



California Environmental Protection Agency

AIR RESOURCES BOARD



Report of Enforcement Activities

January 1 - December 31, 2004

June 2005

REPORT OF ENFORCEMENT ACTIVITIES FOR 2004

AIR RESOURCES BOARD ENFORCEMENT DIVISION JULY 2005

ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

The primary mission of the Air Resources Board (ARB, Board) is to protect public health and the environment. This is done through the adoption and implementation of regulations and programs to reduce emissions of and exposure to air pollutants from a variety of mobile and other statewide sources. Fair and effective enforcement of these far-reaching efforts is critical to the successful accomplishment of this mission. This goal is reflected in the mission statement adopted by the Enforcement Division that reads as follows:

“To protect public health and the environment by maximizing reductions in emissions of air contaminants and exposure to air contaminants through the fair, consistent and comprehensive enforcement of statutory and regulatory requirements for sources of air pollution under ARB jurisdiction.”

To meet the challenges that this mission imparts, the Enforcement Division (ED) was significantly reorganized in 2001/2002. The restructuring, which was started in early 2001, was completed in August 2002. In September 2004, another restructuring occurred when the Training and Compliance Assistance Branch returned to ED. The effectiveness of the restructuring was seen in increased enforcement actions during 2004. The total number of cases opened, cases referred for further action, cases settled and penalties collected in specific program areas all significantly increased in 2004. The following is a partial listing of the ARB's Enforcement Program's 2004 highlights:

- 1,314 cases closed
- \$4,601,142 total penalties collected
- Ongoing development of an Enforcement Strategic Plan
- Over 15,000 heavy-duty vehicles inspected
- Over 1,000 cargo tanks inspected
- Over 437 million gallons of gasoline represented in sampling
- Over 118 million gallons of diesel fuel represented in sampling
- Over 16,800 red-dyed diesel fuel inspections
- Over 1,700 consumer product samples collected during inspections
- Over 290 portable fuel containers and spouts samples obtained during inspections

- Implemented the SB 527 Administrative Hearing Program and trained staff on this program
- Implemented enforcement of the school bus/delivery vehicle idling enforcement program
- Implemented the voluntary low NOx software reflash program
- NAFTA implementation (enforcement to begin in 2005)

The true measure of the effectiveness of the enforcement program is the emissions reductions achieved. The Enforcement Division estimates that the enforcement actions undertaken in 2004 resulted in excess emissions reductions of over 100 tons per day. These reductions are over and above the baseline emission reductions projected in the program regulations (e.g. the capturing excess emissions from the products not accounted for in the regulations such as grey market vehicle engines, etc.). Plus, the enforcement program ensures that the ARB's regulations are achieving their designated emissions reductions. We continue to work on the development of this metric of success. An additional indicator of effectiveness is the number of cases investigated and closed during each year. In 2004, 1,314 cases were closed for \$4,601,142 in penalties compared to 1,237 cases closed in 2003 for \$6,209,005. To provide a different perspective to how effective the enforcement program is, you can look to the steady climb of penalties and settlements collected over the past decade. To illustrate this point, in 1991 collections reached \$500,000 per year and by the mid 1990s consistently exceeded \$1 million per year. Since 2001, collections have exceeded \$2 million per year and presently collections are averaging between \$4 to \$6 million annually.

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

INTRODUCTION

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

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

Within the ARB, the ED is responsible for these activities. The Enforcement Division is structured to address the various source categories. The Mobile Source Enforcement Branch (MSEB) keeps a watchful eye on heavy-duty vehicles including: commercial diesel trucks, passenger vehicles and other light-duty on-road vehicles, off-highway vehicles, and non-road engines (e.g. lawn and garden equipment and small utility engines). The Stationary Source Enforcement Branch investigates and develops cases related to motor vehicle fuels and consumer products, provides oversight of and assistance to local air district enforcement programs, and provides investigative and surveillance services to assist in the development of air quality and multi-media cases. The Training and Compliance Assistance Branch encourages and assists voluntary compliance with training courses and compliance assistance materials.

Integral to the success of the enforcement program is the Enforcement Division's close working relationship with ARB's Office of Legal Affairs (OLA). Many cases developed by ED staff are settled between staff and the violators, who are required to come into compliance and pay appropriate civil penalties. For cases that can not be handled through this informal process, OLA attorneys are brought in to work with enforcement staff to negotiate settlements or prepare cases for referral for civil litigation or criminal prosecution. Those cases are referred to the Office of the Attorney General, local City or District Attorneys, or the U.S. Attorney's Office.

