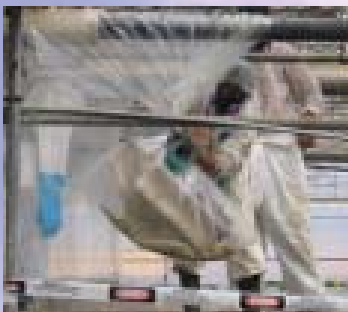




California Environmental Protection Agency
AIR RESOURCES BOARD

2008 ANNUAL ENFORCEMENT REPORT



Enforcement Division
August 2009

REPORT OF ENFORCEMENT ACTIVITIES FOR 2008

AIR RESOURCES BOARD

ENFORCEMENT DIVISION

August 2009

To learn more about ARB Enforcement Programs or to file an air pollution complaint,
please visit

<http://www.arb.ca.gov>.

To file a complaint by phone, call the Statewide Hotline at (800) 955-5567

or

The Vehicle Complaint Hotline at (800) END-SMOG - (800) 363-7664.

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Selected Acronym List

AB	Assembly Bill
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
ATCM	Air Toxic Control Measure
BACT	Best Available Control Technology
B-HP	Brake-horsepower
BIA	Basic Inspector Academy
BOE	Board of Equalization
CAPCOA	California Air Pollution Control Officers Association
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
CDPR	California Department of Parks and Recreation
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
DRRP	Diesel Risk Reduction Plan
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 Gas
HDVIP	Heavy-Duty Vehicle Inspection Program
HPV	High Priority Violation
HSC	Health and Safety Code

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ICE	Internal Combustion Engine
IRS	Internal Revenue Service
ISO	International Standards Organization
LSI	Large Spark-Ignition
MLD	Monitoring and Laboratory Division
MOU	Memorandum of Understanding
MSAB	Mobile Source Analysis Branch
MTBE	Methyl Tertiary-Butyl Ether
MY	Model Year
MSEB	Mobile Source Enforcement Branch
MSES	Mobile Source Enforcement Section
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	On-Board Diagnostics II
OEM	Original Equipment Manufacturer
OGV	Ocean-Going Vessel
OHRV	Off-Highway Recreational Vehicle
OLA	Office of Legal Affairs
PAH	Polynuclear Aromatic Hydrocarbons
PAU	Public Agencies and Utilities
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
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
SMAQMD	Sacramento Metropolitan Air Quality Management District
SORE	Small Off-Road Engine

SSD	Stationary Source Division
SSES	Stationary Source Enforcement Section
SWCV	Solid Waste Collection Vehicle
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TCA	Training Compliance Assistance
TRU	Transport Refrigeration Unit
VDECS	Verified Diesel Emission Control System
VEE	Visible Emissions Evaluation
VOC	Volatile Organic Compound
WCI	Western Climate Initiative

EXECUTIVE SUMMARY

“The Enforcement Division seeks to protect the environment and public health and provide safe, clean air to all Californians by reducing emissions of air contaminants through the fair, consistent and comprehensive enforcement of air pollution laws, and by providing training and compliance assistance.”

- The Enforcement Division Mission Statement

Despite making tremendous progress towards clean air, California still has severe air pollution problems. According to the 2009 American Lung Association’s annual “State of the Air” report, California is home to nine of the top ten, and 15 of the top 25, counties with the worst ozone (smog) pollution in the nation. Over 22 million Californians live in these counties. California’s particulate pollution is hardly better. California has the worst long-term particulate pollution in the United States (U.S.).

Over 90 percent of California’s population, or approximately 33 million Californians, live in regions with unhealthy air. The California Air Resources Board (CARB, ARB, Board) continues to work aggressively towards improving California’s air quality and its efforts are making progress. Despite California’s considerable growth, during the 40 year history of ARB, air quality has improved dramatically. The Board and the local air pollution control districts (air districts) continue to enact progressive regulations for new and existing sources of air pollution, resulting in significant reductions in emissions. The number of days of smog violations in the greater Los Angeles region has dipped below 100 days per year, down from over 200 days per year when ARB was created some 40 years ago. Again, this progress has been achieved despite an approximate 400 percent increase in the region’s population during this period.

California’s laws require stationary sources to use the best available air 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 percent through the use of clean engine, vehicle, and fuels technologies.

In recent years, the Board has adopted more regulations to control emissions of Toxic Air Contaminants (TAC), particularly the toxic black soot from the millions of diesel vehicles and engines in use in California every day. In 1998, ARB identified diesel exhaust as a toxic air contaminant due to its link to cancer risk. Diesel exhaust is also linked to cardiovascular and cardiopulmonary diseases. In 2000, ARB issued a Diesel Risk Reduction Plan (DRRP), calling for the reduction of the public’s exposure to diesel exhaust by 75 percent by 2010 and 85 percent by 2020.

Diesel engines are ubiquitous: on our highways and roads, at construction sites and farms, in schoolyards, collecting trash in neighborhoods, and hauling cargo at air and maritime ports and rail yards. While ARB has successfully imposed strict emission standards on new models, the longevity of diesel engines keeps the older, higher-polluting engines in use. To address this issue, ARB has adopted a series of diesel vehicle and equipment fleet rules that require owners to repower (i.e. install a new

engine), retrofit (i.e. install diesel exhaust filters that reduce soot by over 85 percent) or replace their diesel equipment or vehicles with new, clean engine models.

ARB regulates a growing universe of pollution sources in its fight for clean air. Cleaner fuels, gasoline dispensing vapor recovery systems, consumer products, on- and off-road vehicles and engines, and a host of air toxic control measures (ATCM) are just a few areas. While the sources are numerous and diverse, common to each regulation is the basic principle that air quality goals cannot be attained unless a high compliance rate is attained.

Ideally, businesses faced with new regulations comply voluntarily and ARB offers education, outreach, incentive, and compliance assistance programs to assist them. Despite these efforts, complete compliance is rarely achieved. This frustrates efforts to clean the air, and it disadvantages those who do comply by providing violators with an unfair economic advantage. ARB inspectors and investigators keep watch on those places where non-compliance is most likely, as well as in those areas where the illegal emissions have the largest adverse impact on public health.

Each new regulation expands the universe of inspection targets. In recent years, the Board's Enforcement Division (ED) has assumed an increasing number of responsibilities in all areas of the state. ED tests heavy-duty diesel vehicles for engine certification compliance, smoke emissions, and tampering, affecting all diesel-powered trucks and buses operating in California, including those that cross the Mexican border. It seeks out and intercepts imports of illegal vehicles, engines and consumer products at the state's large marine ports in Los Angeles, Long Beach and Oakland. ED ensures that diesel-powered school buses and delivery vehicles do not idle too long, or too close to children's developing lungs. ED requires the lowest-polluting fuels be used in cars and trucks, and that the highest level of particle controls are installed on diesel vehicles in construction, public, utility, trash-hauling fleets and in urban/transit bus fleets as well.

The challenge to reduce greenhouse gas emissions from both mobile and stationary sources was recently added to ED's responsibilities by California's landmark climate change legislation (AB 1493 of 2004 and AB 32, California's Global Warming Solutions Act of 2006). Enforcing the requirements of these programs will have beneficial impacts worldwide. ED employs a number of strategies to meet its challenges. ED prioritizes, cross-trains, and looks for opportunities to partner with local, state, and federal law enforcement. When the workload demands, ED augments its staff and updates its equipment. ED actively pursues the leads and complaints received from citizens and members of the regulated community. ED works with ARB's regulation writers to make sure that the programs they design can be effectively enforced and with laboratory staff to develop processes that will efficiently identify businesses' non-compliance.

ED works with industry to help it understand what the laws require and how they can achieve compliance. When ED discovers violations, it works closely with ARB attorneys to prepare strong and effective cases. And, through ARB's Public Information Office, ED makes sure that, when an enforcement case has been

resolved and the violator has been brought to justice that the word gets out to discourage others from breaking the law.

Finally, the enforcement program staff has experienced moderate growth in an effort to keep pace with our operational demands. This growth in staff has been accompanied by an increase in the number of enforcement actions over the recent years.

The following statistics highlight the achievements of ARB's Enforcement Program in 2008. Please refer to the Appendices section of this report for details on these statistics.

- 2,597 cases/citations closed;
- Approximately \$12 million in penalties collected;
- 2,593 of these cases/citations were closed administratively for over \$5.5 million;
- Four of these cases were closed via civil litigation for over \$6.4 million; and
- Funded 99 Supplemental Environmental Programs (SEP) totaling over \$2.6 million from penalties collected as a part of case settlement agreements.

The statistics for the Mobile Source Enforcement Program are as follows:

- 2,473 mobile source cases/citations closed for over \$3.9 million;
- 145 diesel fleet and exhaust retrofit cases closed for over \$2.2 million;
- Eight illegal motorcycle and off-highway recreational vehicle cases closed for over \$575,000;
- Two illegal aftermarket performance parts case closed for over \$44,000;
- One On Board Diagnostic case closed for \$250,000;
- 74 cases of non-California certified vehicles sold in California illegally were closed for \$278,500;
- Over 17,800 heavy-duty vehicles inspected for smoke emissions and tampering, with over 650 violations closed for over \$249,000;
- Over 7,700 inspections for commercial vehicle and school bus idling conducted, with over 300 violations settled for over \$84,600;
- Over 800 inspections of solid waste collection vehicles, with over 150 violations settled and over \$33,000 collected;
- Over 17,000 heavy-duty vehicles inspected for engine certification labeling requirements, with over 1,100 violations noted and over \$216,000 collected;

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- Over 100 inspections of public agency and utility company fleet vehicles, with over 15 violations cleared for over \$5,000 collected;
- Over 240 delinquent violations (multiple programs) closed for over \$162,800 collected;
- Over 10,300 vehicle inspections conducted in Environmental Justice areas and over 1,300 violations documented;
- Enforcement of idling limits for commercial vehicles, school buses and delivery vehicles and training of industry, local air pollution control districts and law enforcement on idling program compliance and enforcement;
- Enforcement of the AB 1009 Engine Emissions Certification Label regulations at the California-Mexico border and throughout California; and
- Enforcement of regulations regarding illegal imported products from Asia.

The statistics for the Stationary Source Enforcement Program are as follows:

- Two stationary source cases closed for over \$6 million;
- Nine fuels cases closed for various violations for a total of \$133,000;
- Over 745 cargo tanks inspected for proper certification and leak detection with 36 cases closed for \$16,750;
- Over 125 samples of portable fuel containers and spouts were collected during inspections, with 10 cases closed for over \$350,000;
- Over 864 million gallons of gasoline represented in sampling;
- Over 334 million gallons of diesel fuel represented in sampling;
- Over 16,260 inspections for off-road use only, non-taxed, red-dyed diesel fuel conducted on on-road vehicles;
- Over 2,300 consumer product samples gathered during inspections, with 35 cases closed for over \$1.4 million; and
- Over 2,020 inspections of locomotives conducted; 28 new violations issued, and 32 pending violations closed for \$12,800.

The statistics for the Training and Compliance Assistance Programs are as follows:

- Over 223 classes or multi-day training programs offered, representing over 11,350 student days of training; and
- Over 18,800 publications distributed, plus 131,600 web hits on handbooks alone.

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

It is ARB's practice to keep confidential the names of entities involved in pending enforcement actions. Completed 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 continues its comprehensive rulemaking agenda, we expect new regulations that will affect diesel emissions, goods movement equipment, climate change and more. The challenge is enormous, but the staff is willing and eager to face it.

INTRODUCTION

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

ARB sets and enforces engine and vehicle requirements and fuel standards to limit the emissions from stationary and mobile sources in order to protect the health of Californians. Cars, motorcycles, trucks and buses, off-road vehicles and equipment, and the fuels that power them are major sources of air pollution.

ARB is also responsible for statewide control of emissions from consumer products and sources of TACs such as particulate matter from diesel fueled engines, asbestos, formaldehyde and 18 other TACs. A full list of the 21 identified TACs is available at: <http://www.arb.ca.gov/toxics/id/taclist.htm>.

To carry out these responsibilities, ARB has undertaken a multifaceted program of planning, regulation development, and enforcement. This complex process weaves together air quality research, modeling and assessment, the development and adoption of regulations through a public 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 guarantees a level playing field for all participants. This report focuses on ARB's enforcement efforts in 2008, both direct enforcement and oversight of air 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 these violations, what remains constant in each is the unfair economic disadvantage suffered by those members of the affected industries that do comply. To address noncompliance and its effect on the state's health and economic welfare, ED 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, and by providing training and compliance assistance."

The 2008 Annual Enforcement Report discusses 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. It is ARB's practice to keep confidential the names of entities involved in pending enforcement actions.

For more information about ARB's enforcement programs, please contact James R. Ryden, Chief, at (916) 322-7061 or jryden@arb.ca.gov. For questions or comments relating to this report, please contact the Chief Editor, Michelle Shultz Wood, at (626) 459-4338, or email at mshultz@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 ED's web page as well, located at: <http://www.arb.ca.gov/enf/enf.htm>.

ENFORCEMENT DIVISION'S STRUCTURE AND DEVELOPMENT

Enforcement Division's three branches are 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, off-road engines like lawn and garden equipment, and aftermarket parts for on- and off-road vehicles.
- 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 regulated industry personnel for improving enforcement and promoting compliance.

Integral to the success of the enforcement program is ED'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 enforcement staff to negotiate settlements, or to prepare cases for referral for civil litigation or criminal prosecution to the California State Attorney General's Office, local district attorneys, or the United States Attorney's Office.

GENERAL ENFORCEMENT PROGRAMS

Strategic Plan

In 2005, ED began to develop and is currently implementing its Strategic Plan, which guides resource allocations and programs in order to enhance our efficiency. The Division is implementing a phased-in re-organization this year to effectively incorporate the remaining parts of the Plan.

Regulation and Legislation Coordination

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

Legislative Change

In 2008, Governor Arnold Schwarzenegger sponsored Assembly Bill (AB) 2922, DeSaulnier, (Chapter 687 Statutes of 2008) that clarifies the applicability of mobile source penalties (as detailed in Health and Safety Code (HSC) sections 43013 and 43016) to include violations of ARB's regulations pertaining to small off-road engines (SORE), Large Spark-Ignition (LSI) engines, off-road diesel engines, and portable fuel containers and spouts.

Prior to this legislative amendment, mobile source penalties were calculated on a "per vehicle" basis; however, non-vehicular sources (e.g., portable fuel containers and spouts, SOREs, etc.) were also subject to penalties under this statute. The amendment eliminated the ambiguity inherent to the "per vehicle" clause. The amendment took effect on January 1, 2009.

MOBILE SOURCE ENFORCEMENT BRANCH PROGRAMS

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 standard. 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 SOREs 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 in California new mobile sources unless they have been certified by ARB as meeting California emissions standards.

Mobile Source Enforcement Section Programs

Manufacturers apply for ARB certification annually. The Mobile Source Enforcement Section (MSES) is responsible for ensuring that all regulated mobile sources, both on-road and off-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 a low mileage, non California-certified 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 violator and issue an NOV. The NOV requires that any vehicle be removed from the state, and payment of a civil penalty of up to \$5,000 per vehicle, as authorized under HSC §43151 et seq.

Another area of focus for mobile source enforcement resources has been in the off-road categories. This includes off-road motorcycles and all-terrain vehicles commonly referred to as off-highway recreational vehicles (OHRVs); SOREs such as lawn and garden equipment, scooters, and generators; LSI engines which include fork lifts, sweepers, quads, and generators; and compression ignition engines over 175 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, and on ED's web page at <http://www.arb.ca.gov/enf/enf.htm>.

Mobile Source Enforcement Section Highlights

Limousine Enforcement

ARB has regulated on-road motor vehicles since 1966. 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 changed, 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 vehicles including, Hummers and Chrysler 300 M limousines. The violations of California law 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 2008, enforcement resources were focused on limousine enforcement. Twelve enforcement cases have been opened, with two closed in 2008. Two of the state's largest limousine manufacturers have begun the certification process.

Educational outreach is offered by MSES staff through presentations at industry association meetings and ongoing communication with the manufacturers and their Coach Builders' Association. In 2008, staff worked with the nation's largest industry publication and had 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 were not covered.

After-Market Parts Outreach

Staff continues to develop a positive working relationship with the Specialty Equipment Marketing Association (SEMA). These efforts help to ensure that all after-market parts that might affect emissions or emissions control systems are issued an ARB Executive Order (EO) that allows for their legal sale in California. Staff provided outreach at the 2008 SEMA show by explaining ARB enforcement programs to represented aftermarket company attendees, making available ARB fact sheets and answering questions. Staff continues to look for ways to assist industry with compliance issues that govern the aftermarket parts industry.

The industry has new challenges and opportunities before them with new climate change rules coming into effect. The theme of the 2008 SEMA show was Going Green, focusing on new ways to reduce your carbon footprint in the aftermarket parts industry. The timing of ARB's adoption of the new Catalytic Converter Regulation gave MSES staff a good opportunity at the show to ensure that the aftermarket parts industry is complying with current rules and regulations and is aware of new regulations on the horizon.

The ARB has had regulatory requirements for off-highway aftermarket parts for over five years. Unfortunately, the compliance rate is extremely low. In an effort to both reduce illegal aftermarket parts and ensure new vehicle certification, the MSES plans to develop an Off-Highway Vehicle Anti-Tampering Course. This course will be developed as a Peace Officer Standards and Training course and be offered to sworn park rangers and police officers. These officers already conduct enforcement of off-highway vehicles in the field, and this additional training will assist them in identifying and citing illegal vehicles and aftermarket parts.

Street Racing Enforcement Assistance

Mobile source enforcement staff has provided assistance to California Highway Patrol (CHP) and local law enforcement agencies throughout California in their efforts to eradicate street racing. Often the vehicles involved in these unlawful activities are equipped with illegal engine modifications and after-market parts which adversely 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 tampering citations that will withstand contest in resulting court cases. During 2008, ARB staff conducted numerous training seminars for law enforcement personnel. Law enforcement personnel conducted numerous 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 and Off-Highway Recreational Vehicles

SOREs and OHRVs continued to receive enforcement attention during 2008. Mobile source enforcement staff expanded the 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. The cases in this category have decreased overall as a direct reflection of the aggressive enforcement in this area in the past. These engines and vehicles are increasingly being legally certified.

