampling on August 10, 2005, at Shell's Wilmington refinery, inspectors found that the regular grade of CARBOB being sold from Tank 80209 had a Reid vapor pressure of 5.50 pounds per square inch (psi), although the predictive model submitted for this fuel had a maximum of 5.16 psi. The case was settled for \$75,000.

Shell self-reported that on July 4, 2006, regular grade gasoline was distributed from their Carson terminal that had been under-oxygenated. They were blending mid-grade at the rack by combining regular grade CARBOB that was certified for 7.7 percent ethanol with premium grade CARBOB that was certified for 5.7 percent ethanol.

The CARBOBs were to be mixed inline, and the combination was to be oxygenated further downline at 6.7 percent. However, the premium injection failed, so the mid-grade consisted entirely of regular CARBOB oxygenated at 6.7 percent. The case was settled for \$95,000.

### **ConocoPhillips Cases - \$10,000 and \$30,000 Settlements**

ConocoPhillips' protocol covering marine vessel imports requires that they provide final notification prior to the start of discharge. On July 17, 2006, ConocoPhillips sent final notification of their import of diesel fuel on the marine vessel "Vanguard," showing that discharge had occurred on June 15, 2006. This case has been settled for \$10,000.

On July 23, 2006, ConocoPhillips discharged an import of diesel fuel from the marine vessel "Torm Carina" without providing a final notification. This case has been settled for \$30,000.

### **Tesoro Cases - \$18,000 Settlement**

Tesoro's protocol requires that for marine vessel imports, a first notification must be made at least five days prior to the vessel's arrival and a final notification must be made before the start of transfer of the fuel.

No final notification was received for a December 10, 2004 import on the marine vessel "Crowley 102." In a second instance, the first notification was late for a December 14, 2004, import on the vessel "Captain Downing." These cases were settled jointly for \$18,000.

### **Shell Case - \$10,000 Settlement**

On August 19, 2006, Shell started shipping a batch of designated alternative limit diesel fuel from their Martinez refinery, but failed to submit notification of the blend until August 20, 2006, because of laboratory software errors. The regulation requires that notification be received by ARB before the start of physical transfer. The case has been settled for \$10,000.

### **Vitol Cases - \$130,000 and \$20,000 Settlements**

An April 13, 2006, gasoline imported by Vitol contained MTBE in excess of the regulatory cap limit. The case was settled for \$130,000.

An August 29, 2006, marine vessel import of CARBOB had one compartment with a sulfur content of 28 parts per million (ppm), although the predictive model specified a maximum sulfur content of 22 ppm. The case was settled for \$20,000.

## **STATIONARY SOURCE CASES**

### **Sierra Pacific Industries Case - \$13,000,000 Settlement**

SEIES staff began an investigation of Sierra Pacific Industries (SPI) in 2000, based on a complaint of excessive visible emissions from SPI's Susanville facility. The case grew to include the Lincoln, Quincy, and Loyalton facilities over the next year. SEIES staff inspections and investigations eventually uncovered hundreds of violations of permitted emission limits on District and US EPA PSD permits.

Other violations included failing to comply with equipment breakdown regulations and with permit conditions, tampering with emission monitoring equipment and disabling, altering, or failing to operate air pollution control equipment, and finally, falsifying company-submitted emission reports.

SEIES worked in conjunction with staff of the Placer County APCD, US EPA, and the State Attorney General's Office to bring this case to a successful conclusion. The case was settled on June 26, 2007 with an \$8,498,500 cash penalty split among Placer County, the Attorney General's Office, and ARB.

SPI committed to spending the remaining \$4,500,000 on supplemental environmental projects (SEPs). These SEPs involve facility improvements above and beyond rule requirements at the Lincoln, Quincy, Loyalton, and Standard mills, and will be completed within four years.

### **Evergreen Pulp Mill Case - \$5,000,000 Settlement**

SEIES staff began an investigation of Evergreen Pulp Mill in Humboldt County based on a request for technical and legal assistance from the Air Pollution Control Officer of the North Coast Unified AQMD. SEIES staff conducted inspections,

participated in source testing the facility, and analyzed emission data from Evergreen.

The investigations revealed a number of violations, including exceeding the national emission standards for hazardous substances and failure to meet the emission monitoring, recordkeeping, and reporting requirements of federal and state law. ARB, the District, and US EPA settled with Evergreen in September 2007 for \$900,000 in civil penalties and \$4.1 million in SEPs.