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

"To protect public health and the environment by maximizing reductions in emissions of air contaminants and exposure to air contaminants through the fair, consistent and comprehensive enforcement of statutory and regulatory requirements for sources of air pollution under ARB jurisdiction."

The report that follows includes a discussion of the enforcement programs currently administered by the ARB, including 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 within the set of appendices. Please also note that it is the ARB's practice to keep confidential the names of entities involved in pending enforcement actions, and that this convention will be observed in any pending case summary information.

For more information on the ARB's Enforcement Division or its programs, or questions or comments relating to this report, please contact Marivel De La Torre, Enforcement Case Coordinator at (916) 323-1362 or mdelator@arb.ca.gov. Questions relating to specific program areas may be directed to the appropriate section or branch manager, listed on the contact sheet found in Appendix F. Please also refer to the Enforcement Division's web page, located at the following link: <http://www.arb.ca.gov/enf/enf.htm>.

GENERAL ENFORCEMENT PROGRAM

In December 2002, the ARB adopted amendments to its administrative hearing procedures, which became effective on October 9, 2003. These procedures allow the ARB to assess and collect Administrative Penalties for violations of the ARB's adopted rules and regulations. The ARB modified the hearing procedures found under title 17, California Code of Regulations Sections 60065 et seq., and 60075 et seq. at a December 2002 Public Hearing. The modifications were done in order to comply with the directives of Senate Bill (SB) 527 of 2001. The Administrative Penalties may be sought as an alternative to civil penalties for less severe, clear-cut violations. In 2004, ED staff was trained on this program, which included mock hearings and formal training with the Office of Administrative Hearings.

Beginning in 2003 the ARB began developing a Strategic Plan, which included staff from the various sections within the ED. Throughout 2004, a representative from each section within the ED met regularly to identify goals and objectives to maximize ARB's enforcement effectiveness and to coincide with the Governor's Environmental Action Plan. The various goals and objectives have been developed and this plan will be completed in 2005.

Also in 2004, the ARB's Strategic Environmental Investigative & Enforcement Section continued to serve as the lead in Cal/EPA's multi-media environmental investigations.

MOBILE SOURCE ENFORCEMENT PROGRAM

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

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

This is an intricate process, and as might be expected, there are numerous ways that it may be, wittingly or unintentionally, subverted. To guard against the illegal entry, sale and operation of non-complying vehicles/engines within California, the Board's regulations include provisions to assure compliance, and when that fails, to initiate appropriate enforcement action. The ARB's mobile source enforcement program is administered on two fronts: heavy-duty diesel vehicle enforcement, and programs to address all other on-road and non-road mobile sources.

HEAVY-DUTY DIESEL VEHICLE ENFORCEMENT PROGRAM

Program Overview

The ARB, in cooperation with the California Highway Patrol (CHP), tests heavy-duty trucks and buses for excessive smoke emissions and tampering of emission control systems. Every heavy-duty vehicle traveling in California, including those registered in other states and foreign countries (i.e. Mexico or Canada), is subject to inspection and testing. Although heavy-duty vehicles comprise only 2% of California's on-road fleet, they produce about 30% of the nitrogen oxides and 65% of the particulate emissions attributed to motor vehicles. The sooty exhaust emissions from these vehicles are of special concern, particularly in residential areas, because of the toxic nature of the particles found in the diesel exhaust.

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

The HDVIP is administered by field inspection staff that performs smoke opacity tests at CHP weigh stations, random roadside locations including Environmental Justice (EJ) communities and ports, fleet locations, and at two California/Mexico border ports of entry (Otay Mesa and Calexico). To conduct a smoke opacity inspection, the ARB inspector selects a vehicle for testing based on a visual assessment of its exhaust opacity. With the assistance of the CHP, the vehicle is directed to the inspection area, and with the wheels secured for safety and the transmission in neutral, the driver rapidly depresses the accelerator while an opacity meter evaluates the resulting plume of smoky exhaust. (The test protocol, SAE J1667, was developed by the Society of Automotive Engineers specifically for this type of program.) If the smoke opacity exceeds California's standards of 55% for older vehicles and 40% for those manufactured in 1991 or later years, the vehicle owner receives a citation.

Citations carry a civil penalty of \$800 for the first offense, however \$500 of this penalty is waived if within 45 days the vehicle is repaired, set to manufacturers' specifications and is demonstrated to meet the appropriate opacity standard. An owner whose vehicle receives an additional citation within 12 months of the first issuance is assessed a penalty of \$1,800. If an older vehicle (model year prior to 1991) is found to have smoke opacity between 55% and 69%, the ARB issues a Notice of Violation (NOV) that carries no civil penalty as long as corrective action is demonstrated within 45 days. If this is not accomplished, the NOV is converted to a citation. The owner of a cited vehicle may appeal the citation through a hearing with an ARB Administrative Law Judge.