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. Staff continues to work cooperatively with industry to

provide education that assists in industry's awareness and compliance with ARB laws and regulations.

In 2009, MSES staff will be focusing on a program similar to the street-racing enforcement assistance, but for off-road vehicles. Training will be offered to California Department of Parks and Recreation (CDPR) officers and Department of Motor Vehicles (DMV) investigators. The off-road training program will help the staff of these agencies to identify tampered off-road vehicles and assist them with writing tampering citations that will be upheld in court.

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. Enforcement staff continues to work with DMV and CDPR 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 2008, staff continued enforcement of ARB's motorcycle regulations. Due to the focus on custom motorcycle builders' enforcement in 2006 and 2007, this category was found to be generally in compliance in 2008, with the exception of one custom manufacturer that was supplying uncertified motorcycles to dealers in California. The 2008 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.

Aftermarket Catalysts on On-Board Diagnostics II Vehicles

During 2007, the existing ARB Aftermarket Catalytic Converter Regulations were amended by the Board. The amendments limit the type of aftermarket catalytic converters that can be sold or installed by California muffler shops. The amended regulations were first implemented on January 1, 2009.

In 2008, staff focused enforcement efforts on manufacturers that were supplying uncertified catalytic converters to California dealers and suppliers. As a result, enforcement actions have been initiated against shops that install illegal catalysts and manufacturers that are supplying these converters, with a number of new cases opened in 2008.

The cost differential between a legal OEM catalyst and an illegal aftermarket catalyst can often be 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.

On January 1, 2009, new regulations became effective that require all aftermarket catalysts sold in California to meet more stringent performance and durability standards. All aftermarket catalysts now sold in California must have an EO issued

pursuant to these new regulations. The older style catalysts are no longer legal for sale or installation in California. Since the cost of the newer, more effective catalysts is higher, we anticipate a large increase in non-compliant catalyst sales. Enforcement efforts will focus on these illegal sales in 2009.

Asian Import Market

During 2008, 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 U.S. EPA, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, and Chinese governmental agencies to ensure that Asian import products coming into California fully comply with California environmental regulations.

In 2008, ARB mobile source enforcement staff investigated a number of Asian import market cases and is pursuing administrative, civil, and criminal action against violators. The number of mobile source enforcement cases opened in 2008 against Asian importers and distributors has decreased from past years. This is a direct reflection of the success of the mobile source enforcement program in this area, and the outreach that has been ongoing with Asian government, environmental groups, and academic representatives, primarily from China.

Late in 2008, ED staff met with various representatives from different governmental and industry organizations in China. These visitors were provided with detailed presentations of ARB's regulatory and enforcement programs and tours of ARB Hagen Smit Laboratory to observe vehicle and engine emissions testing.

This outreach and training is part of an ongoing program available to visiting Asian delegations, including members of universities, media, government and environmental groups which are interested in California's air quality programs and how they can be adapted to Asia's needs. This outreach effort has already shown quantifiable benefits, demonstrated by the decrease in illegal imported Asian OHRVs and the increased number of certified Asian products coming into California and the U.S.

Marine Engine and Watercraft Enforcement

The Spark-Ignition Marine Engine (SIME) regulations, amended in 2008, include a carbon monoxide emissions standard for all watercraft engines, and evaporative emissions control requirements for all high-performance stern-drive engines.

ARB staff vigorously enforced the SIME regulations in 2008 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 the Southern California Marine Association on various enforcement-related topics.

Beginning 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.

Starting in January 2009, the bill applies to engines exceeding 500 horsepower. 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. The ARB website: www.arb.ca.gov/msprog/offroad/recmarine/recmarine.htm contains more detailed information and history on this subject.

New residents to California who purchased a vessel in their previous state of residence are exempt from meeting these provisions. AB 695 does not include personal water craft or outboard engines and is not enforceable by ARB. Although the law does nothing to prevent California residents from purchasing uncertified personal watercraft or outboard engines outside of California and attempting to register the vehicle in California, ARB regulations do require marine engines and personal watercraft used or registered in California to be California-certified.

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.

In early 2008, MSES staff discovered that there were 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 2008 enforcement was on sandcar manufacturers and the engine builders that provide the engines to those manufacturers. As a result of those investigations, three engine suppliers have obtained EOs covering their engines and the vehicles that they are installed in. Several additional engine manufacturers are in the process of obtaining EOs to cover more of the industry's vehicle models.

Overall, the sandcar enforcement effort has been successful in bringing this industry into compliance with the new OHRV regulations and requirements. Over thirty-seven cases have been settled so far. The program is ongoing and will continue through 2009, with the goal of certification and compliance throughout this industry.

DMV, CHP, and CDPR Interagency Coordination Meetings

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

Heavy-Duty Diesel Enforcement Section Programs

In 1998, ARB determined that diesel exhaust is a toxic air contaminant. As a result, ARB developed ATCMs, a series of programs 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 all diesel fleets 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. In the future, retrofits will be required on fleet segments that conduct business in seaports and inter-modal rail facilities, as well as on transport refrigeration units (trailers equipped with diesel-powered cooling systems), on-road diesel-powered vehicles, and off-road diesel-powered vehicles, such as earth movers and graders.

Also, 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, Mexico and 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 engine, confirming with another opacity test for lowered smoke levels, submitting repair receipts, and paying a 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 their logs of smoke opacity test results to ensure that the requirements are met.

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 engine, having the engine inspected by an authorized Smog Check Station or ARB inspector, submitting repair receipts, and paying a penalty.

In 2007, the California Legislature enhanced ARB enforcement by adopting AB 233. Under this statute at ARB's request, DMV can refuse the registration, renewal or transfer of registration for vehicles with violations not cleared. The statute became effective January 1, 2008.

Engine idling of school buses, commercial vehicles and off-road vehicles is now prohibited for longer than five minutes. This is intended to reduce public exposure, especially that of children, to harmful diesel particulates. ARB enforcement inspectors routinely run idling inspections at truck stops and other locations where idling occurs to ensure truck operators are abiding by the idling laws.

Heavy-Duty Diesel Enforcement Section Highlights

Assembly Bill 233

In order to increase enforcement capabilities to meet AB 233 requirements, ARB has contracted with the San Joaquin Valley APCD to allow district inspectors to assist ARB by performing idling enforcement functions. This arrangement is a forerunner for future projects involving additional air districts throughout California. Under the authority granted by AB 233, ARB has also provided idling enforcement training to local law enforcement officials and to the staffs of the Bay Area AQMD and the South Coast AQMD. AB 233 also increased the base penalty for idling violations to \$300 and authorizes the DMV to place registration holds on vehicles that have outstanding ARB citations. For more information regarding AB 233, see <http://www.arb.ca.gov/enf/hhla/hhla.htm>.

Focused Environmental Inspections in Environmental Justice Communities/Ports

ARB participates in an ongoing program of multi-agency vehicle inspections in mixed commercial/residential locations known as Environmental Justice (EJ) areas. Due to location, these EJ areas receive an adverse amount of emissions of oxides of nitrogen and particulate matter from diesel-powered trucks and buses and include 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; the 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 operations, ARB staff coordinates with enforcement personnel from CHP, U.S. EPA, the U.S. Coast Guard, the U.S. 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). The number of ED inspections and violations are in Appendix C, Table C-7.

California-Mexico Border Programs

Currently, there are designated commercial zones around the ports of entry at Otay Mesa, Calexico, and Tecate 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 mitigate 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. Mexican commercial vehicles are inspected for engine certification, emissions and tampering when they travel through these inspection sites.

ARB Border Region Activities

In 2008, ARB:

- Conducted commercial vehicle inspections in conjunction with CHP to detect excess emissions, tampering, and, as required by AB 1009 of 2004 (Pavley) to ensure that commercial vehicles operating in California have U.S. EPA-certified engines. Owners of vehicles found in violation are cited, assessed penalties, and must repair the vehicles within 45 days; failure to comply can result in CHP impounding non-complying vehicles. During 2008, 3,798 commercial vehicles were inspected in this region, with 378 violations found, a 10 percent failure rate. This is an improvement over the failure rate of 14 percent during 2006 and 2007.
- Settled the first diesel fleet enforcement case for \$50,000 against Cal-Mex International Broker Inc., in cooperation with the AG (see Appendix B).
- Worked with Cal/EPA's Border Affairs Office and the Mexican EPA to expedite adoption of a 15 parts-per-million sulfur diesel fuel standard nationwide in Mexico. This is currently planned for 2010, and will bring Mexico's fuel and engine standards in alignment with those in the U.S. and Canada.
- Continued workshops, in cooperation with CHP, for Mexican and American trucking company owners/operators and public agencies in San Diego and Imperial County, to discuss ARB's commercial vehicle emissions programs and

CHP's safety programs.

- Conducted vehicle operator surveys of commercial fleets to determine the age, mileage and emissions profiles of Mexican trans-border vehicles, and provided compliance assistance training for Mexican fleets' owners/operators.

California Council on Diesel Education and Technology

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. In 1992 ARB created the California Council on Diesel Education and Technology (CCDET), an ARB partnership with the diesel trucking industry, and five California community colleges (College of Alameda, San Joaquin Delta College, Santa Ana College, Los Angeles Trade Tech., and Palomar College). These schools offer a low-cost, one-day class in the proper application of SAE J1667. The CCDET colleges held 55 classes in 2008.

ARB policy recommends that certification through CCDET be renewed every four years (see ARB Advisory 340 at www.arb.ca.gov/enf/advs/advs340.pdf.) The CCDET program is currently adding modules to cover other ARB diesel regulatory programs, such as retrofits to idling controls on diesel engine emission control systems.

Smoking Vehicle Complaint Program

Smoking vehicles can have a very significant effect on our air quality. A well-maintained vehicle is a cleaner-running, lower-emitting vehicle. 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. Twenty percent of the owners contacted repaired their vehicles in 2008 which is demonstrated in Appendix C, Table C-2.

School Bus Idling Air Toxic Control Measure

Since 2002, the school bus idling ATCM has required 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 in its DRRP, designed to reduce diesel emissions levels 85 percent by 2020.

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 a written outline of their intended 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 2008, ARB staff selected 26 locations for spot checks and investigations. Three Notices of Violation were issued and \$300 was collected. 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. This 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 a citation if found in violation of the idling regulations.

Exemptions are provided for idling that is necessary for passenger comfort, safety, and performing work for which the vehicle was designed. The exemption had allowed a driver resting in the sleeper berth of the vehicle to idle longer than five minutes. On January 1, 2008, the sleeper berth idling exemption was eliminated. Now, all sleeper berth or other heavy-duty vehicles that do not meet a 30 gram per hour NOx emission standard, regardless of model year, are subject to the five-minute limit.

Drivers may use a number of alternatives to idling a vehicle's main engine, such as on-board auxiliary power systems, battery systems, truck stop electrification, thermal energy systems, or off-board systems such as idle-air systems that attach to the truck window for cab comfort purposes. More alternatives and detailed information are at <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.

Outreach and enforcement efforts for drivers of sleeper berth vehicles were dramatically increased throughout 2008. The contract between ARB and SJVAPCD that allocated District inspectors to perform idling enforcement functions within the District's boundaries increased enforcement efforts. The idling enforcement training was also provided to Bay Area AQMD and South Coast AQMD staff, as well as to CHP and the Ontario Police Department.

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 outline compliance efforts. In 2008, 307 citations were closed and \$84,325 in penalties was collected. Forty-three complaints were received, 43 Advisory letters were sent, and six responses were received, for a response rate of 14 percent.

Additional 2008 enforcement statistics for this program are in 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. This effort expanded to conducting comprehensive multi-program audits of facilities, review of compliance reports submitted to ARB regarding diesel exhaust retrofits, and inspection of each vehicle for the installation of diesel particulate filters, engine certification labels, and filter device, engine, and cab labeling.

A case against the fleet includes the violations, assessed penalties based upon HSC and California Code of Regulations (CCR) regulations, and a list of additional requirements, such as attending CCDET classes, re-flashing engine computers, and an injunction against future violations is placed upon the company. These cases are initially presented to the fleet for settlement with ARB. Staff forwards the cases that remain unsettled to the AG or to local DAs for prosecution.

In 2008, ARB reached 133 settlements totaling over \$2 million with companies for violating regulations governing these programs. See Appendix C, Table C-12.

Fleet Rule for Transit Agencies

The Fleet Rule for Transit Agencies is ARB's effort to reduce both criteria pollutant emissions and exposure to TAC 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 2008 engine exhaust emission standards, or by using alternative fuels. Annual reporting is also required from all public transit providers by January 31 of each year. During 2008, six transit fleet cases were settled for a total of \$19,125. See Appendix C, Table C-12.

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 in 2008 and found to be in violation of this reporting requirement. Three violations were settled for over \$139,000.

Full enforcement of the TRU registration requirements will begin in 2009, since the waiver from U.S. EPA under Section 209 of the Federal Clean Air Act was not received until January 2009. See Appendix C, Table C-12.

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 solid waste for a fee. Each year from 2004 through 2010, waste hauling and waste recycling companies are required to retrofit exhaust systems on more of 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 (bhp) hour level by 2010.

Enforcement of this program is being conducted with HDVIP and PSIP. During 2008, 16 SWCV fleet cases were settled for over \$265,000 and 160 NOVs were cleared for \$33,600. See Appendix C, Tables C-10 and C-12 for other statistics regarding this program.

Carl Moyer Program and Proposition 1B Goods Movement Emission Reduction Program Compliance Checks

The Carl Moyer Program provides incentive grants to reduce emissions from heavy-duty diesel engines. The incentive grants offset the cost of replacing older, high-polluting engines with newer engines certified to more stringent emission standards.

Proposition 1B provides funding to cut air pollution and health risks by upgrading diesel equipment that is used to move freight in California.

Before these funds are released, ED staff performs compliance checks on the vehicle's registered owner and the vehicle's identification number (VIN) to determine if there are any outstanding violations within the various enforcement programs. If an outstanding violation is found, the vehicle owner is required to provide proof of compliance and pay all civil penalties before the funds are released. For the 2008 enforcement statistics of this program, see Appendix C, Table C-11.

STATIONARY SOURCE ENFORCEMENT BRANCH PROGRAMS

The Board's Stationary Source Enforcement Branch conducts research and planning and works in conjunction with the 35 local air districts to ensure compliance and oversees 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 criteria pollutants. Up to 50 percent 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 Branch 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 Section Program

ED's Fuels Program ensures that motor vehicle fuels meet the standards established by the Phase 3 California Reformulated Gasoline (CaRFG3) regulations as well as those established by Cargo Tank Vapor Recovery regulations. The enforcement of this program includes: the inspection of motor vehicle fuels facilities which produce, import and offer for sale California gasoline and diesel fuel; the inspection and certification of cargo tank vapor recovery equipment on gasoline cargo tank trucks; and pursuing violations of fuels and cargo tank regulations. In addition, Fuels staff review and evaluate the data submitted by companies who use alternative compliance options, such as predictive models for gasoline and certified fuels formulations for diesel fuels. In the Cargo Tank Vapor Recovery program, staff review company applications and provide annual certifications for over 5,000 cargo tanks.

Outreach to the regulated industry is a significant aspect of the Fuels Enforcement Program. Support in the form of training seminars, instructive web pages, and individual discussions and group meetings are offered on an ongoing basis to fuels producers, cargo tank owners, other regulatory agencies, and the public. This support helps to clarify the complex aspects of the regulations and keeps the regulated community alerted to upcoming changes in the regulations.

Fuels Enforcement Section Highlights

Field Investigations

A primary component of the Fuels Enforcement Program is the inspection of motor vehicle fuels at refineries, import vessels, distribution and storage facilities, service

stations, and bulk purchaser/consumer facilities. Fuels inspectors obtain samples of gasoline and diesel fuel which are analyzed in ED's mobile fuels laboratory or ARB's El Monte laboratory for compliance with CaRFG3 regulations and California diesel fuel regulations. Today, California consumes over 20 billion gallons of gasoline and diesel per year. Currently, California gasoline is produced at 13 major refineries and imported from all over the world. Diesel fuel comes from an even more diverse group of producers and importers. Even small changes to California's motor vehicle fuels can have a large effect on overall emissions and public health.

California's producers and importer of reformulated gasoline and diesel fuel currently operate under an enforcement exemption from U.S. EPA. U.S. EPA allows the demonstration of compliance with the California rule to demonstrate compliance with the federal rule for California.

Gasoline samples are analyzed for total aromatic hydrocarbon content, benzene content, T50 and T90 distillation temperatures, olefin content, oxygen content (including the oxygenates ethanol and methyl tertiary-butyl ether (MTBE)), Reid vapor pressure, and sulfur content.

Diesel fuel samples are primarily analyzed for total aromatic hydrocarbon content and sulfur content. Samples subject to a diesel fuel alternative formulation are also analyzed for polynuclear aromatic hydrocarbon content, nitrogen content, and cetane number.

In 2008, fuels staff collected 1,689 samples of gasoline and 451 samples of diesel fuel for a total of 2,140 samples. See Appendix D, Table D-4 for more data regarding fuels inspections. You may also visit the Fuels Enforcement web page 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 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, staff issues an NOV and develops a case.

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 2008, fuels staff conducted 18,615 analyses on gasoline and diesel fuel. See Appendix D, Table D-4 for detailed fuels analysis data.

Phase 3 California Reformulated Gasoline

Changes to the CaRFG3 regulations were developed to provide flexibility to producers and importers to produce alternative formulation of California gasoline while preserving the benefits of the program. The regulations allow refiners and

importer to certify gasoline prior to the production of the final blend. Most refiners and importers use a Predictive Model to certify their gasoline. To allow refiners and importers to certify gasoline prior to the addition of an oxygenate, such as ethanol. A California model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB) was developed to allow producers and importers to project the final parameters of the gasoline after all components are blended. While this significantly increases flexibility for refiners, it also increases the complexity of the program.