**West Coast General Corp./Erreca's Inc./Signs & Pinnick, Inc. Portable Equipment Registration Program (PERP) Case - \$500,000 Settlement**

SEIES staff began an investigation of the West Coast General Corp.'s operations in San Diego County at the request of the San Diego County APCD in 2003. The District, in responding to citizen-generated dust complaints at a subdivision development site in Carlsbad, identified violations of the PERP certificates. The District issued several NOVs for violations of 13 CCR §2457(a)(2), exceedence of the 82 lbs. PM<sub>10</sub>/day PERP limit, but were unable to obtain a settlement.

SEIES staff jointly inspected the La Mesa site with District personnel, interviewed key contractor personnel, verified the emissions calculations in the District inspection reports, and submitted the case to OLA. OLA staff and ED management fashioned an out-of-court settlement with the parties on November 15, 2007 for \$500,000.

**Appendix C****Mobile Source Enforcement  
Program and Inspection Activities – 2007****Table C-1  
Heavy-Duty Vehicle Inspection Program**

Number of Inspections	20,250
Number of Violations	663
Failure Rate	3%
Appeals Received/Closed	4/4
Violations Closed*	807
Current HDVIP II Penalties Assessed	\$182,100
Current HDVIP II Penalties Collected	\$121,750
Delinquent HDVIP I/II Violations Closed	695
Delinquent HDVIP I/II Penalties Collected	\$153,851
Total HDVIP I/II Penalties Collected	\$275,601
Trucks Held under VC 27159 by CHP**	132
Judgments Obtained under HSC 44011.6	313
<b>Total HDVIP Violations Closed</b>	<b>1502</b>

\*Includes violations pending from previous years.

\*\*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	3,889
Responses Received	745
Response Rate	19%

**Table C-3**  
**School Bus ATCM Enforcement and Outreach**

School Bus Spot Checks/Inspections	114
Notices of Violation	13
Non-Compliance Rate	11%
Penalties Assessed	\$1,800
Penalties Collected	\$1,650
Complaints Received	8
Advisory Letters Sent	8
School Districts Contacted / Outreach	22
Schools Contacted for Outreach	109

**Table C-4**  
**Commercial Idling Enforcement and Complaint Program**

Commercial Vehicle Spot Checks/Inspections	1,470
Notices of Violation	125
Non-Compliance Rate	9%
Penalties Assessed	\$12,500
Penalties Collected	\$11,700
Complaints Received	117
Advisory Letters Sent	117
Responses Received	24
Response Rate	21%

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

Certificates Received	1,058
Certificates Reviewed	259
Cases Opened	99
Cases Closed	44
Penalties Received	\$746,250

**Table C-6**  
**Administrative Hearings**

Number of Cases	4
Number Closed	4
Number Pending	0
Settled	4

**Table C-7**  
**Ports and Environmental Justice Inspections**

Road Side Inspection Events	201
Enforcement Program Inspections*	9,903
Enforcement Program Violations*	1,343

\*The data reflects multiple programs.

**Table C-8**  
**Emission Control Label (ECL) Enforcement Program**

Number of Trucks Inspected	16,222
Number of ECL Citations Issued	1,835
Failure Rate	11%
Number of ECL Citations Cleared	1,132
Number of ECL Citations Rescinded	11
Number of ECL Citations Pending	692

**Table C-9**  
**Solid Waste Collection Vehicle Program**

Number of Inspections	1,942
Number of NOVs Issued	358
Number of NOVs Cleared	313
Number of NOVs Rescinded	30

2007 ARB Report of Enforcement Activities

Failure Rate	18%
Number of NOVs Pending	102
Penalties Assessed	\$97,800
<b>Total Penalties Collected</b>	<b>\$81,950</b>

**Table C-10**  
**Diesel Fleet Cases Closed Summary**

<b>Type of Case</b>	<b>Total # of Cases</b>	<b>Total Amount Closed</b>
PSIP	41	\$2,900,375
SWCV	3	\$97,500
Transit Buses	5	\$99,000
TRU	1	\$64,800
<b>Total</b>	<b>50</b>	<b>\$3,161,675</b>

PSIP: Period Smoke Inspection Program

SWCV: Solid Waste Collection Vehicle

TRU: Transport Refrigeration Unit

**Appendix D****Fuels and Consumer Products Enforcement  
Inspection Activities -- 2007****Table D-1  
Consumer Products Inspections and Samples**

Samples Obtained	2,543
Lab Results Received	1,980
Alleged Violations	807
NOVs Issued	53