In 2008, ARB inspectors enforced the Phase 3 regulations by performing over 17,400 analyses on samples of California gasoline collected during fuels inspections.

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 ARB with data regarding the specific alternative compliance limits. Electronic forms were developed by ED allowing producers, importers, and small refiners to submit this information while maintaining the basic enforceability of the program.

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 2008, staff received and evaluated 3,082 predictive models from producers and 88 predictive models from 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 the ED fuels team 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 a certified distributor, a company must submit an application to ARB which includes its principal place of business and the location of its records.

In 2008, ED staff certified over 270 distributors of motor vehicle fuel. Fuels staff issued its annual list of certified distributors to gasoline and diesel fuel retailers in 2008 and made it available to the public on the ARB's website. For more information, see <http://www.arb.ca.gov/enf/fuels/distcert.htm>.

Oxygenate Blender Certification Program

The Oxygenate Blender Certification Program, defined by Title 13, CCR, [Section 2266.5\(g\)](#), was created to ensure that gasoline blend stock, known as CARBOB, complies with the standards for California Gasoline. Any oxygenate blender must register with ARB at least 20 days before blending oxygenates with CARBOB. To

obtain certification, an oxygen blender is required to provide the facility name and the physical location of records, contact name and telephone number for each blending facility.

In 2008, staff certified over 50 oxygenates blending facilities. Fuels staff posted its annual list of certified blenders at <http://www.arb.ca.gov/enf/fuels/oxyblend.htm>.

Red-Dyed Diesel Fuel Enforcement

Diesel fuel that is used solely for off-road equipment is not subject to the state and federal motor vehicle fuels tax that applies to on-road vehicles. The 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 in on-road vehicles. The Board of Equalization (BOE) has contracted with ARB to conduct field inspections to prevent the use of illegal non-taxed diesel fuel. The exempt fuel is dyed red so that inspectors are able to distinguish it from the non-exempt fuel.

Under the contract with BOE, ARB inspectors, whose primary responsibility is to inspect heavy-duty 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 illegal, 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 2008, staff conducted more than 16,250 red-dyed diesel fuel inspections and found 23 violations. These inspections are conducted as part of the HDVIP program. For more detailed information, please see Appendix D, Table D-6.

Cargo Tank Vapor Recovery Program

Vapor recovery systems on cargo tanks capture the gasoline vapors produced during the transportation and delivery of gasoline. The Cargo Tank Vapor Recovery Program (CTVRP) enforces HSC Section 41962 (g), which requires annual certification of the vapor recovery system of every tank vehicle transporting gasoline to ensure the system is installed properly and then maintained.

CTVRP staff review and process applications for compliance with the annual leak rate requirements for cargo tanks, and maintains a database of over 5,000 cargo tanks that are ARB-certified every year. A 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. In 2008, staff certified 5,708 cargo tanks.

CTVRP Enforcement staff conducts 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 stop reloading gasoline 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 cargo tank testers to ensure that leak tests are being conducted properly. In 2008, 405 new cargo tanks were evaluated by CTVRP inspectors. See Appendices A and D, Table D-3 for further information regarding inspection results from 2008. For more information about this program, please visit <http://www.arb.ca.gov/enf/cargotanks/cargotanks.htm>.

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. Most of the fuel specification cases are settled in lieu of litigation; cases that cannot be settled in this manner are referred to the OLA for civil or criminal litigation, with case development staff assisting the prosecution.

In 2008, staff settled or closed 9 fuels cases and collected \$133,000 in penalties. See Appendices A, Table A-1, and B for an overview of case dispositions and summaries of the significant cases resolved in 2008.

Consumer Products Enforcement Section Program

In virtually every California household and business, there are consumer products that are regulated by ARB for VOC content. These products include aerosol cooking sprays, shaving cream, automotive waxes, hairspray, deodorants, lawn and garden insecticides, aerosol coatings (spray paints) and glass cleaners, to name a few. At present, there are approximately 120 types of regulated consumer products, with individual VOC limits for each product form.

Since consumer products are a significant source of VOC emissions in California, which contribute to the formation of ozone and particulate matter pollution, the role of the Consumer Products Enforcement Section (CPES) staff is to ensure that the consumer products available to the public comply with the California standards. In every area from Humboldt County to Imperial County, every type of supplier of consumer products, from the big box retailers to gas stations, is inspected by CPES staff. Samples are also obtained from internet retailers and mail order outfits to verify that products available for sale to household and institutional consumers in California comply with the Consumer Product Regulations. CPES staff also conducts inspections based on complaints, and follow-up inspections ensure that compliance is maintained.

In 2008, CPES staff purchased over 2,300 consumer products. After the products are purchased, CPES staff logs each product into the CPES database, and the products are then transferred to ARB's Monitoring and Laboratory Division (MLD) for testing of VOC content or reactivity limits testing. After receipt of the laboratory analyses, the consumer products that exceed the state VOC standard are assigned to CPES staff for further investigation. CPES staff then contacts manufacturers or retailers to confirm whether or not there is a violation of the Consumer Products Regulation. In 2008, 61 NOVs were issued. Staff works with companies to reach a

mutual settlement agreement. If an agreement cannot be reached or if a company is uncooperative, CPES staff refers the case to ARB's OLA for resolution. CPES staff settled 35 cases and collected \$1,450,650 in penalties in 2008. See Appendix D, Table D-1.

In addition to consumer products, portable fuel containers and their spouts are required to limit the emissions from evaporation, permeation, and spillage of fuels. Typically these are, reusable cans with spouts that are used to store, transport, and dispense gasoline, diesel or kerosene into fuel equipment machines, such as lawn maintenance equipment and vehicles.

Retailers that carry portable fuel containers and spouts are inspected for compliance with the Portable Fuel Containers and Spouts regulations. When a non-complying product is found, CPES staff takes enforcement action against the supplier of the illegal product. During 2008, 126 portable fuel containers were purchased, resulting in 10 cases being settled for \$352,000. See Appendix D, Table D-2.

Consumer Products Enforcement Section Highlights

Windshield Washer Fluids

Windshield washer fluids are a unique consumer product category, because the permitted VOC limit differs depending on where the product is sold in California. The regulations permit a one percent VOC by weight limit for Automotive Windshield Washer Fluids for Non-Type-A areas of California; areas in coastal and valley regions of California that do not routinely experience freezing temperatures. In Type-A areas of California, the regulations permit a 25 percent VOC by weight limit for Automotive Windshield Washer Fluids due to the freezing temperatures that are sometimes experienced in these areas.

In 2008, CPES staff found several retailers and distributors supplying non-compliant windshield washer fluid products in non-Type-A areas of California. Computer distribution errors were frequently cited as the main cause for the errors. CPES staff will continue to focus on this category to ensure continued compliance.

Portable Fuel Containers

Staff continues to purchase samples of non-compliant portable fuel containers and spouts offered for sale in California by retailers and internet sites. The goal is to ensure reductions in the emissions from evaporation, permeation, and spillage of gasoline, diesel, and kerosene fuels. Given the standardization of the state and federal regulations implemented in January 2009 by the U.S. EPA's national regulations, we anticipate that the number of violations related to non-compliant portable fuel containers will be reduced significantly in the coming years.

Multiple Air Freshener Cases

In 2008, there was a significant increase of new air freshener products introduced into the California marketplace, and CPES saw its caseload expand accordingly in this product category. A wide variety of both imported and domestically

manufactured products were investigated, including reed diffusers, scented lamp fuel, and products designed for use in home air conditioning units.

Many of the new products were not in compliance with the air freshener categories, and staff spent a significant amount of resources investigating the extent of the problem. Thus far, four cases have been settled in 2008, and several more cases are pending. In addition, CPES staff is working with representatives of the manufacturers to facilitate a broad settlement agreement that would satisfy several violations found in 2008.

New Regulatory Requirements for Products

1) High Global Warming Potential Consumer Products

Changes to the California Consumer Products Regulations were adopted by the Board in June 2008, and will become effective once approved by the Office of Administrative Law (OAL). The changes included definitions for Global Warming Potential (GWP) and Global Warming Potential Value (GWP Value). These definitions are necessary to implement ARB's proposal to reduce the use of compounds with high GWPs, such as those in Pressurized Gas Dusters. GWP provides a measure of a compound's impact on global warming, compared to CO₂. The Pressurized Gas Duster category will become effective in 2010, and must meet a one percent limit.

2) New VOC Limits for Consumer Products

In the same regulatory action, new or lower VOC limits were also added to 19 categories of consumer products, which should result in approximately 5.8 tons of emission reductions per day. Prohibitions on the use of three chlorinated compounds were also included for several categories.

3) Ready to Use Pump Spray Containers

CPES staff became aware of consumer products packaged in "ready to use" pump spray containers that were labeled to be diluted by the user prior to use. Many of these products did not comply with the VOC limits unless they were diluted. The Board adopted a modification to the Consumer Product Regulations to clarify that products sold in "ready-to-use" containers meet the specified VOC limit prior to any minimum recommended dilution.

4) Portable Outboard Marine Tanks Regulation

On September 25, 2008, the Board adopted a new regulation covering the permeation and diurnal emissions from the tanks, caps, hoses, hose fittings, and primer bulb assemblies used to store and supply fuel to outboard marine engines. CPES staff worked to ensure the enforceability of the new Portable Outboard Marine Tank and Components regulation as it was developed. This regulation is expected to reduce ROG emissions by 4.2 tons per day; however, achieving the reductions depends on a California-specific enforcement program which remains to be funded.

Complaints Filed by District Attorney and Attorney General on Consumer Products

On February 13, 2008, a complaint was filed with the Superior Court of California, Stanislaus County against the consumer products distributor Pro's Choice, and the retailers Long's, Walgreens, RITE AID, Ralphs, Target, and Kmart. This complaint was filed by the Stanislaus DA, joined by DAs from several other counties, and the AG. The complaint alleges the sale of non-compliant high-VOC hair care products throughout California.

A separate complaint was filed by the Office of the AG against Target Corporation on October 17, 2008 in Superior Court of California, County of Sacramento. The complaint concerned the sale of products that were alleged to be in violation of the Consumer Products regulations, Portable Fuel Container regulations, and the SORE Regulations.

Stationary Source Enforcement Section Program

The Stationary Source Enforcement Section (SSES) provides certain stationary source programs and activities in all of the local air pollution control districts. As presented below, Appendix E provides additional statistics of these programs and activities.

Stationary Source Enforcement Section Highlights

Complaint Investigation

The SSES conducts special investigations of air pollution complaints from stationary sources referred to ARB by air districts, by OLA, the Executive Office, and by other agencies. Also, SSES conducts compliance inspections to assist other ED sections with case development and special projects to ensure compliance with all HSC requirements concerning stationary sources. In 2008, staff completed 12 complaint investigations and nine special projects.

Complaint Hotline

The Complaint Hotline, (800) 952-5588, provides a means for all Californians to call and voice their concerns regarding air pollution problems, to alert ARB of persistent odors, emissions from industry, vapor recovery equipment problems at gas stations, smoking vehicles, and questions about all air pollution are fielded. Every call received is recorded, assessed, and either referred to the appropriate air district or agency, or investigated by ARB. In 2008, staff responded to 1,059 complaints/questions. See Appendix E, Table E-1.

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 SSES reviews all hearing board orders for compliance with HSC requirements. A letter requiring corrective action is sent to the affected air district and hearing board if the board order does not comply with the mandated requirements. SSES staff also maintains a database to monitor all activity related to board orders; staff attends hearings conducted by air district hearing boards and performs audits of the districts' variance programs to evaluate their effectiveness. In 2008, staff addressed 388 hearing board issues and reviewed 482 variances and abatement orders. See Appendix E, Table E-2.

Air Facility System

The SSES oversees the collection, input, and quality assurance of the compliance and permitting data entered into U.S. EPA's Air Facility System (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 ARB with data for Title V certification report reviews, inspections, and source tests. SSES staff uploads the data into the AFS database and pulls bimonthly (every 60 days) reports for the 26 districts and for U.S. EPA.

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

TXI Riverside in the Mojave Desert AQMD and Evergreen Pulp and Paper in the North Coast Unified AQMD are two examples of numerous District HPVs that triggered major enforcement action by U.S. EPA. These two sources will be emitting significantly less because of U.S. EPA's enforcement action, thus, improving air quality.

Staff conducts mini-audits where supporting documentation, supplied data, and the practices for the FCE and HPV programs are reviewed. Staff also assists U.S. EPA in training district personnel to effectively use the AFS database. In 2008, staff entered 74 FCE reports and 35 HPV reports. See Appendix E, Tables E-3 and E-4.

Continuous Emission Monitoring Program

Any stationary source that an air district requires to install and operate a continuous emission monitor 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. SSES collects, stores, analyzes and reports this information. In 2008, staff received and processed 2,976 reports. See Appendix E, Table E-5.

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 adopted rules, and nearly eliminating the need for ARB to identify rule deficiencies at public hearings. ED reviews 90 percent of all air district rules submitted to ARB. In 2008, ED staff reviewed 234 rules. See Appendix E, Table E-6.

Agricultural Burning

SSES 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 air 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 2008, staff addressed 44 burn issues. See Appendix E, Table E-7.

Strategic Environmental Investigations and Enforcement Section Program

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 (MOU) 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. SEIES 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 2008, SEIES successfully concluded several major cases valued at over \$6 million in penalties and mitigation costs. See Appendix E, Table E-9.

Strategic Environmental Investigations and Enforcement Section Highlights

Sierra Pacific Industries Supplemental Environmental Program Monitoring

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 other facilities and additional violations. SEIES worked in conjunction with staff of the Placer County APCD, U.S. EPA, and the AG to bring this case to a successful conclusion. The case was settled on June 26, 2007 with an \$8,498,500 cash penalty, to be shared by Placer County, the AG and ARB.

SPI committed to spending the remaining \$4.5 million on 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. In 2008, investigators in SEIES continued to monitor SPI facilities to ensure that the SEP is being implemented.

MCM Construction, Inc. Investigation

On June 2, 2008, ARB and the AG settled an enforcement case brought by ARB, Mendocino County AQMD, and Ventura County APCD with MCM Construction, Inc. that began in 2006 with the investigation of complaints about the operation of non-permitted equipment used by MCM Construction at various transportation construction projects around California.

Among the violations documented were: failure to obtain the required Portable Equipment Registration Program (PERP) certificates or AQMD/APCD Permits to Operate for various equipment types (diesel powered cranes, pile driving hammers, vibratory hammers, concrete pumping equipment, etc.); and failure to notify the host district of movement of non-host equipment/engines into the host district within the required notification period.

The case settled for \$6 million, with a cash payment of \$4 million for penalties and costs, a SEP of \$2 million for replacement of older engines with newer, clean-burning engines, and adoption and implementation of an internal environmental auditing process.

Gregg Industries, Inc. Odor Investigation

SEIES staff began an investigation of Gregg Industries, Inc. (GII), a gray iron foundry operation in El Monte as a citizen-initiated complaint in 2006. The SCAQMD, responded to citizen complaints in the neighboring area and identified numerous violations over the course of three years.

On November 5, 2008, the SCAQMD announced a \$4.7 million settlement with GII in the abatement order action, with the entirety going to a SEP. Specific requirements in the SEP will require GII to phase out all VOC core sands by July 1, 2009, farm out existing molding orders to other foundries in the interim, phase in the use of CO₂-

molded sands in the 2009-2010 time frame, hire a full-time environmental coordinator at the facility, and hire a full-time environmental engineer at the facility. Staff will monitor the facility's progress.

Rio Bravo Cogeneration Facility Investigation

At the request of the Placer County APCD, SEIES staff assisted the District with analysis of continuous emission monitoring data from the Rio Bravo cogeneration facility near Lincoln. In early 2008, staff concluded the requested analysis. The analysis showed many violations of the District's opacity standard, frequent violations of the CO emission standards during startup, and a few violations of the NOx emission limits. All emission limitations are in District regulations or permit conditions. The District settled the violations for over \$242,000.

Jong's Organic Fertilizer, Inc. Complaint Investigation

SEIES staff investigated an odor complaint lodged against Jong's Organic Fertilizer, Inc. located in southern Riverside. ARB's complaint hotline received several odor complaints against this facility. The matter was set for a Planning Director's Hearing on March 5, 2008, but was bumped up to the Riverside County Board of Supervisor's Agenda on February 20, 2008, where the Conditional Use Permit modification and the Zone Change were both denied by the Board. This action became final, and the fertilizer operation was closed.

Lyles Mechanical Company and Hexavalent Chromium Complaint Investigation

In 2008, SEIES staff was informed of a complaint received by Department of Toxic Substance Control (DTSC). The complaint stated that Lyles Mechanical Company was emitting hexavalent chromium fumes generated by the cutting and welding of stainless steel. The complaint also stated that methylene-chloride-based solvents are used at the facility and there are no ventilation controls.

A multi-media inspection was conducted in conjunction with ARB, DTSC, and Colusa County Environmental Health. The facility was found to have unpermitted equipment. Lyles Mechanical Company is currently working with Colusa County Environmental Health and the Colusa County APCD to bring the company into compliance.

Los Angeles Department of Water and Power – Asbestos Investigation

On August 3, 2007, SEIES staff conducted an investigation of the Los Angeles Department of Water and Power concerning the demolition of structures without notifying ARB. This is a violation of the federal Clean Air Act National Emissions Standards for Hazardous Air Pollutants (NESHAP) asbestos regulations. As a result of their investigation, U.S. EPA and SEIES investigators determined that the structures owned by LADWP near Niland, California, were demolished in August 2007 by employees of LADWP. LADWP failed to notify U.S. EPA about the demolition before it occurred, as required by NESHAP regulations. U.S. EPA collected over \$9,000 in penalties for this case in September 2008.

Ed Chun and Rosalva Caro – Asbestos Investigation

In February 2008, SEIES staff conducted an investigation of Ed Chun and Rosalva Caro for demolishing a structure without notifying ARB. This is a violation of federal NESHAP asbestos regulations. U.S. EPA and SEIES investigators determined that the structure, Old La Fuente Restaurant in Imperial, California, was demolished on February 6, 2007 by Ed Chun Architectural Corp. The owner, Rosalva Caro, and the demolition contractor failed to notify U.S. EPA and ARB about the demolition before it occurred, as required by NESHAP regulations. U.S. EPA collected over \$9,000 in penalties for this case in September 2008.

Sacramento Metropolitan AQMD Investigative Assistance

In 2008, SEIES received an enforcement referral from SMAQMD. The District had identified a number of diesel fire pumps manufactured by Clark (used in fire sprinkler systems) that were failing a NO_x emission standard during initial startup source tests. These source tests were being required by SMAQMD for new equipment that was subject to the ATCM for Stationary Compression Ignition Engines. Some Clark units had already received local air pollution permits and some were pending (under Authority to Construct).

SMAQMD noted that these stationary engines had not been certified by the federal government to meet Tier-2 (mobile) standards, which is the applicable standard referenced by the ATCM. After investigating the issue, SEIES staff determined that uncertified engines can comply with the ATCM by being compared to “similar” Tier-2 engines that are properly certified.

Surveillance Investigative Assistance

The SEIES surveillance unit continues to assist state and local agencies, including APCDs, in their investigations of environmental criminal activity of all kinds throughout California. ARB has used remote video surveillance to gather evidence of environmental crimes since 1993. As a contribution to the Cal/EPA task force, ARB provides the service (both the equipment and a technician to install it) free of charge to environmental investigators in California.

SEIES works closely with investigators specifically to provide covert video, either digital or analog, to the investigating teams for various agencies. Video evidence is a highly effective tool in environmental crime enforcement, and its use by state and local agencies continues to grow.

Asbestos Inspections

SEIES oversees implementation of and compliance with the asbestos 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, SEIES 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 the air districts and U.S. EPA, to facilitate communication and enforcement continuity. The program also assists U.S. EPA in training district staff to enforce the asbestos NESHAP. In 2008, staff received and reviewed 586 notifications, addressed 781 asbestos issues, and inspected 44 asbestos projects. See Appendix E, Table E-8.

Railroad Memorandum of Understanding Inspections

SEIES staff is lead role in enforcing the “ARB/Railroad Statewide Agreement,” commonly referred to as the Railroad MOU. This is the third year of the MOU, which involves enforcement and ongoing coordination with each railroad in developing the enforcement plan, as well as being a part of the community meetings in the public awareness aspect of this process.

During 2008, SEIES made two rounds of inspections (the first in April/May 2008 and the second in September/October 2008) of the 32 “covered” and “designated” rail yards identified in the MOU. Railroad MOU enforcement activity was also expanded to include locomotives outside the covered and designated rail yards, to better assure compliance with the MOU.

SEIES staff inspected 2,027 locomotives and issued 32 NOVs and 12 Notice to Comply (NTC) in 2008. The number of NOVs and NTCs issued decreased by 51, compared to 2007. Staff also sampled locomotive fuel at the rail yards in 2008, to enforce the sulfur fuel standard; all samples were in compliance.

Cruise Ships and Ocean-Going Vessels Incinerator Inspections

SEIES staff inspected incinerator operations on one cruise ship and numerous container and tanker vessels calling at the ports of San Francisco, Los Angeles, Long Beach, and San Diego in 2008. The vessels’ garbage incineration logs, which give latitude and longitude points for the initiation and cessation of garbage incineration demonstrated the incineration occurred outside the three mile limit for California’s coast.

Originally, this ATCM regulation applied only to cruise ships. On January 1, 2006, restrictions on incinerator operations were expanded to cover all ocean-going vessels. Staff continued to conduct incinerator inspections during all ocean-going vessel inspections during 2008, and discovered no violations.

Ocean-Going Vessel Auxiliary Engine Inspections

During 2008, SEIES staff inspected ocean-going vessels at the Ports of Oakland, San Francisco, Sacramento, Stockton, Port Hueneme, Los Angeles, and San Diego. Staff boarded 19 ships in northern California and 58 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 coastline.

This area is known as the “Regulated California Waters.” Fuel samples were transferred to the laboratory and analyzed for sulfur content, following International Standards Organization 8754.

Marina Low-Sulfur Fuel Inspections

The marina fuel dock inspection program began in 2007, after the regulations governing ARB on-road diesel fuel were expanded to cover harbor craft. SEIES staff collected samples of marine diesel fuel and reviewed records at 40 marina fueling docks located in northern and southern California. These facilities were located on both coastal and inland waterways. The samples were taken to verify compliance with the on-road diesel specification, and were tested by the fuels lab in El Monte and ARB’s mobile lab.

No violations of the standard were uncovered in 2008. SEIES will continue to monitor marina fuels in 2009 to help ensure continued compliance with ARB diesel standards.

Non-Toxic Dry Cleaning Equipment Verification Inspections

In 2008, SEIES staff inspected 19 facilities in southern California for SSD staff. AB 998 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 confirmed the use of the alternative Water-Based Cleaning Systems and the removal of the “Perc” equipment.

Imperial County APCD U.S. EPA Title V Inspection Assistance

In 2008, SEIES staff inspected six Title V facilities with U.S. EPA Region IX staff in Imperial County. These facilities were: the Imperial Irrigation District El Centro Generating Station, U.S. Gypsum’s Plaster City drywall manufacturing facility, the Western Mesquite Mine in Brawley, the Ormat Nevada geothermal power plant in Heber, the East Mesa Geothermal Power Plant Complex in Holtville, and the California Energy Geothermal Power Plant complex in Calpatria. Permit and prohibitory rule violations were documented at Western Mesquite Mine. The District issued an NOV for that facility.

Placer County APCD Inspection and Enforcement Assistance

In 2005, the Placer County APCD requested help for inspection and Continuous Emission Monitoring data analysis assistance. Since 2006, SEIES staff has been actively involved with the District’s enforcement program. SEIES staff completed analysis of data from a cogeneration facility and the District is currently having settlement discussions with the company. In 2008, SEIES staff inspected 11 permitted facilities in Placer County. The inspections revealed a number of minor violations which the District is settling.

Colusa County APCD Inspection Assistance

In 2008, SEIES staff traveled to Colusa to assist Colusa County APCD (CCAPCD) on a number of occasions. This assistance was prompted by a recent program audit of CCAPCD by ARB and the audit report raised some concerns. As a result, CCAPCD welcomed assistance from ARB focused on specific program areas.

SEIES staff assisted CCAPCD with five Title V facility inspections. SEIES staff suggested specific follow-up actions to CCAPCD. The District revised permits and issued NOVs as necessary.

TXI Rubidoux Cement Plant Inspection Assistance

SEIES staff accompanied SCAQMD, the Santa Ana Regional Water Quality Control Board, and DTSC on a plant site visit on May 9, 2008. The facility has been at the forefront of an investigation into the presence of hexavalent chromium (Cr⁺⁶) present in the cement kiln dust. Chromium's presence in the dust could possibly be explained by elution of the chromium from the cement kiln bricks or by chromium naturally occurring in the limestone or silicates present in the cement reactants. Additional investigation is ongoing.

Lake County AQMD Inspection Assistance

In 2008, SEIES staff traveled to Lake County to provide inspection assistance to Lake County AQMD. District, SEIES, and SSES staff conducted an inspection of a Robin Thomas Corporation facility dba Clearlake Cinder Chip Company. The facility has numerous permitting issues and recently violated the terms of a variance, and an abatement order was instituted. The District is also addressing dust and diesel particulate issues in the abatement order.

Portable Equipment Registration Program Inspections

SEIES staff inspected 103 portable equipment units in 2008 such as towable generators and air compressors powered by internal combustion engines rated at 50 horsepower or greater. This type of equipment may be registered with the state's PERP rather than obtaining additional permits from local air districts. Staff issued several NOVs and NTCs for violation of CCR §2453(f): failure to have a certificate, certificate and conditions, or ID sticker, or certificate and conditions with the equipment at all times.

Greenhouse Gas Enforcement Program

The Greenhouse Gas (GHG) Enforcement Section was formed in December 2007, in response to AB 32 (the California Global Warming Solutions Act of 2006).

In 2008, the primary focus of the GHG Enforcement Section was providing input on how to write enforceable regulations:

HSC §38562(d) states: "Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with Section 38570)

shall ensure all of the following: (1) The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.”

ED worked with regulation writers from other ARB divisions to analyze proposed regulations. We provided comments for improving regulatory language, offered enforcement strategies and options, and provided estimates on resources needed to enforce each new regulation.

Specifically, ED staff worked on the following regulations:

- Mandatory GHG Emissions Reporting;
- Reduction of Hydrofluorocarbon Emissions from Do-it-Yourself Motor Vehicle Air Conditioning Servicing;
- Landfill Methane Control;
- Sulfur Hexafluoride Reduction in Non-Semiconductor Applications;
- Tire Inflation Program;
- Heavy-Duty Vehicle GHG Emission Reduction Measure;
- Drayage Truck Regulation;
- Reduction of Fluorinated Gases from Semi-Conductor Operations;
- Low Carbon Fuel Standard;
- Reduction of High Global Warming Potential Compounds in Consumer Products;
- High Global Warming Potential GHG Tracking and Leak Limits; and
- Cool Cars Measure.

To help new and existing regulatory staff gain or improve skills to effectively write clear and enforceable regulations, GHG Enforcement Section staff developed a training class. The four-hour class outlined word choice and interpretation from an enforcement perspective. It was made available in multiple sessions to ARB staff.

A prerequisite to this class was a one-day training seminar on how to write clear and effective regulations.

In addition to direct regulation, AB 32 calls for consideration of market mechanisms. ARB's recently adopted Scoping Plan for AB 32 outlines a cap-and-trade program that will link to the cap-and-trade program being developed by the Western Climate Initiative (WCI). WCI, founded in February 2007, is a collaboration of seven U.S. Governors and four Canadian Premiers working together to promote environmental sustainability and economic growth by the reduction of greenhouse gas emissions.

Specifically, WCI calls for the reduction of emissions by 15 percent below 2005 levels by the year 2020. The WCI partners are the states of Arizona, California, Montana, New Mexico, Oregon, Utah, and Washington, and the Canadian provinces of British Columbia, Manitoba, Ontario, and Quebec. The WCI observers are Alaska, Colorado, Idaho, Kansas, Nevada, Wyoming, the province of Saskatchewan and the Mexican states of Baja California, Chihuahua, Coahuila, Nuevo Leon, Sonora and Tamaulipas.

If ARB is to link with the WCI program, it is important that all considerations and requirements of AB 32 are addressed, including enforceability. Therefore, in late 2008, staff began participating in various WCI committees (market oversight, electricity, reporting, and offsets). GHG Enforcement staff, together with staff from other ARB Divisions, provided input into the various WCI committees' work products.

In the coming years, this section's responsibility will grow from primarily ensuring rule enforceability to doing much of the enforcement work needed to ensure compliance with dozens of recently adopted (or scheduled to be adopted) in order to meet California's emission reduction goals under AB 32.

TRAINING AND COMPLIANCE ASSISTANCE BRANCH 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 mandate redefined priorities and increased workloads that must be accomplished with shrinking budgets. Today, more than at any time in the past, it is essential that the professionals in the environmental field receive ongoing 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 diverse audience, from process operators to air quality specialists, from small businesses to the interested public.

CAP publications range in length and complexity depending on targeted audience and purpose. One page outreach flyers and pamphlets are available regarding new air quality regulations as well as more in depth handbooks to assist regulated businesses in complying with these regulations.

Compliance Training Section Program

In 2008, the Compliance Training Section (CTS) increased the number and scope of the training offerings. CTS increased the compliance training activities in response to increased training requests from both the air districts and the regulated communities. CTS also expanded and revised the compliance training curriculum.

In 2008, CTS provided a total of 223 classes or multi-day training programs, representing 11,358 student days of training. This is a 33 percent increase in the number of courses taught and a 93 percent increase in the number of student days of training from 2007. The classes were available via web casts in order to include a much larger and more diverse audience in the training opportunities available through ARB compliance and training.

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

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 the trainers are, but also to see the size of the audiences that are 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 update 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 to their staff.

100 Series - Uniform Air Quality Training Program

Five 100-Series programs, basic training, were conducted in California in 2008. Inspectors from California agencies, as well as a number of representatives from the regulated industries and the military attended the four-day sessions in various locations throughout California.

CTS staff has recently updated the 100 series program to add new mobile source regulations and the health effects of diesel particulate emissions. 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 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 once again had an outstanding year with an increase in these classes given and continuously improving the materials by upgrading and computerizing the lessons. These improvements have been reflected in the overwhelmingly positive student course evaluations. See Appendix F, Table F-2.

The following 200/300 series courses were either added or reworked in 2008 to reflect new regulatory requirements:

- Web Cast Courses;
- Basic Inspector Academy Online Training;
- Transportation Refrigeration Units;
- Portable Equipment Registration Program;
- Compliance Assurance Monitoring (CAM);
- Diesel Idling Compliance and Enforcement; and
- Various mobile source regulation outreach and control activities over the year.

National Program

On September 30, 2008, the National Air Compliance Training Delivery Project (NACTDP), with the assistance of ARB, completed its sixteenth successful year of nationwide environmental training (CARB 16). This date also marked the delivery of

over 38,171 student-days of instruction since the project began in 1992.

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

Similar to ARB's structure, the NACTDP consists of air pollution control training classes 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, 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 16. These included the Northeast States Coordinated Air Use Management, the Mid-Atlantic Regional Air Management Association, the South Eastern States Air Resources Management, 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, and the Western States Air Resources Council. State agencies and/or local agencies also sponsored several classes.

In 2008, CARB 16 brought classes to sites in 17 different states. Attendees at these classes represented agencies from 37 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 U.S. 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 16 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 2008, 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.

Cal/EPA Basic Inspector Certification Program

AB 1102 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 five-day 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 2008, this training was provided twice in Sacramento, once in Ventura, and once in San Diego to 91 participants from the following agencies:

- California Environmental Protection Agency,
- Air Resources Board,
- Department of Pesticide Regulation,
- Department of Toxics Substances Control,
- Integrated Waste Management Board,
- State Water Resources Control Board,
- South Coast Air Quality Management District,
- The Rincon Band of Luiseno Indians,
- U.S. Coast Guard,
- 31 city and county Agencies, and
- 2 local fire departments.

Cross Media Enforcement Symposium

The 15th Annual Cross Media Enforcement Symposium was held May 27 – May 30, 2008, in Long Beach, California. Over 300 people were involved in this year's event.

A total of 185 students, representing ten air districts, and students from each of Cal/EPA's boards, departments, and agencies were in attendance. Local enforcement agencies and the Certified Unified Program Agencies attracted students from 26 cities and counties. Industry was represented by seven companies. Students from Colorado, Illinois, Minnesota, Nevada and Ohio also attended the 2008 Symposium. Cal/EPA provided 80 scholarships.

Twenty-seven speakers from various environmental agencies and local enforcement agencies, including environmental circuit prosecutors and local DAs, spoke on the latest environmental enforcement programs and case development. There were 31 booths on display with 60 attendants, from both the public agencies and private business firms.

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

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

CTS created a mock case and a 30-minute video with input from our sister Cal/EPA agencies. Sessions on Settlement Conference, Expert Witness in Direct and Cross Examination, and the jury deliberation process allowed participants to see mock proceedings, with the students playing the roles of inspectors, witnesses and jurors, while experienced environmental lawyers demonstrated common strategies to represent defendants and discredit evidence.

The 2008 Symposium included the latest environmental scenarios. The latest enforcement methods were addressed at the Symposium by top officials from Cal/EPA, Air Resources Board, Department of Toxics Substances Control, Integrated Waste Management Board, Water Resources Control Board, and the Department of Pesticide Regulation. In addition, local environmental enforcement staff and local prosecutors offered their perspectives on current issues.

Compliance Training Section Highlights

Train the Trainers Clinic

Members of the TCAB, along with the U.S. EPA National Instructor Program, attended a five-day course from May 5 - May 9, 2008. This training was conducted by The Training Clinic. The course covered selected topics in Adult Learning,

Program Development and e-Facilitation for use in web casting of TCAB courses. This was a great learning opportunity for staff to enhance its training skills and provide greater in-depth training for both the instructors and planners.

Over the five days of instruction many subjects were covered, including how adults learn, how to plan for good training, the best use of technology and a broad overview of e-learning. This last subject was in response to TCAB's growing commitment to web-based and distance learning. Those attending also learned effective uses of interactive exercises, how to deal with the difficult learner and how to pace a class to increase both retention and comprehension of the subject matter. The class proved to be a huge success with its participants. The trainers were eager to add the skills learned over the week into their respective classes.

New Web Casting Effort

The web-based training from TCAB was officially launched on July 29, 2008. This innovative idea in training pushes the frontier of distance learning to newer ground. ARB is now able to provide an effective distance training program with the latest technology, helping to reduce travel, which will mitigate air toxics and criteria and smog-forming pollutants and minimize our carbon footprint.

It is estimated that this web casting technology will eliminate a thousand pounds of CO₂ per webcast student per day. It also will help save travel expenses and allow students the ease of not leaving their offices. See Appendix F, Table F-3, for Web Casting student and class totals.

TCAB continued to be innovators and pioneers in developing up-to-date training of challenging and ever-changing regulations in 2008. ARB provided comprehensive training to the regulated community as well as to environmental control personnel in the federal, state, and local agencies. The goal of these nationally recognized and award-winning training courses is to achieve emission reductions and solve compliance problems.