**Table D-2  
Portable Fuel Containers and Spouts**

Number of Inspections	398
Samples Obtained	124
NOVs Issued	15

**Table D-3  
Cargo Tank Vapor Recovery Certification**

Cargo Tanks Inspected	1,952
Cargo Tanks Tested	1,269
Cargo Tanks Certified	5,791
Pressure Violations (nitrogen test)	134
Uncertified Equipment Violations	2
Liquid Leak Violations	2
Annual Tests Observed	112

**Table D-4**  
**Motor Fuel Inspection Summary**

Number of Samples	3,367
Number of Analyses	26,301
Reid vapor pressure	2,061
Lead	1
Sulfur (gasoline and diesel fuel)	3,332
Oxygen	2,757
MTBE	2,769
Benzene	2,750
Total aromatics	2,750
Olefin	2,751
Distillation, T50	2,767
Distillation, T90	2,767
Aromatic hydrocarbon (diesel fuel)	738
PAH (diesel fuel)	738
Nitrogen (diesel fuel)	120

**Table D-5**  
**Gallons Represented in Sampling**

Gasoline	915,856,885
Diesel	350,455,241

**Table D-6**  
**BOE Dyed Diesel Program \***

Number of Inspections	19,507
Number of Violations	173

\*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 and  
Air District Oversight Activity – 2007****Table E-1**  
**Asbestos Enforcement Activity**

Notifications Reviewed	746
Demolition/Renovation Inspections	51
Investigations	2
Related Phone Calls/E-Mails Addressed	497
Workshops Conducted	2
Special Projects	3

**Table E-2**  
**Hotline Complaints Activities**

Total Complaints and Inquiries Received	883
- Stationary Source Complaints to Districts	158
- Vapor Recovery Complaints to Districts	99
- Questions Answered by Enforcement	136
- Referred to Other ARB Divisions	38
- Referred to Other Agencies	452
Air District Investigation Reports Received	269

**Table E-3**  
**Variance Activity**

Variances Reviewed	491
Notices Reviewed	392
Variances Questioned	41
Variances Returned	15
Issues Addressed	665
Workshops Conducted	3
Hearing Board Visits	2

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

Reports Received and Reviewed	50
Reports Entered	46
Issues Addressed	280
Reports Sent to Air Districts	124
CEM Summaries Received	34

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

Reports Received	248
Reports Entered	50
Issues Addressed	303
Reports Sent to Districts	260

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

Total Reports Received & Entered	2,928
NO <sub>x</sub>	610
SO <sub>2</sub>	477
H <sub>2</sub> S	603
CO	589
Opacity	649

**Table E-7**  
**Air District Rule Review**

Rules Received	245
Rules Reviewed	238
Rules With Comments	9

**Table E-8**  
**Open Burning**

Burn Issues Addressed	37
Meetings Attended	11
Special Projects	1

**Table E-9**  
**Strategic Environmental Investigations and Enforcement Section**  
**Activities Summary**

<b>TYPE OF ACTIVITY</b>	<b>TOTAL</b>
Stationary Source Settlement Amounts	\$18,500,000
Continuing Investigations	6
New Investigations	4
SEIES Cases Closed *	3
Cases Referred for Investigation	1
Cases Referred for Prosecution	7
Continuing Prosecution	5
Case Settlement/Prosecution	11
Investigative Assistance	11
Continuing Surveillance	6
New Surveillance	17
Surveillance Closed	18
Stationary Source Inspections	27
Locomotive Railroad MOU Inspections	1,977
Rail Facilities Inspected under RR MOU**	70
Rail Yard Fuel Inspections	15
RR MOU NOVs Issued	70
RR MOU NTCs Issued	10
RR MOU Fines Collected	\$21,600
Ship Incineration Inspections	6
Ship Auxiliary Engine Inspections	152
Ship Auxiliary Engine NOVs	5

## 2007 ARB Report of Enforcement Activities

Fuel Dock/Marina Fuel Inspections	55
Dry Cleaner Verification Inspections	21
Task Force Meetings Attended	57
Rule Development Support	4
Special Projects	14

\* Cases SEIES assisted on, but closed by air districts, are not listed.

\*\* Rail yards are inspected twice a year and/or after a complaint.