Basic Inspector Academy Online Training

In addition to the classroom portion of the Cal/EPA 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: The Role of the Inspector, The Science of Environmental Pollution, Overview of Environmental Law, The Roles and Responsibilities of the Cal/EPA Agencies, and Inspector Health and Safety.

The online portion was developed 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 were also

featured; the most involved of these was a mock inspection exercise. The attendees wrote 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 were both instructive and entertaining.

In 2008, 159 students took the BIA online training. The evaluations from the online portion of BIA were 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 CTS offered the Advanced Air Quality Enforcement Workshop in Sacramento on September 3-5, 2008.

This course was developed due to numerous requests from the local air districts and with the cooperation and guidance from the California Air Pollution Control Association (CAPCOA), as well as ARB’s ED Chief. The 2008 agenda was created in partnership with CAPCOA.

Air district staff from the Sacramento Metropolitan AQMD, San Joaquin Valley Unified APCD, Bay Area AQMD, North Coast AQMD, South Coast AQMD, Feather River AQMD, Placer County APCD, and the Monterey Bay Unified APCD attended the workshop. Staff from Cal/EPA, ARB, and the Los Angeles DAs office was also in attendance.

The topics covered were based on a survey from the CAPCOA enforcement manager’s committee. A few of the agenda items covered by a variety of presenting agencies were:

- An overview of new policies by U.S. EPA Region 9;
- AB 32 enforcement update by ARB;
- Portable Equipment Registration Program update by ARB;
- Enforcement tools by Placer County APCD;
- Fugitive dust control by San Diego APCD;
- Title V- CAM, 40 CFR Part 64 by ARB;
- Chromium/fugitive dust emissions from cement manufacturing plants by SCAQMD;
- Inspection technology: cars, laptops, surveillance equipment by BAAQMD;
- Vehicle diesel enforcement program by ARB;

- Enhanced vapor recovery/in station diagnostic implementation and enforcement issues by ARB and Sac Metro AQMD; and
- Enforcement and disaster recovery by Department of Toxic Substances Control.

The course is open to enforcement inspectors and management from the local APCDs and AQMDs throughout California, as well as any other out-of-state air pollution control agencies.

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 in 2007 to ARB employees that have been with the Board for three years or less. The ED, CTS, along with the Succession Planning Committee and the Executive Office developed the agenda and revised the 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 class was held in Sacramento from March 5 - 7, 2008, for 160 employees.

CTS continues to provide quality training while responding to ever-changing compliance training needs. It has been proven that quality and effective training will lower the rate of non-compliance, resulting in lower emissions and thus providing a healthier and cleaner environment. In addition, CTS supports ED in many ways other than training, by completing a variety of assignments in a fast and efficient manner.

Compliance Assistance Section Program

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. CAP fulfills this role by developing 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, CTS 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 U.S. EPA Reference Method 9 (EPA Method 9).

The 1½ -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.

Compliance Assistance Section Highlights

Publications

In 2008, the CAP library had 30 handbooks and pamphlets in print and/or on-line and 18 technical manuals on CD. Seventeen technical manuals, either with publication dates older than 1997 or with low demand were removed from circulation. Program management is prioritizing about half of these for updating. Most of the older manuals are still used for the National Training Program courses on a case-by-case basis; this is factored into the year-end statistics for the CAP.

Specific 2008 CAP publications' activities are listed below:

- Distributed 18,868 copies of publications, an increase of 23 percent from 2007. The distribution was as follows: 3,972 technical manuals (including interactive and archival CDs), 11,823 handbooks, and 3,073 pamphlets.
- Recorded nearly 131,700 hits on the Handbooks external webpage. (This statistic reflects an upward trend in web inquiries, but is not a precise number, because a certain percentage of web hits are from "robot" search engines.)
- Published a 2008 Vapor Recovery Compliance Calendar for Gasoline Dispensing Facilities. This new publication format was developed in response to the results of a survey completed last year of district staff and industry personnel throughout the state which strongly supported the use of a calendar format for compliance assistance. Along with valuable information on technologies and inspections, the calendar features a prominent header each month, with a reminder about the April 1, 2009 deadline for installation of newly-certified EVR systems.

- Revised the Enhanced Vapor Recovery Program pamphlet to incorporate new equipment approvals. This pamphlet is currently being distributed throughout the vapor recovery community to inform industry and permitting agencies.
- Updated the Dry Cleaning Industry Self-Inspection Handbook and distributed both English and Korean versions throughout the state.
- Updated the Chrome Plating Technical Manual and the Chrome Plating Handbook to incorporate the amendments to the Hexavalent Chromium ATCM adopted by the Board on October 24, 2007.
- Created a pamphlet for the 2009 Enforcement Symposium.

The top five CDs and handbooks distributed and the top five website inquiries are shown in Appendix F, Tables F-4 and F-5. Rankings for hard copy distribution and for website inquiries were based on both California and national programs.

Outreach Events

CAS staff attended and staffed a tradeshow booth at the 2008 National Air Quality Conferences in Portland, Oregon. Traffic at the tradeshow booth was brisk, with attendees showing particular interest in CAP handbooks and CDs. Visitors to the CAP booth also had many questions about California's diesel regulations. CAS staff also made participants aware of ARB's Border Enforcement and 1-800-END-SMOG hotline programs.

TCAB staff represented the branch at the 2008 Enforcement Symposium tradeshow in Long Beach.

CAP staff 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 several attendees were interested in the status of mobile source regulations and enforcement.

Air Academy On-Line Training Course Development

CAP staff continued to coordinate development of the Air Academy On-Line Training (AAOT). This effort involved 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.

The AAOT will allow ARB staff to learn about the agency from the comfort of their own desks; an in-person meeting of participants with Executive Office and Division representatives will complete the training. Six online modules explaining health effects, the scientific foundation for air pollution control, air quality management, criteria pollutants, TAC, and greenhouse gases have been drafted.

Beginning in 2009, the focus will be on finalizing these modules and developing a culminating online game, "Who Does What at ARB?" It is anticipated that the AAOT will be available to ARB staff early summer 2009. The face-to-face portion of the training with Executive Office Staff will be held in fall 2009.

Supporting Other ARB Sections

CAS staff developed and distributed the 2008 Training and Compliance Assistance Survey to all the local air quality agencies in California. The results of this survey were used to plan the 2009 training schedule and to prioritize publications activities for 2009. 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.

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

Fundamentals of Enforcement Program

Eight FOE courses (Course #100) were conducted in 2008, with a total attendance of 365 government agency and private sector personnel.

VEE Certification Program

46 VEE day and night certification/recertification sessions (Courses #100.1 and 100.2) were completed in 2008. Out of 2,171 participants, 1,595 successfully certified or recertified in 2008, a pass rate of 73 percent.

2009 ANTICIPATED ENFORCEMENT DIVISION ACTION ITEMS

General Enforcement:

- Improve and enhance the external and internal ARB Enforcement Program sites (<http://www.arb.ca.gov/enf/enf.htm>) and (<http://inside.arb.ca.gov/wg/ed/ed.htm>).
- Prevent the sale of illegal products (e.g. consumer products, engines and vehicles) through mail order and internet venues such as eBay and individual internet retailers.
- Implement the new case tracking databases and upgrade current enforcement program databases for better functionality and efficiency.
- Conduct Environmental Justice Strike Force operations in selected communities in support of ARB's Environmental Justice Action 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.
- 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 U.S. 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 Asian import market, and refer cases of noncompliance for prosecution.
- Continue working with Customs to increase coordinated enforcement efforts against Asian import vehicles and engines.
- Continue exchanging information with U.S. EPA regarding shared enforcement actions and violators. This helps both agencies use their resources to the fullest and achieve the best success in enforcement and compliance.

Mobile Source Enforcement:

- Continue implementing the provisions of AB 233: Increasing commercial vehicle idling penalties; DMV registration holds on vehicles with outstanding ARB violations; and publishing the legislative report regarding ARB's strategic plan to enforce diesel emission programs.
- Inspect points of distribution, websites and retail outlets for illegal engines and vehicles.
- Increase enforcement audits of heavy-duty diesel vehicle and equipment fleets and refer cases for litigation or settlement where violations are found.
- Participate in multi-media inspection operations in mixed-use (industrial/residential) neighborhoods for the Environmental Justice Program.

- Develop a new Heavy-Duty Vehicle Inspection database.
- Continue Off-road HDDV program implementation and enforcement.
- Continue implementing the Comprehensive On-road Statewide Truck and Bus program.
- Continue to expand the scope of the CCDET program.
- Implement enforcement of the Smartway program.
- Improve environmental air quality at the California-Mexico 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-Ignition Engine and Off-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 all ARB citation programs.
- Consistently enforce the 49-state vehicle program.
- Deter fraud in the Carl Moyer and Proposition 1B Programs.
- Expand enforcement against illegal motorcycles, including on-road and off-road motorcycles and the illegal aftermarket parts used to modify these vehicles.
- Focus on import market for illegal vehicles and engines (scooters, pocket bikes, OHRVs, etc.) working with U.S. EPA and federal, state and local prosecutors.
- Continue to enforce, with local law enforcement and CHP, a taxi cab tampering enforcement program at major California airports (LA World, San Francisco, San Jose, Oakland, and Sacramento Airports).
- 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 to improve compliance with ARB's vehicular 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.
- Enforce the commercial vehicle idling regulations.
- Work with the Mobile Source Operations Division and Mobile Source Control Division to enforce new regulations for after-market On-Board Diagnostics II (OBD) catalysts, and continue OBD I and II catalyst enforcement at exhaust/muffler shops statewide.
- Enforce the cargo-handling equipment rule at ports and intermodal facilities.
- Continue enforcement of the public and utility diesel vehicle fleet regulations.
- Work with the regulatory divisions on the port truck, statewide truck and bus, smart way truck technologies and off-road diesel vehicle regulations, and continue to implement these programs.

Stationary Source Enforcement:

- Assist non-grantee districts in reviewing and logging data in U.S. EPA's Air Facility System.
- Enforce HSC requirements for issuing variances.
- Post the status of stationary source complaints on ARB intranet.
- Aggressively resolve complaints through investigation and referral.

Strategic Environmental Investigation and Enforcement:

- Expand Ocean-Going Vessel, Harbor Craft, Cargo Handling Equipment, Transportation Refrigeration Unit, and other Goods Movement enforcement programs.
- Implement the program to enforce the ATCM to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, thin medium density fiberboard, and finished goods made with composite wood products.
- Enhance surveillance capabilities by acquiring more equipment and training to allow greater independence for the agencies being assisted.

- Enforce the Asbestos NESHAP.
- Conduct Asbestos NESHAP Task Force Meetings to pursue uniform enforcement.

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 2008, 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 future adoption are enforceable. These regulations include: consumer products, fuel containers, 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 regulations in gasoline by conducting ongoing audits of gasoline terminals.
- Work with SSD to improve the enforceability of motor vehicle fuels regulations.

Greenhouse Gas Enforcement:

- Participate in the following Western Climate Initiative Committees: Compliance Verification and Enforcement, Reporting, Offsets, and Electricity.
- Participate in the International Offsets Group.
- Deploy Phase I of the new Case Tracking Database.
- Develop enforcement and auditing procedures for the new Mandatory Reporting and Fee Regulation Programs.
- Begin strategic planning for influx of regulations beginning in 2010.
- Begin designing an effective enforcement program for a cap-and-trade system. This will involve working with Cal/EPA, ARB OLA, Planning and Technical Support Division, the Office of Climate Change and other agencies and divisions.

Training and Compliance Assistance:

- Beta Test and conduct the new Basic Air Academy Online Training as a two-day on-line course plus a one-day classroom forum with the Executive Officers.
- Conduct and assist in stationary and mobile source investigations.
- Conduct all of 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 seven times in 2009.
- 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-17, which uses retired air pollution officials to train engineers and inspectors in other states using ARB training materials.
- Update and distribute Dry Cleaning CD to reflect updates to ATCM.
- Create new In-Station Diagnostics compliance assistance material based on results of surveys, discussions, and visits with gasoline facility operators and air district staff.
- Update Vapor Recovery CD to incorporate information about regulatory changes and new technologies such as enhanced vapor recovery.
- Update Heavy-Duty Diesel Enforcement Program pamphlets to improve appearance and incorporate new information.

- Update Stationary Reciprocating Engines CD to include new control technologies and ATCMs.
- Create an Air Pollution Control Devices CD by consolidating and updating several older air pollution control device technical manuals. This CD is to be used in conjunction with Course #199, Introduction to Control Devices.
- Update Landfill Gas Control Facilities CD.
- Collaborate with Training Section and MSOD on production of diesel retrofit video.
- Assist Heavy-Duty Diesel Enforcement Program by providing staff to attend outreach events as appropriate.
- Assist other divisions with outreach by developing and formatting pamphlets or related materials for their new programs.
- Conduct eight scheduled FOE courses.
- Conduct at least 29 day and 13 night VEE certification sessions.
- Make operational in-office scanner for verifying scores on new scannable VEE certification forms.
- Deploy field scanners to streamline registration of VEE certification session attendees.

Appendix A**Enforcement Case Summary Tables - 2008****Table A-1**
2008 Enforcement Program Closed Cases¹

Program	Settled/Closed	Penalties²
Mobile Sources ³	2,473	\$3,939,612
Fuels ⁴	9	\$133,000
Consumer Products	35	\$1,450,650
Portable Fuel Containers	10	\$352,000
Cargo Tanks	36	\$16,750
Stationary Source/Other	2	\$6,075,000
Railroad MOU	32	\$12,800
Total Cases	2,597	\$11,979,812⁵

¹ In negotiation settlements, ED is often represented by ARB OLA.

² Includes SEPs, early compliance costs, etc.

³ See Table C-13 for a program by program breakdown of closed mobile source cases.

⁴ See Table F-7 for a breakdown of closed fuels cases.

⁵ See Appendix B for summaries of significant cases.

Table A-2
2008 Case Dispositions

Category	Number of Cases	Penalties
Administrative Cases Closed	2,593	\$5,577,812
Civil Cases Pending ¹	38	N/A
Civil Cases Closed ²	4	\$6,402,000
Criminal Cases Pending	3	N/A
Total Cases Closed	2,597	\$11,979,812

¹ Pending civil cases: pending litigation or settlement with the attorney general or various district and city attorneys statewide.

² Closed civil cases: See Table A-3 on next page.

Key:

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 HDVIP cases only), or, through an administrative hearing before a State Office of Administrative Hearings Administrative Law Judge.

Civil or Criminal Cases are cases that are referred to the AG or a local DA or City Attorney's Office or the U.S. Attorney's Office and is filed in Superior Court or U.S. District Court.

Investigative Costs are monies received for ARB investigative costs for cases that are referred to a DA/CA.

Settlement Agreements are formal signed agreements between the ARB and the violator for major cases settled under the Mutual Settlement Program.

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.)

Table A-3
2008 Civil Cases Closed

Case Name	Prosecuting Agency	Date Closed	Settlement Amount
San Jose Yamaha	Attorney General (LA)	Jan 2008	\$240,000
Munroe Motors	Attorney General (SF)	Aug 2008	\$112,000
Cal-Mex International Broker, Inc.	Attorney General (SD)	Jan 2008	\$50,000
MCM Construction	Attorney General (Sac)	June 2008	\$6,000,000
Total	4		\$6,402,000

Table A-4
2008 Supplemental Environmental Projects

SEP	Number of Cases	Amount
CCDET/Peralta Community College District ¹	79	\$491,795
California Pollution Control Financing Authority ²	17	\$27,291
CDAA Circuit Prosecution Project ³	1	\$18,750
MCM Construction ⁴	1	\$2,000,000
Education and Environment Initiative ⁵	1	\$62,500
Total	99	\$2,600,336

¹ CCDET was created to train diesel fleet mechanics on the proper conduct of ARB's HDVIP SAE J1667 test protocol and HDVIP/PSIP program record keeping requirements. The Peralta Community College District administers the program and distributes the SEP monies in equal shares to participating CCDET community colleges.

² Program's mission is to encourage banks and other financial institutions to make loans to small businesses that fall just outside of most banks' conventional underwriting standards. These loans are for purchasing equipment to comply with ARB's diesel regulatory programs.

³ CDAA's mission is to provide staff and training to perform environmental enforcement in California's rural counties.

⁴ Funds generated by this SEP designate funds for replacement of older diesel engines, and adoption and implementation of internal environmental auditing processes. See Appendix B for a summary of this case.

⁵ Education and Environment Initiative funds environmental outreach and education programs for K-12 students.

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 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 (APCF), 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 2008, including mobile sources, consumer products, fuels, and stationary sources cases. See the complete list of cases settled during 2008 at <http://www.arb.ca.gov/enf/casesett/casesett.htm>.

Mobile Source Cases

Cal-Mex International Broker, Inc. (dba: Mex-Cal Truckline) - \$50,000 Settlement

In January 2008, Cal-Mex International Broker, Inc. (dba: Mex-Cal Truckline) paid \$50,000 in penalties (\$33,750 to APCF, \$5,000 to the AG's Office and \$11,250 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations.

An investigation by ARB showed that Cal-Mex International Broker, Inc. failed to properly self-inspect the portion of their diesel-powered vehicles fleet that falls under PSIP. Cal-Mex International Broker, Inc. did not accept ARB's final settlement offer of \$30,000. Therefore, the case was referred to the AG for prosecution.

Once the complaint was filed, the defendant decided to settle the case with the AG. To settle the case, Cal-Mex International Broker, Inc. paid the \$50,000 penalty (which includes the full assessed penalty for violations, the cost of the investigation, and ARB's legal fees) and agreed to the injunction to comply with all of ARB's current and future applicable regulations, including but not limited to PSIP and HDVIP. This judgment was entered into the Superior Court of California, County of San Diego on January 28, 2008.

ABC Supply Company, Inc. - \$25,000 Settlement

In January 2008, ABC Supply Company, Inc. paid \$25,000 in penalties; \$18,750 to the APCF and \$6,250 to the Peralta Community College District, for violating air quality regulations. An investigation by ARB showed that ABC Supply Company, Inc. failed to properly self-inspect their diesel fleet to insure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle this case, ABC Supply Company, Inc. paid the \$25,000 penalty and agreed to comply with PSIP and other ARB regulations.

E. J. Harrison & Sons, Inc. - \$18,500 Settlement

In January 2008, E. J. Harrison & Sons, Inc. paid \$18,500 in penalties to the APCF, for violating air quality regulations.

A fleet audit by ARB showed that E. J. Harrison & Sons failed to properly smoke test all applicable diesel vehicles in E. J. Harrison & Sons fleet that were subject to PSIP. ARB documented violations as related to PSIP only. To settle the case, E. J. Harrison & Sons, Inc. paid the \$18,500 penalty and agreed to comply with PSIP.

Hartwick & Hand, Inc. - \$31,125 Settlement

In January 2008, Hartwick & Hand, Inc. paid \$31,125 in penalties to the APCF, for violating air quality regulations.

A fleet audit by ARB showed that Hartwick & Hand, Inc. failed to properly conduct the smoke test procedures for all applicable diesel vehicles in Hartwick & Hand's fleet that were subject to PSIP. ARB documented violations as related to PSIP. To settle the case, Hartwick & Hand, Inc. paid the \$31,125 penalty and agreed to comply with PSIP.

San Luis Obispo County Regional Transit Authority - \$13,000 Settlement

In January 2008, the County of San Luis Obispo (SLO), Regional Transit Authority (RTA) paid \$13,000 in penalties; \$9,750 to the California Air Pollution Fund and \$3,250 to the Peralta Community College District, for violating air quality regulations. An investigation by ARB showed that SLO RTA Inc. failed to properly self-inspect their diesel buses to assure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle the case, SLO RTA paid the \$13,000 penalty and agreed to comply with PSIP.

Baja Motorsports - \$14,000 Settlement

In January 2008, ARB field staff documented several Baja Blitz/DB 30s being offered for sale at Kragen stores in California. These OHRVs had federal, but not California emissions labels, despite the fact that they were certified by ARB for sale in California. A manufacturer or distributor that does not comply with the test procedures adopted by the state board is in violation of HSC section 43212. Baja Motorsports of Phoenix, Arizona, in conjunction with Kragen, shipped replacement labels to each Kragen store in California and settled the case in June 2008 for \$14,000.

San Jose Yamaha - \$240,000 Settlement

In January 2008, ARB, in conjunction with the OLA and the AG, entered into a court-approved Settlement Agreement and Judgment in the amount of \$240,000 with defendants Brad Clausen, Adelbert "Jay" Bernardi, Clausen & Newton Campers, Inc., CL Associates, Inc. (dba Honda Peninsula Ducati), Clausen Motors and San Jose Yamaha (partnership). Each of the defendants is also enjoined for a period of five years from violating the terms of this agreement and the provisions of HSC

sections 43151, 43152 and 43153.

This case involved the importation and sale 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.

Each of the defendants stipulated that he/she imported, delivered, purchased, rented, leased, acquired or received new motorcycles for use, registration, or resale in California, and that each of the new motorcycles was not certified by ARB, in violation of HSC Section 43151.

ValleyCrest Companies - \$64,875 Settlement

In February 2008, ValleyCrest Companies paid \$64,875 in penalties; \$48,656 to the California Air Pollution Fund and \$16,219 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that ValleyCrest Companies 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, ValleyCrest Companies paid the \$64,875 penalty and agreed to comply with the PSIP and other ARB programs.

Drew Ford - \$10,000 Settlement

During ARB's ongoing investigation into the sale and use of non-California certified vehicles, staff for MSES became aware that Drew Ford, located in La Mesa, California, acquired and offered for sale three, and sold one, illegal non-California-certified vehicles. The vehicles were originally certified for California but the dealer had installed aftermarket parts, resulting in the vehicles not being in the original certified condition. This is a violation of HSC sections 43150 through 43153.

Drew Ford removed the aftermarket parts on two of the vehicles, but was unable to unwind the sale of the third vehicle to remove the parts. To settle the violations, Drew Ford paid into the APCF \$5,000 for the one vehicle not reconfigured, and \$2,500 each for the two vehicles from which the aftermarket parts were removed, for a total of \$10,000 in February 2008.

Freedom Motors U.S.A., Inc. - \$86,000 Settlement

In February 2008, Freedom Motors U.S.A., Inc. (FMI) settled with ARB for violations to the HSC and the Vehicle Code (VC) involving the California sale of uncertified conversion vans. FMI converts vans to appropriate configurations for disabled people, offering them the freedom of personal transportation.

Between 2001 and 2005, FMI offered for sale and sold 172 uncertified converted 2002, 2003, 2004 and 2005 model-year Daimler Chrysler and Ford vans with Freedom Motor's conversion packages. Such modifications included removing the OEM's rubber hoses and replacing them with steel line and rubber hose in a

modified configuration. FMI performed these modifications without possessing an EO issued by ARB exempting said modifications from the prohibitions of VC 27156. FMI paid \$86,000 in penalties to the APCF to settle this case with ARB.

New Bern Transport Corporation - \$280,125 Settlement

In March, 2008, New Bern Transport Corporation paid \$280,125 in penalties; \$210,094 to the California Air Pollution Fund and \$70,031 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that New Bern Transport Corporation 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, New Bern Transport Corporation paid the \$280,125 penalty and agreed to comply with the PSIP and other ARB programs.

Costco Wholesale Corporation - \$40,200 Settlement

In April 2008, Costco Wholesale Corporation paid \$40,200 in penalties (\$30,150 to the APCF and \$10,050 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations.

An investigation by ARB showed that Costco Wholesale Corporation failed to submit a timely Transport Refrigeration Facilities report required from larger cold storage facilities. To settle the case, Costco Wholesale Corp. agreed to the \$40,200 penalty and agreed to comply with ARB regulations.

Piazza Trucking, Inc. - \$33,750 Settlement

In April 2008, Piazza Trucking, Inc. paid \$33,750 in penalties (\$25,313 to the APCF and \$8,437 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations. An investigation by ARB showed that Piazza Trucking, Inc. failed to properly self-inspect the portion of their diesel-powered vehicles fleet that falls under the PSIP. To settle the case, Piazza Trucking, Inc. paid the \$33,750 penalty and agreed to comply with PSIP.

Crown Disposal Company, Inc. - \$88,275 Settlement

In April 2008, Crown Disposal Company, Inc. paid \$88,275 in penalties; \$66,206 to the APCF and \$22,069 to Peralta Community College District, for violating air quality regulations.

A fleet audit by ARB showed that Crown Disposal failed to conduct smoke tests for applicable vehicles in the 2005 and 2006 years. A few vehicles were also missing the SWCV labels as required by this regulation. Crown Disposal Company, Inc. paid the penalty of \$88,275 and agreed to comply with PSIP, the SWCV regulation, and other applicable ARB programs.

Service Rock Products - \$42,000 Settlement

In April 2008, Service Rock Products paid \$42,000 in penalties; \$31,500 to the

APCF and \$10,500 to the Peralta Community College District, for violating air quality regulations.

A fleet audit by ARB showed that Service Rock Products failed to conduct smoke tests in 2005 and 2006 on the heavy-duty diesel vehicles in Service Rock Products fleet subject to PSIP. ARB documented violations as related to PSIP. To settle the case, Service Rock Products paid the penalty of \$42,000 and agreed to comply with the PSIP and other ARB programs.

Source Interlink Companies - \$11,625 Settlement

In April 2008, Source Interlink Companies paid \$11,625 in penalties; \$8,719 to the California Air Pollution Fund and \$2,906 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Source Interlink Companies 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, Source Interlink Companies paid the \$11,625 penalty and agreed to comply with PSIP and other ARB programs.

Wingfoot Commercial Tire Systems, LLC - \$30,000 Settlement

In April 2008, Wingfoot Commercial Tire Systems, LLC (Wingfoot) paid \$30,000 in penalties; \$22,500 to the California Air Pollution Fund and \$7,500 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Wingfoot 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, Wingfoot paid the \$30,000 penalty and agreed to comply with PSIP and other ARB programs.

Regency Conversions, Inc. - \$27,500 Settlement

During the course of an ongoing investigation of vehicles that are not legal for sale or use in California, ARB staff determined that Regency Conversions, Inc. modified new vehicles and introduced them into commerce in California. Regency Conversions of Fort Worth, Texas settled the violations in April 2008 for \$27,500.

Apria Healthcare - \$14,000 Settlement

In May 2008, Apria Healthcare paid \$14,000 in penalties; \$10,500 to the California Air Pollution Fund and \$3,500 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Apria Healthcare 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, Apria Healthcare agreed to the \$14,000 penalty and agreed to comply with PSIP and other ARB programs.

City of Pasadena Fleet Management Division - \$23,250 Settlement

In May 2008, the City of Pasadena Fleet Management Division paid \$23,250 in penalties: \$17,375 to the APCF and \$5,875 to Peralta Community College District, for violating air quality regulations.

A fleet audit by ARB showed the City of Pasadena Fleet Management Division failed to conduct smoke tests of applicable diesel vehicles in the 2005 year. The City of Pasadena Fleet Management Division paid the penalty of \$23,250 and agreed to comply with PSIP and other applicable ARB Mobile Source programs.

Henkels & McCoy, Inc. - \$10,000 Settlement

In May 2008, Henkels & McCoy, Inc. paid \$10,000 in penalties; \$7,500 to the California Air Pollution Fund and \$2,500 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Henkels & McCoy, Inc. 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, Henkels & McCoy, Inc. paid the \$10,000 penalty and agreed to comply with PSIP and other ARB programs.

Orange County Honda - \$24,000 Settlement

May 2008, MSES, in coordination with the OLA, entered into a settlement agreement in the amount of \$24,000 with Orange County Honda.

ARB received information that Orange County Honda was modifying off-highway-certified Honda CRF250Xs and CRF450Xs motorcycles by installing a Baja Light Kit, which included turn signals, speedometer and license plate holder, selling them to California customers, and then registering them as on-highway street-legal motorcycles. The investigation found that Orange County Honda was advertising on their website that they had street-legal 450s in stock.

In a field visit to Orange County Honda, inspectors found that they had one CRF 450X being offered for sale on their showroom floor, and that they had sold others to California residents and registered them for street use. As part of the settlement, Orange County Honda removed the one motorcycle from their showroom and returned it to the off-road certified condition. ARB also requested that DMV revoke the on-road registration for the ones that were sold.

Orange County Honda paid \$24,000 into the APCF to settle this case.

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

An investigation by staff determined that Aim-Ex Industry, Inc. of City of Industry, California, was selling and offering for sale OHRVs prior to being issued an EO by ARB. In addition, the vehicles were labeled as being certified for sale in California. Since that time, Aim-Ex Industry, Inc. has received their 2008 EOs. The case was

settled on June 5, 2008 for \$60,000.

BMC Motorcycle Company - \$50,000 Settlement

In July 2008, MSES Staff, working in conjunction with OLA and the AG, entered into a settlement agreement 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.

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

California Sidecar and Three Dealers - \$30,400 Settlement

On July 29, 2008, MSES, along with the OLA, completed its investigation of California Sidecar, located in Arlington, Virginia, and three of its dealers located throughout California. California Sidecar was manufacturing aftermarket parts kits that would convert on-road two-wheel motorcycles into three-wheel motorcycles. They were also manufacturing auxiliary fuel tanks that were being installed at the time of the conversion.

The dealers in California would get the conversion kits and fuel tanks and install them on motorcycles registered to California residents. The installation of this kit and fuel tank would alter or modify the original design of the motorcycle and could affect the emission control systems certified by the manufacturer through ARB. This is a violation of the California Vehicle Code Sections 27156 (c) and 27156 (h).

As part of the settlement, it was agreed between all parties that California Sidecar and its dealers 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.

California Sidecar has since applied for and received an exemption from ARB for its aftermarket conversion kit and auxiliary fuel tank. As part of the settlement, on July 29, 2008, California Sidecar, JBJ Cycles Inc., Highland Cycles, and Wing Nut paid penalties in the amount of \$30,400 to the APCF.

Clougherty Packing/Farmer John - \$63,300 Settlement

In July 2008, Clougherty Packing/Farmer John paid \$63,300 in penalties (\$47,475 to the APCF and \$15,825 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations.

An investigation by ARB showed that Clougherty Packing/Farmer John failed to submit in time a Transport Refrigeration Facilities report required from larger cold storage facilities, and also failed to properly self-inspect the portion of their diesel-powered fleet that falls under PSIP. To settle the case, Clougherty Packing/Farmer John paid the \$63,300 penalty and agreed to comply with ARB regulations.

Southern California Environmental, Inc. - \$13,500 Settlement

In July 2008, Southern California Environmental, Inc. paid \$13,500 in penalties (\$10,125 to the APCF and \$3,375 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations.

An investigation by ARB showed that Southern California Environmental, Inc. failed to properly self-inspect the portion of their diesel-powered vehicles fleet that falls under PSIP and failed to retrofit their vehicles in compliance with the SWCV rule. To settle the case, Southern California Environmental, Inc. paid the \$13,500 penalty and agreed to comply with PSIP and the SWCV rule.

Universal Waste Systems, Inc. - \$13,500 Settlement

In July 2008, Universal Waste Systems, Inc. paid \$13,500 in penalties (\$10,125 to the APCF and \$3,375 to the Peralta Community College District for distribution to participating CCDET colleges), for violating air quality regulations.

An investigation by ARB showed that Universal Waste Systems, Inc. failed to properly self-inspect the portion of their diesel-powered vehicles fleet that falls under PSIP and to have those diesel-powered vehicles retrofitted that need to meet the SWCV rule. To settle the case, Universal Waste Systems, Inc. paid the \$13,500 penalty and agreed to comply with the PSIP and SWCV programs.

Conco Cement Company - \$41,625 Settlement

In July 2008, The Conco Cement Company paid \$31,219 in penalties to the APCF and \$10,406 to the Peralta Community College District for distribution to participating CCDET colleges for violating air quality regulations.

An investigation by ARB showed that Conco Cement Company failed to properly self-inspect their diesel fleet to ensure the trucks met state smoke emission standards. ARB documented PSIP violations. Conco Cement Company paid a \$41,625 penalty and agreed to comply with PSIP and other ARB regulations.

Lange Trucking, Inc. - \$20,500 Settlement

In July 2008, Lange Trucking, Inc. paid \$15,375 in penalties to the California Air Pollution Fund and \$5,125 to the Peralta Community College District for distribution

to participating CCDET colleges for violating air quality regulations.

An investigation by ARB showed that Lange Trucking, Inc., failed to properly self-inspect their diesel fleet to insure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle this case, Allied Waste Services paid the \$20,500 penalty and agreed to comply with PSIP and other ARB regulations.

Ds Waters of America, Inc. - \$74,250 Settlement

In July 2008, Ds Waters of America, Inc. paid \$74,250 in penalties; \$55,687 to the California Air Pollution Fund and \$18,563 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Ds Waters of America, Inc. 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, Ds Waters of America, Inc. paid the \$74,250 penalty and agreed to comply with PSIP and other ARB programs.

Navistar, Inc. - \$250,000 Settlement

Navistar failed to implement required emission controls, and properly label and document installed emission controls. ARB reviewed Navistar's application to certify 2007 engines and found inconsistencies with the previous model year documentation for the same engine design. A staff audit found that Navistar failed to fully disclose, document and implement on-board diagnostic system requirements for the coolant temperature sensor. Per the terms of the settlement of this case in August 2008, Navistar, Inc. paid a total of \$250,000: \$187,500 to the California Air Pollution Control Fund and \$62,500 (25 percent of the total) to the Education and Environment Initiative to help fund environmental outreach and education programs for K-12 students.

Navistar, Inc. - \$31,500 Settlement

Navistar failed to provide purchasers of retrofit emission devices with proper labeling, as required by state law. An investigation by ARB showed that Navistar, Inc. failed to comply with the system labeling requirements for the Verified Diesel Emission Control Strategy devices set forth in the Verification Procedure. Navistar, Inc. also failed to comply with the terms and conditions specified in the applicable EO. Per the terms of this settlement In August 2008, Navistar paid a total of \$31,500: \$23,625 to the California Air Pollution Control Fund and \$7,875 to the California Pollution Control Financing Authority to guarantee loans to off-road vehicle fleets that need to buy exhaust retrofits to comply with the in-use off-road diesel vehicle regulation.

Safety-Kleen Systems, Inc. - \$43,500 Settlement

In August 2008, Safety-Kleen Systems, Inc. paid \$43,500 in penalties; \$32,625 to the California Air Pollution Fund and \$10,875 to the Peralta Community College

District, for violating air quality regulations.

An investigation by ARB showed that Safety-Kleen Systems, Inc. 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, Safety-Kleen Systems, Inc. paid the \$43,500 penalty and agreed to comply with PSIP and other ARB programs.

Suburban Propane - \$36,375 Settlement

In August 2008, Suburban Propane paid \$36,375 in penalties: \$27,281 to APCF and \$9,094 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Suburban Propane 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, Suburban Propane paid the \$36,375 penalty and agreed to comply with PSIP and other ARB programs.

Munroe Motors - \$112,000 Settlement

Munroe Motors is a motorcycle dealership located in San Francisco, California. Munroe Motors was issued an NOV for selling and registering off-road- certified motorcycles as on-road motorcycles, which is a violation of HSC sections 43150 - 43154. After settlement discussions came to an impasse, this case was referred to the AG for prosecution in January 2008. A settlement was reached in August 2008 for \$112,000 for HSC violations and attorneys' fees.

Millard Refrigerated Services, Inc. - \$35,550 Settlement

In September 2008, Millard Refrigerated Services, Inc. paid \$35,550 in penalties (\$26,662 to the APCF and \$8,888 to the Peralta Community College District for distribution to participating CCDET colleges) for violating air quality regulations.