**Appendix F****Compliance Training and Assistance  
Programs for 2007****Table F-1  
Programs and Attendance**

<b>Classes and Programs</b>	<b># of Courses</b>	<b>Student-Days</b>
UAQTP* 100 Series (California) (4 days)	4	1,472
Air Academy (California) (3 days)	1	1,449
Other 100 Series Courses	3	224
200 Series (California)	47	870
Enforcement Symposium (3.5 days)	1	886
Cal/EPA Basic Instructor Academy (4 days)	3	344
Other 300 Series Courses	7	312
400 Series (California)	4	322
California Totals	70	5,879
National Totals	97	2,273
Overall Totals	167	8,152

\* Uniform Air Quality Training Program

**Table F-2  
200/300 Series Statistical Analysis**

<b>Parameter</b>	<b>Instate 2007</b>	<b>Instate 2006</b>	<b>Instate 2005</b>	<b>Out of State 2007</b>	<b>Out of State 2006</b>	<b>Out of State 2005</b>
Classes Accomplished	70	85	105	97	61	109
Student Days	5,878	3,618	2,990	2,273	1,703	2,649
Average Student Days	84	42.6	28.5	23.4	27.9	24.3

**Table F-3**  
**Top Five Hardcopy Materials Distributed 2007**

Rank	CDs	Handbooks	Pamphlets
1	Fugitive Dust	Visible Emissions Evaluation	Asbestos-Containing Rock & Soil for Homeowners and Renters
2	Continuous Emissions Monitoring Systems	Naturally-Occurring Asbestos	Limits on Diesel-Fueled Commercial Motor Vehicle Idling
3	VOC Control Devices/Scrubbers	Asbestos Demolition & Renovation	Cleaners and Degreasers Used in Automotive Maintenance & Repair
4	Boilers	Fugitive Dust	Transport Refrigeration Units #1 Overview (English)
5	Aggregate Plants	Wood Burning	Stationary Internal Combustion Engines

**Table F-4**  
**Top Five Website Inquiries 2007**

Rank	CDs*	Handbooks	Pamphlets
1	Baghouses	Wood Burning	Baghouses
2	Petroleum Refineries	Asbestos Demolition & Renovation	Limits on Diesel-Fueled Commercial Motor Vehicle Idling
3	Printed Circuit Boards	Visible Emissions Evaluation	Asbestos-Containing Rock & Soil for Homeowners and Renters
4	Boilers	Fugitive Dust Control	Training & Compliance Assistance Program
5	Soil Decontamination	Dry Cleaning (English)	Transport Refrigeration Units #1 Overview (Spanish)

\* Tracking of website inquiries for CDs by title began October 2007

**Appendix G****Enforcement Division Contacts and Other Information**<http://www.arb.ca.gov/enf/enf.htm>**Division Contacts:**

Division Chief	James R. Ryden	(916) 324-7346
Division Secretary	Barbara Gregson	(916) 322-6033
Enforcement Database Coordinator	Reggie Guanlao	(916) 445-2815
Enforcement Division Administrative Coordinator	Elizabeth Walker	(916) 322-2659
Enforcement Policy Coordinator	Elizabeth Miller	(916) 322-6212
Division FAX (Sacramento - HD Diesel Program)	-	(916) 322-8274
Division FAX (Sacramento - General Enforcement)	-	(916) 445-5745
Division FAX (El Monte - HD Diesel Program)	-	(626) 450-6170
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	Les Simonson	(916) 322-6905
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	Craig Pendley	(626) 450-6172
HD Diesel Field Supervisor – Border	Damacio Arevalos	(626) 350-6449
Citation Administration – Northern California	Renaë 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	Steve Brisby	(916) 322-1210
Manager, Consumer Products Enforcement Section	Steve Giorgi	(916) 322-6965

## 2007 ARB Report of Enforcement Activities

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	Frederick 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) Full Compliance Evaluation (FCE)	Ed Virgin	(916) 322-5866
AFS High Priority Violations (HPV)	Nestor Castillo	(916) 322-0749
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 Workshops	Vickie McGrath	(916) 324-7343
Variance Program	Ed Virgin	(916) 322-5866
<b><u>Training &amp; Compliance Assistance Contacts:</u></b>		
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 and VEE Program	Min Li	(916) 327-1168
<b><u>Greenhouse Gas Enforcement Contact:</u></b>	Judy Lewis	(916) 322-1879
<b><u>Other Contacts:</u></b>		
ARB Office of Legal Affairs	Robert Jenne, Acting Chief Counsel	(916) 322-2884
ARB Complaint Investigations	Simeon Okoroike	(916)327-3529
ARB Statewide Complaint Hotline		(800) 955-5567
ARB Statewide Vehicle Complaint Hotline	(800)END-SMOG, or..	(800) 363-7664
ARB Enforcement Division Spanish Speaking Assistance	Hector Pelavo Hortencia Mora	626) 575-6779 (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](http://www.arb.ca.gov).