An investigation by ARB showed that Millard Refrigerated Services, Inc. failed to submit a timely Transport Refrigeration Facilities report required from larger cold storage facilities. To settle the case, Millard Refrigerated Services, Inc. paid the \$35,550 penalty and agreed to comply with ARB regulations.

Airgas NCN - \$43,000 Settlement

In September 2008, Airgas NCN paid \$43,000 in penalties; \$32,250 to the California Air Pollution Fund and \$10,750 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Airgas NCN 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, Airgas NCN paid the \$43,000 penalty and agreed to comply with PSIP and other ARB programs.

Antelope Schools Transportation Agency - \$50,000 Settlement

In September 2008, the Antelope Schools Transportation Agency (A.V.S.T.A.) paid \$50,000 in penalties; \$37,500 to the California Air Pollution Fund and \$12,500 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that A.V.S.T.A. 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, A.V.S.T.A. paid the \$50,000 penalty and agreed to comply with PSIP and other ARB programs.

Bimbo Bakeries U.S.A., Inc. - \$305,250 Settlement

In September 2008, Bimbo Bakeries U.S.A., Inc. (BB), a leading baker in the continental U.S. with sales over \$1.2 billion, paid \$305,250 in penalties; \$228,937 to the California Air Pollution Fund and \$76,313 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that BB 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, BB paid the \$305,250 penalty and agreed to comply with PSIP and other ARB programs.

Valley Vista Services, Inc. - \$54,750 Settlement

In September 2008, Valley Vista Services, Inc. paid \$54,750 in penalties; \$41,062 to the APCF and \$13,688 to the Peralta Community College District for distribution to participating CCDET colleges, for violating air quality regulations.

An investigation by ARB showed that Valley Vista Services, Inc. failed to properly self-inspect the portion of their diesel-powered vehicles fleet that falls under PSIP, and failed to retrofit some of their vehicles in compliance with the SWCV rule. To settle the case, Valley Vista Services, Inc. paid the \$54,750 penalty and agreed to comply with PSIP and the SWCV rule.

Central Freight Lines, Inc. - \$12,750 Settlement

In October 2008, an investigation by ARB showed that Central Freight Lines, Inc. failed to properly self-inspect their diesel fleet to insure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle this case, Central Freight Lines, Inc. of Waco, Texas paid the \$12,750 penalty and agreed to comply with PSIP and other ARB regulations. Of this penalty, Peralta Community College will receive \$3,188 to help support the CCDET.

Lanting Gardner Trucking, Inc. - \$51,000 Settlement

In October 2008, an investigation by ARB showed that Lanting Gardner Trucking, Inc. failed to properly self-inspect their diesel fleet to insure the trucks met state smoke emission standards. ARB documented violations as they related to PSIP. To settle this case, Lanting Gardner Trucking, Inc. of Ontario paid the \$51,000 penalty

over a six-month period, starting October 2008, and to comply with PSIP and other ARB regulations. Of this penalty, Peralta Community College received \$2,125 per month for the following five months to help support the CCDET.

City of Bakersfield - \$25,500 Settlement

In October 2008, the City of Bakersfield paid \$25,500 in penalties; \$19,125 to the California Air Pollution Fund, \$3,187 to the Peralta Community College District, and \$3,188 to the California Pollution Control Financing Authority for violating air quality regulations.

An investigation by ARB showed that the City of Bakersfield failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations related to PSIP. The City of Bakersfield paid the \$25,500 penalty to settle the case, and agreed to comply with PSIP and other ARB programs.

Dunbar Armored - \$36,375 Settlement

In October 2008, Dunbar Armored paid \$36,375 in penalties; \$27,281 to the California Air Pollution Fund, \$4,547 to the Peralta Community College District, and \$4,547 to the California Pollution Control Financing Authority for violating air quality regulations.

An investigation by ARB showed that Dunbar Armored 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, Dunbar Armored paid the \$36,375 penalty and agreed to comply with PSIP and other ARB programs.

City of Palmdale - \$18,500 Settlement

In October 2008, the City of Palmdale paid \$18,500 in penalties; \$13,875 to the California Air Pollution Fund and \$4,625 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that the City of Palmdale 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, the City of Palmdale paid the \$18,500 penalty and agreed to comply with PSIP and other ARB programs.

Western Farm Services, Inc. - \$114,000 Settlement

In October 2008, Western Farm Services, Inc. paid \$114,000 in penalties; \$85,500 to the California Air Pollution Fund and \$28,500 to the Peralta Community College District, for violating air quality regulations.

An investigation by ARB showed that Western Farm Service, Inc. 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,

Western Farm Service, Inc. paid the \$114,000 penalty and agreed to comply with PSIP and other ARB programs.

McCune Chrysler-Jeep - \$15,000 Settlement

During ARB's ongoing investigation into the sale and use of non-California certified vehicles, staff for the MSES became aware that McCune Chrysler-Jeep, located in National City, California, acquired and offered for sale to California residents six illegal non-California-certified vehicles. This is a violation of HSC Sections 43150 through 43153. McCune Chrysler-Jeep showed proof the vehicles were removed from California, and in October 2008 paid into the APCF \$2,500 each for the six vehicles, for a total of \$15,000 to settle the violations.

Saturn of Riverside - \$10,000 Settlement

During our ongoing investigation into the sale and use of non-California certified vehicles, staff for MSES became aware that Saturn of Riverside, located in Riverside, California, acquired and offered for sale to California residents four illegal non-California-certified vehicles. This is a violation of HSC Sections 43150 through 43153. Saturn of Riverside showed proof the vehicles were removed from California, and in October 2008 paid into the APCF \$2,500 each for the four vehicles for a total of \$10,000 to settle the violations.

Shasta Nissan Subaru - \$34,750 Settlement

On October 1, 2004 Shasta Nissan Subaru began installing a non-exempted aftermarket device known as the "Fuel Maximizer" into new 2005 through 2007 model year light- and medium-duty motor vehicles. This was done before the equitable or legal title of the vehicles had been transferred to an ultimate purchaser. By installing the non-exempted aftermarket part, Shasta Nissan Subaru transformed each motor vehicle from a California-certified to a non-California-certified configuration. Shasta Nissan Subaru settled the violations in August 2008 for \$34,750.

Command Delivery Systems, Inc. - \$54,000 Settlement

In November 2008, Command Delivery Systems, Inc. paid \$54,000 in penalties; \$40,500 to the California Air Pollution Fund, \$6,750 to the Peralta Community College District, and \$6,750 to the California Pollution Control Financing Authority for violating air quality regulations.

An investigation by ARB showed that Command Delivery Systems, Inc. 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, Command Delivery Systems, Inc. paid the \$54,000 penalty and agreed to comply with PSIP and other ARB programs.

City of Oxnard - \$12,375 Settlement

In November 2008, the City of Oxnard paid \$12,375 in penalties; \$9,281 to the California Air Pollution Fund, \$1,547 to the Peralta Community College District, and \$1,547 to the California Pollution Control Financing Authority for violating air quality regulations.

Through investigation, ARB determined that the City of Oxnard failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented PSIP violations. To settle the case, the City of Oxnard paid the \$12,375 penalty and agreed to comply with PSIP and other ARB programs.

Vicoo Industry, Inc. - \$45,000 Settlement

An investigation by MSES determined that Vicoo Industry, Inc. of City of Industry, California, began importing, offering for sale, and selling OHRVs prior to being issued an EO by ARB. In addition, the vehicles were labeled as being certified for sale in California. After discovering that they were importing, offering, and selling the vehicles without an EO, Vicoo immediately ceased all sales to California customers. The case was settled on November 25, 2008 for \$45,000.

Consumer Products Cases

Rutland Fire Clay Company - \$10,000 Settlement

On March 17, 2008, Rutland Fire Clay Company and ED staff mutually settled an enforcement case for \$10,000. Rutland Fire Clay Company manufactured and distributed Rutland One Match Gelled Fire Starter product into California. This product was not marked with a date of manufacture and was not certified as a Charcoal Lighter Material as specified in the Consumer Products Regulation.

Motul U.S.A., Inc. - \$35,000 Settlement

Staff discovered that from January 2003 to September 2007 Motul U.S.A., Inc. sold Motul Tyre Repair, Motul Brake Clean, and Motul Carbu Clean which, at the time of sale, did not meet applicable VOC limits as found in the California Consumer Product Regulation. Furthermore, during 2006 and 2007, Motul U.S.A., Inc. failed to submit an explanation of the code used to indicate the date of manufacture for each of the above products. The company has stopped selling the non-complying products and has filed an explanation. On March 17, 2008, Motul U.S.A., Inc. settled this case for \$35,000.

Blaster Chemical Company - \$158,000 Settlement

On April 30, 2008, ARB settled with Blaster Chemical Company for selling 237,152 units of aerosol Fabulous Blaster Penetrating Catalyst into California that were in violation of both the VOC limit and the product dating requirements as regulated by ARB Consumer Products Regulations. Blaster Chemical paid \$158,000 to settle the case.

Safeway Inc. - \$46,000 Settlement

Staff discovered that from June 2006 to December 2006 Safeway Inc. sold, in non-type-A areas of California, Peak Windshield Wash & Deicer -20°F, which does not meet the 1 percent VOC limit for windshield washer products as specified in the Consumer Product Regulation. The distribution problems have since been rectified. The case with Safeway was settled on May 9, 2008 and Safeway Inc. paid \$46,000.

McLane Company, Inc. - \$14,000 Settlement

Staff discovered that from February 2005 to May 2007 McLane Company, Inc. sold, primarily in the non-type-A areas of Placer County, Peak Windshield Wash & Deicer -20°F, which did not meet the 1 percent VOC limits as required under the Consumer Product Regulation. McLane has corrected its distribution problems in both Placer County and the rest of the non-type-A areas of California. On May 19, 2008, McLane Company, Inc. settled this case for \$14,000.

Lampe Berger U.S.A. - \$29,000 Settlement

On June 2, 2008, a case was settled with Lampe Berger U.S.A., Inc. for selling non-compliant air fresheners known as fragrance fuel. The Consumer Products Regulation specifies that no person shall sell, supply, offer for sale or manufacture for sale in California any liquid/pump spray air fresheners that exceed the 18 percent by weight VOC limit. Lampe Berger U.S.A., Inc. paid \$29,000 to settle the case.

Pep Boys - \$35,000 Settlement

On July 14, 2008, a settlement agreement was executed with Pep Boys for \$35,000 in lieu of litigation. Between April 2003 and April 2006, Pep Boys sold Prestone Deicer Windshield Washer Fluid -34°F, Mr. Clean Windshield Wash and Deicer -30°F, and Krystal Kleer Windshield Washer Fluid -20°F products from Pep Boys retail stores in non-type-A areas of California. All three products exceeded the one-percent VOC standard for automotive windshield washer fluids in non-Type-A areas of California.

Williams-Sonoma, Inc. - \$40,600 Settlement

On August 28, 2008, a case was settled with Williams-Sonoma, Inc. for selling Pottery Barn Air Fresheners into California that exceeded the state standard for VOCs. The Consumer Products Regulation specifies that no person shall sell, supply, offer for sale or manufacture for sale in California any Liquid/Pump Spray Air Fresheners that exceed the 18 percent by weight VOC limit. The case was settled for \$40,600.

Schaeffer Manufacturing Company - \$15,800 Settlement

Since September 2003, the Schaeffer Manufacturing Company has been supplying and offering for sale in California their aerosol Citrol Multi-Purpose Degreaser product, subject to a 50 percent VOC limit, and their non-aerosol Citrol Multi-Purpose Degreaser product, subject to the 4 percent VOC limit for aerosol and non-

aerosol General Purpose Degreasers respectively. Neither product was in compliance with the Consumer Product Regulation VOC limits. The case was settled on August 29, 2008 for \$15,800.

Sears Holdings Corporation - \$290,000 Settlement

Between August 1, 2004 and December 31, 2007, Sears Holdings Corporation sold Splash Windshield Washer -20°F, Splash De-Icer -30°F, Prestone De-Icer Windshield Washer Fluid -34°F, Xtreme Blue Windshield Washer -20°F, and "Xtreme Blue Windshield Washer +20°F" windshield washer fluid products at Kmart and Sears Essentials retail locations throughout non-Type-A areas of California. All five products exceeded the one percent VOC limit set under Consumer Products Regulation for the "Automotive Windshield Washer Fluid, All Other Areas" category.

Due to the magnitude of the excess emissions from the sale of the windshield washer fluids, the case was pursued by OLA along with the portable fuel container case. On September 10, 2008, the consumer products case was settled for a payment of \$290,000 as part of the combined \$600,000 settlement.

Sears Holdings Corporation - \$310,000 Settlement

Between January 1, 2007 and December 31, 2007, Sears Holdings Corporation sold Blitz and Midwest brand portable fuel containers of various sizes at Kmart and Sears retail locations throughout California, and to customers in California through their web sites. These containers did not comply with the performance standards for spill-proof systems in the California regulation.

Some of the models of portable fuel containers had been subject to a previous settlement agreement, yet the products continued to be sold at many store locations due to data entry errors in the company's sales restrictions databases. Since this was the third NOV issued to the company for portable fuel container sales, the case was pursued with OLA, along with the Consumer Products case above. On September 10, 2008, the portable fuel container case was settled for a payment of \$310,000, as part of the combined \$600,000 settlement.

Royal Oak Enterprises, LLC - \$22,000 Settlement

On September 26, 2008, Royal Oak Enterprises, LLC settled two separate cases for \$22,000. Royal Oak Enterprises manufactured Sam's Choice Professional Quality Instant Charcoal Briquettes products for the Wal-Mart Corporation and the Grill It Premium Odorless Charcoal Lighter product for the Target Corporation.

None of the products were certified as a Charcoal Lighter material by ARB at the time of purchase, and one product was not marked with a date of manufacture as required under the Consumer Products Regulation. In addition, the company failed to submit a date code explanation for the second product. The company has since applied for certification and corrected the product dating violations.

Web Products, Inc. - \$28,500 Settlement

On October 12, 2008, a case was settled with Web Products, Inc. for manufacturing non-compliant Air Fresheners for sale in California. The Consumer Products Regulation specifies that all solid/semisolid Air Fresheners sold in CA must meet the 3 percent by weight VOC limit. Web Products, Inc paid \$28,500 to settle the case.

CSK Auto, Inc./Kragen Auto Parts - \$600,000 Settlement

During inspections in 2006, CSK Auto, Inc. was found selling non-complying containers of automotive windshield washer fluid in non-Type-A areas of California by ARB's CPES staff. After further investigation of the violation, it was determined that multiple non-complying products, including 20/10 Deicer -25°F, Peak Windshield Wash and Deicer -20°F, Peak Windshield Deicer and Cleaner -30°F, Mr. Clean Windshield Wash and Deicer -30°F, and Prestone Deicer Windshield Washer Fluid - 25°F were sold by CSK Auto, Inc. between January 2004 and December 2006.

These products were in violation of the Consumer Products Regulation, sections 94507 to 94517. Two NOV's were issued on December 8, 2006, and May 30, 2007, respectively. These were the third and fourth NOV's issued to CSK Auto, Inc. for selling non-complying automotive windshield washer fluid in non-Type-A areas of California. After a lengthy investigation, CSK Auto, Inc. agreed to settle the NOV's in November 2008 for \$600,000.

Unified Grocers - \$11,500 Settlement

On September 30, 2008 a case was settled with Unified Grocers for distributing a non-complying windshield washer fluid product in California. This product exceeded the 1 percent VOC limit for windshield washer fluid products offered for sale in non-type-A areas of California. The company paid \$11,500 in penalties to settle this case.

Armstrong Flooring - \$40,000 Settlement

On December 29, 2008, a case was settled with Armstrong Flooring for selling 4,119 units of Bruce Clean 'n' Strip that were in violation of the three percent by weight VOC limit for light or medium build-up for non-aerosol floor wax stripper. The company was also in violation of the date code requirement for not filing an explanation of their date code on an annual basis, beginning in January 2006. The company paid \$40,000 in penalties to settle the case.

Fuels Cases

Glencore - \$60,000 Settlement

On August 2, 2008, Glencore submitted notification that they were importing 344,024 barrels of CARBOB on the marine vessel "Victorious", due to arrive on August 5, 2008. Their marine import protocol requires that they submit their first notification at least five days prior to the expected arrival. Glencore also advised during a related telephone call that on July 5, 2008, they had added conventional EPA gasoline to a

Westport Petroleum tank that contained certified CARBOB. Regulations prohibit adding anything to CARBOB except the specified oxygenate. The case was settled for \$60,000 on February 6, 2008.

Allen Gas Truck Stop - \$10,000 Settlement

The diesel fuel at this truck stop in Chula Vista, California, was sampled on June 29, 2006, and was found to have a sulfur content of 5,156 parts per million and an aromatic hydrocarbon content of 26.9 percent, both in excess of the regulatory cap limits. The case was settled on May 15, 2008, for \$10,000.

Chevron - \$25,000 Settlement

On May 19, 2008, Chevron's El Segundo refinery submitted a predictive model notification for a batch of premium grade CARBOB, specifying a T50 value of 212° F. On May 22, 2008, after the fuel started transfer via pipeline to a downstream terminal, Chevron discovered that the T50 was actually 224° F and self-reported the violation. The case was settled on November 13, 2008, for \$25,000.

Chevron - \$25,000 Settlement

Chevron imported 262,975 barrels of diesel fuel on the marine vessel "Bro Charlotte", which began offloading in California on March 3, 2008. The final notification designating the vessel as the import facility was not received until March 4, 2008, after the start of transfer. This case was also settled on November 13, 2008, for \$25,000.

Stationary Source Cases

MCM Construction, Inc. - \$6,000,000 Settlement

SEIES staff began an investigation of MCM Construction, Inc. at various locations in the state, based on a request for technical and legal assistance from the Air Pollution Control Officer of the Mendocino County AQMD and the DA's Office of Ventura County. SEIES staff conducted inspections and interviewed company personnel.

The investigations revealed hundreds of violations, principally not obtaining the required local District permits or PERP certificates for several locations throughout the state. The AG, ARB, and the air districts settled with MCM Construction, Inc. in June 2008 for \$4 million in civil penalties and \$2 million in SEPs. ARB is to receive reimbursement for investigative costs.

PMP Corporation -- \$75,000 Settlement

In February 2008, ARB and PMP Corporation, a Connecticut company, concluded a settlement valued at \$75,000. The matter was referred to ARB by the California Air Pollution Control Officers Association (CAPCOA), with assistance from staff of the Sacramento Metropolitan AQMD and MLD Vapor Recovery In-Use Program Section.

SEIES conducted a thorough investigation and audit of sales records. ARB alleged

that between November 2002 and November 2005, PMP Corporation and its agents violated HSC §41954: Selling and offering for sale rebuilt vapor recovery components that have not been certified for sale in California. PMP Corporation failed to comply with the certification procedure pursuant to HSC § 41954 and promulgated in CCR Title 17, §94011 (CP-201). Records show that 3,638 uncertified vapor pumps were sold in California during this period.

PMP Corporation agreed to fully comply with California air pollution laws and paid \$56,250 as a penalty. In addition, they have paid \$18,750 towards an SEP. These SEP funds have been applied to the "California District Attorneys Association" (CDAA) for the CDAA Circuit Prosecutor Project.

Railroad MOU Violations -- \$12,800 in Settlements

During 2008, a number of Railroad MOU violations were documented by SEIES staff for Union Pacific and Burlington Northern Santa Fe Corporation locomotives that were idling excessively in California rail yards. All violations were settled for a total of \$12,800 in penalties. These funds are credited towards the Carl Moyer Programs in the air districts where the violations occurred.

Appendix C

**Mobile Source Enforcement
Program and Inspection Activities – 2008**

**Table C-1
Heavy-Duty Vehicle Inspection Program**

Number of Inspections	17,822
Number of Violations	418
Failure Rate	2%
Appeals Received/Closed	20/17
Number of Violations Rescinded	5
Violations Closed¹	406
Current HDVIP II Penalties Collected	\$86,960
Number of Violations HDVIP I/II Pending	1,745*
Delinquent HDVIP I/II Violations Closed	247
Delinquent HDVIP I/II Penalties Collected	\$162,845
Trucks Held under VC 27159 by CHP ²	54
Judgments Obtained under HSC 44011.6	116
DMV VC 4755 Registration Holds ³	144
Total HDVIP Violations Closed	653
Total HDVIP Penalties Collected	\$249,805

¹Includes violations pending from previous years.

²If 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.

³Per the authority added by AB 233 of 2007, of the 144 issued, 39 have been cleared.

**Table C-2
Smoking Vehicle Complaint Program**

Letters Sent	4,441
Responses Received	866
Response Rate	20%

Table C-3
School Bus ATCM Enforcement and Outreach

School Bus Spot Checks/Inspections	35
Notices of Violation	3
Non-Compliance Rate	9%
Notices of Violation Closed	3
Penalties Collected	\$300
Complaints Received	4
Advisory Letters Sent	4

Table C-4
Commercial Idling Enforcement and Complaint Program

Commercial Vehicle Spot Checks/Inspections Sleeper-Berth	5,910
Commercial Vehicle Spot Checks/Inspections Non-Sleeper-Berth	1,777
Total Spot Checks/Inspections	7,687
Sleeper-Berth Citations	389
Non-Sleeper-Berth Citations	122
Total Citations	511
Non-Compliance Rate	7%
Citations Closed	307
Penalties Collected	\$84,325
Complaints Received	43
Advisory Letters Sent	43
Responses Received	6
Response Rate	14%

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

Certificates Received	1,231
Certificates Reviewed	252
Cases Opened	40
Cases Closed	74
Penalties Collected	\$278,500

Table C-6
Administrative Hearings*

Number of Cases	21
Number Closed	18
Number Pending	3
Settled	18

*HDVIP/Emission Control Label (ECL) Program

Table C-7
Environmental Justice Inspections*

Inspection days	214
Inspections*	10,301
Violations*	1,357

*The data reflects multiple programs. Inspections are conducted at major supply ports in Los Angeles, Oakland and other EJ Areas.

Table C-8
Public Agency Utility Enforcement

Inspections	103
NOVs Issued	29
NOVs Rescinded	2
Total Violations	27
NOVs Cleared	15
NOVs Pending	12
Penalties Collected	\$5,100

Table C-9
Emission Control Label Enforcement
Grace Period Program - Ended February 14, 2008

Inspections	1,709
Citations Issued	146
Failure Rate	7%
Citations Cleared	430
Citations Rescinded	15
Citations Pending*	430

*Includes violations pending from previous years.

Table C-9(a)
Emission Control Label Enforcement
Full Penalty Phase Program - Effective February 15, 2008

Inspections	15,803
Citations Issued	1,247
Citations Cleared	675
Citations Rescinded	26
Citations Pending	546
Penalties Collected	\$212,475

Table C-10
Solid Waste Collection Vehicle Program

Inspections	862
NOVs Issued	172
NOVs Cleared	160
NOVs Rescinded	23
NOVs Pending	145 *
Failure Rate	17%
Total Penalties Collected	\$33,600

*Includes violations pending from previous years.

Table C-11
Carl Moyer Program and Proposition 1B Goods Movement
Emission Reduction Program - Compliance Checks

Carl Moyer Compliance Checks*	2008
Total Registered Owners/VINs Processed	874
Total Outstanding Violations	4
Proposition 1B Compliance Checks*	2008
Total Registered Owners/VINs Processed	3,278
Total Outstanding Violations	23

*Checks include querying numerous databases:

- HEVI: Heavy Vehicle Inspection – this is the database for HDVIP
- SWCV: Solid Waste Collection Vehicle
- ECL: Emission Control Label
- CVI: Commercial Vehicle Idling
- SBI: School Bus Idling

Table C-12
Diesel Fleet Closed Cases Summary

Type of Case	Total Number of Cases Closed*	Total Penalties Collected	Closed With No Further Action**
PSIP	102	\$1,670,832	47
SWCV	1	\$1,000	0
TRU	2	\$75,750	0
VDECS	3	\$31,500	2
IN USE OFF-ROAD	2	0	2
PSIP/TFV	5	\$16,125	1
PSIP/SWCV	15	\$264,975	3
PSIP/PAU	11	\$70,375	5
PSIP/UB	1	\$8,500	0
PSIP/TRU	1	\$63,300	0
VDECS/AMP	1	0	1
TFV/UB	1	\$3,000	0
Total	145	\$2,205,357	61

* Total Number of Cases Closed** includes those cases that were closed with No further action.

** Closed or dismissed due to no violation found after further investigation.

- PSIP: Periodic Smoke Inspection Program
- SWCV: Solid Waste Collection Vehicle
- TRU: Transport Refrigeration Unit
- VDECS: Verified Diesel Emission Control System
- TFV: Transit Fleet Vehicle
- UB: Urban Bus
- AMP: Aftermarket Parts
- PAU: Public Agencies and Utilities

Table C-13
2008 Closed Mobile Source Enforcement Actions

I. Mobile Source Programs	Cases Closed	Penalties
On-Road Vehicles	74	\$278,500
Motorcycles/OHRVs	8	\$575,400
Aftermarket Parts	2	\$44,750
On-Board Diagnostics*	1	\$250,000
Subtotal	85	\$1,148,650
II. Diesel Programs	Cases/Citations/NOVs Closed	Penalties
Diesel Fleet Cases (See Table C-12)	145	\$2,205,357
Subtotal	145	\$2,205,357
Diesel Field Inspections		
HDVIP	653	\$249,805
SWCV	160	\$33,600
PAU	15	\$5,100
CVI	307	\$84,325
SBI	3	\$300
ECL	1,105	\$212,475
Subtotal	2,243	\$585,605
TOTAL	2,473	\$3,939,612

*This case was investigated by the Mobile Source Control Division and OLA. OBD is the acronym for "on board diagnostics". On-board diagnostic capabilities are incorporated into the hardware and software of a vehicle's on-board computer to monitor virtually every component that can affect emissions performance. Each component is checked by a diagnostic routine to verify that it is functioning properly. If a problem or malfunction is detected, the OBD II system illuminates a warning light on the vehicle instrument panel to alert the driver. This warning light will typically display the phrase "Check Engine" or "Service Engine Soon." The system will also store important information about the detected malfunction so that a repair technician can accurately find and fix the problem.

Appendix D

**Fuels and Consumer Products Enforcement
Inspection Activities -- 2008**

Table D-1
Consumer Products Inspections and Samples

Samples Obtained	2,325
Lab Results Received	1,912
Alleged Violations	836
NOVs Issued	61

Table D-2
Portable Fuel Containers and Spouts

Samples Obtained	126
Alleged Violations	60
NOVs Issued	13

Table D-3
Cargo Tank Vapor Recovery Certification

Cargo Tanks Inspected	749
Cargo Tanks Tested	351
Cargo Tanks Certified	5,708
Pressure Violations (nitrogen test)	30
Uncertified Equipment Violations	2
Liquid Leak Violations	3
Annual Tests Observed	132

Table D-4
Motor Fuel Inspection Summary

Samples	2,140
Analyses	18,615
Reid vapor pressure	1,500
Lead	4
Sulfur (gasoline & diesel fuel)	2,116
Oxygen	1,888
MTBE, Ethanol	1,910
Benzene	1,961
Total aromatics	1,961
Olefin	1,961
Distillation, T50	1,983
Distillation, T90	1,983
Aromatic hydrocarbon (diesel fuel)	524
PAH (diesel fuel)	524
Nitrogen (diesel fuel)	100

Table D-5
Gallons Represented in Sampling

Gasoline	864,422,000
Diesel	334,930,000

Table D-6
BOE Dyed Diesel Program *

Inspections	16,267
Violations	23

*ARB works under a reimbursable services contract for the Board of Equalization for this program and conducts these inspections concurrent with HDVIP roadside inspections.

Table D-7
Fuel Cases

Company	Violation	Amount
Glencore	Import/CARBOB Contamination	\$60,000.00
Quick Trip	Lead/Nozzle	\$ 4,000.00
SoCo	Nozzle Size	\$ 4,000.00
Pacific Tank Lines	Oxygen	\$ 1,000.00
Allen Gas	Sulfur/Diesel	\$10,000.00
TT&T	RVP	\$ 1,000.00
Moore Fuel	RVP	\$ 3,000.00
Chevron/El Segundo	T50	\$25,000.00
Chevron	Import Notice	\$25,000.00
Total	9	\$133,000.00

Appendix E**Stationary Source Enforcement and
Local Air District Oversight Activity – 2008****Table E-1**
Hotline Complaint Activities

Total Complaints and Inquiries Received	1,059
- Stationary Source Complaints to Districts	174
- Vapor Recovery Complaints to Districts	79
- Questions Answered by Enforcement	178
- Referred to Other ARB Divisions	16
- Referred to Other Agencies	612
Air District Investigation Reports Received	217

Table E-2
Variance Activity

Variations Reviewed	482
Notices Reviewed	389
Variations Questioned	86
Variations Returned	4
Issues Addressed	388
Workshops Conducted	3
Hearing Board Visits	1

Table E-3
Air Facility System Compliance Data

Reports Received and Reviewed	98
Reports Entered	74
Issues Addressed	41
Reports Sent to Air Districts	24
CEM Summaries Received	8

Table E-4
Air Facility System High Priority Violators

Reports Received	260
Reports Entered	35
Issues Addressed	54
Reports Sent to Districts	157

Table E-5
Continuous Emissions Monitoring Program Activity

Total Reports Received & Entered	2,976
NOx	603
SO ₂	558
H ₂ S	584
CO	591
Opacity	640

Table E-6
Air District Rule Review

Rules Received	248
Rules Reviewed	234
Rules with Formal Comments	2

Table E-7
Agricultural Burning

Burn Issues Addressed	44
Meetings Attended	3

Table E-8
Asbestos Enforcement Activity

Notifications Reviewed	586
Demolition/Renovation Inspections	44
Complaint Investigations	10
Related Phone Calls/E-Mails Addressed	781
Workshops Conducted	2

Table E-9
Strategic Environmental Investigations and Enforcement Section
Activities - 2008

TYPE OF ACTIVITY	TOTAL
Total SEIES Settlement Amounts¹	\$6,087,800
Continuing Investigations	7
New Investigations	10
SEIES Cases Closed	17
Cases Referred for Investigation	1
Cases Referred for Prosecution	0
Continuing Prosecution	2
Case Settlement/Prosecution	5
Investigative Assistance	11
Continuing Surveillance	9
New Surveillance	9
Surveillance Closed	8
Stationary Source Inspections (non-PERP)	42
Portable Equipment (PERP) Inspections	103
Locomotive Railroad MOU Inspections	2,027
Off-site Railroad Inspections	9
Rail Facilities Inspected ²	32
RR MOU NOVs Issued	32
RR MOU NTCs Issued	11
RR Cases Closed	32
Ship Incineration Inspections	26
Ship Auxiliary Engine Inspections	25
Ship Auxiliary Engine NOVs	0
Fuel Dock/Marina Fuel Inspections	40
Dry Cleaner Verification Inspections	19
Task Force Meetings Attended	64
Rule Development Support	6
Special Projects	14

¹ Cases closed by air districts are not included.

² Rail yards are inspected twice a year and/or after a complaint.

Appendix F**Compliance Training and Assistance Programs - 2008****Table F-1**
Programs and Attendance

Classes and Programs	Number of Courses	Student-Days
UAQTP* 100 Series (California) (4 days)	5	532
Air Academy (California) (3 days)	1	483
Other 100 Series Courses	64	3,831
200 Series (California)	55	1,330
Enforcement Symposium (3.5 days)	1	854
Cal/EPA Basic Instructor Academy (4 days)	4	364
Other 300 Series Courses	24	545
400 Series (California)	5	163
California Totals	159	8,102
National Totals	64	3,286
Overall Totals	223	11,358

* Uniform Air Quality Training Program

Table F-2
200/300 Series Statistical Analysis

Parameter	Instate 2008	Instate 2007	Instate 2006	Out of State 2008	Out of State 2007	Out of State 2006
Classes Accomplished	159	70	85	64	97	61
Student Days	8,102	5,878	3,618	3,286	2,273	1,703
Average Student Days	51	84	42.6	51	23.4	27.9

Table F-3
Web Casting Totals

January 1, 2008 to December 31, 2008	Total Students Taught in CA	8,102
	Total Courses	159
	Webcast Capable Courses	7*
	Webcast Students	90
	Average Webcast Students per Course	12

* The first webcast class was offered on July 29, 2008

Table F-4
Top Five Hardcopy Materials Distributed 2008

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 & 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-5
Top Five Website Inquiries 2008

Rank	CDs*	Handbooks	Pamphlets
1	Baghouses	Wood Burning	Baghouses
2	Petroleum Refineries	Asbestos Demolition & Renovation	Limits on Diesel-Fueled Commercial Vehicle Idling
3	Printed Circuit Boards	Visible Emissions Evaluation	Asbestos-Containing Rock & Soil for Homeowners, 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 2008

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

Chief , Enforcement Division	James R. Ryden	(916) 324-7346
Division Secretary	Barbara Gregson	(916) 322-6033
Enforcement Database Coordinator	Reggie Guanlao	(916) 445-2815
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 Enf. Section – On-Road	Les Simonson	(916) 322-6905
Manager , Heavy-Duty Diesel Enf. Section – Field Operations and Citation Administration	Nancy O'Connor	(916) 322-8325
Manager , Heavy-Duty Diesel Enf. Section – Off-Road	Manfred Ochsner	(626) 350-6532
HD Diesel Field Supervisor – Northern California	Shaliendra Pratab	(916) 445-2049
HD Diesel Field Supervisor – Southern California	Ching Yang	(626) 350-6422
HD Diesel Field Supervisor – Border	Damacio Arevalos	(626) 350-6449
Citation Administration – Northern California	Renae Hankins	(916) 322-8275
Citation Administration – Southern California	Hortencia Mora	(626) 350-6950
Citation Administration – Border Region	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 Region	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
CaRFG/Diesel Regulations Enforcement	Dickman Lum	(916) 327-1520

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Case Development Program	Maria Loera	(916) 323-1101
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 and 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) AFS High Priority Violations (HPV)	John McCormack	(916) 324-8020
Agricultural Burning Program	Ed Virgin	(916) 322-5866
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	Simeon Okoroike	(916) 327-3529
Variance Workshops Variance Program	Vickie McGrath Ed Virgin	(916) 324-7343 (916) 322-5866
<u>Training and Compliance Assistance Contacts:</u>		
Chief , Training and Compliance Assistance Branch	Mary Boyer	(916) 322-6037
Branch Registrar, Training and Compliance Assistance	Teresa Campos	(916) 322-3937
Manager , Compliance Training Section	Ben Sehgal	(916) 323-8412
Manager , Compliance Assistance Section	Mark Tavianini	(916) 327-0632
CAP Publications	Mark Tavianini	(916) 327-0632
FOE and VEE Program	Min Li	(916) 327-1168
Greenhouse Gas Enforcement Manager:	Judy Lewis	(916) 322-1879
<u>Other Contacts:</u>		
ARB Office of Legal Affairs Chief Counsel	Ellen M. Peter	(916) 322-2884 (916) 323-9606
ARB Complaint Investigations	Simeon Okoroike	(916) 327-3529
ARB Statewide Complaint Hotline		(800) 955-5567
ARB Statewide Vehicle Complaint Hotline		1-800-END-SMOG (800) 363-7664
ARB ED Spanish Speaking Assistance	Hector Pelayo Hortencia Mora	(626) 575-6779 (626) 350-6590
Special Investigations/Collections	Jay Zincke	(916) 323-1608
Webmasters	Mary Rose Sullivan Wendy Waienknecht	(916) 327-1523 (916) 445-0235

All individuals listed above may be contacted via e-mail. Email addresses can be found at www.arb.ca.gov.