The companion PSIP requires that California fleet owners of two or more heavy-duty diesel vehicles perform an annual smoke inspection on each of their vehicles. (Vehicles with new – not rebuilt – engines that are less than four years old are exempt from annual testing.) Fleet owners are required to maintain their records for two years, and the ARB staff may perform audits at fleet facilities to assure that the

requirements are being fulfilled (i.e., staff will request to see copies of smoke test results, demonstrations of correction, etc.). Recalcitrant fleet owners are audited a second time, their vehicles are tested and citations are issued for those vehicles that exceed opacity standards on the facility premises. Additionally, staff develops enforcement cases against non-compliant fleets. These cases are prosecuted by the State Attorney General or local District Attorney. Enforcement statistics of these programs, please refer to Appendix C.

Program News

Focused Environmental Inspections in Environmental Justice Communities

The ARB has participated in an on-going program of multi-environmental media vehicle inspections in mixed residential/industrial locations (i.e. Environmental Justice areas). During these events, inspection personnel from a variety of agencies (e.g., California Highway Patrol, U.S. Environmental Protection Agency, U.S. Coast Guard, U.S. Homeland Security Agency-Immigration Customs Enforcement, Department of Toxic Substances Control, local law enforcement and hazardous materials agencies, Board of Equalization, Internal Revenue Service, etc.) assemble to examine vehicles passing through these neighborhoods to detect violations of air quality regulations, illegal transport of hazardous wastes, illegal use of tax-exempt red diesel fuel, safety concerns, and other related issues. In 2004, ARB staff conducted over 47 of these inspections throughout California. These inspections generated over 7,000 vehicle inspections resulting in 750 violations. The primary inspection locations included major shipping ports and U.S./Mexico ports of entry.

California-Mexico Border Programs

With the forthcoming implementation of the North American Free Trade Agreement (NAFTA), it is crucial to ensure that the vehicles travelling back and forth across the border do not adversely impact air quality in either California or Mexico. The ARB maintains full-time HDVIP inspection sites at both Otay Mesa and Calexico. The ARB is also working with California Transportation design engineers to provide a working area for the ARB inspection staff at the Tecate port of entry. Construction of the Tecate facility is announced to open in 2007.

On June 7, 2004, the U.S. Supreme Court issued a unanimous decision mandating the implementation of the transportation provisions of NAFTA. As a result, the California Legislature passed legislation AB 1009, mandating that the ARB adopt regulations by January 2006, which would prohibit heavy-duty diesel vehicles without U.S. EPA or equivalent certified engines from operating in California. ARB staff is working on developing these regulations and requisite program to meet the proposed mandates of AB 1009. Also, staff is working with other State and Federal Agencies to prepare for the implementation of NAFTA.

CCDET

It is important that individuals or firms that perform smoke opacity testing related to the ARB's HDVIP and PSIP, have a clear understanding of the program regulations and be able to correctly administer the SAE J1667 opacity test. To this end, the California Council on Diesel Education and Technology (CCDET) was established as a

partnership between the ARB, the diesel trucking industry, and the California Community Colleges. There are currently six colleges within California (College of Alameda, San Joaquin Delta College, Santa Ana College, Los Angeles Trade Tech., Palomar College, and San Diego Miramar College) that offer low-cost training in the proper application of SAE J1667, as well as smoke-related engine repairs and maintenance practices.

Smoking Vehicle Complaint Program

Smoking vehicles can adversely affect on our air quality. Everyone has a responsibility to maintain their vehicles so that air emissions are minimized. A well-maintained vehicle is a cleaner running, lower emitting vehicle that also optimizes its fuel economy. This one small effort on the public's part will help to keep the air healthy for all of us.

Unfortunately, not everyone is aware that their smoking vehicle is such a problem. A number of air districts, along with the ARB, have implemented programs for contacting the owners of smoking vehicles. Under this program, citizens report excessively smoking vehicles and the owners are sent notices asking that they check (and repair as needed) their vehicles. This program generated a 31% response rate for 2004. See Appendix C for 2004 program statistics.

School Bus Idling ATCM

In order to protect children's health, school buses and other heavy-duty vehicle operators can't idle when at a school or within 100 feet of a school. The rule, adopted in December 2002, requires the driver of a school bus, transit bus or other commercial heavy-duty vehicle to minimize idling at schools. Additional idling restrictions are imposed for vehicles stopping within 100 feet of a school for not more than 5 minutes. Exemptions are provided for idling that is necessary for safety or operational purposes. The measure does not affect private passenger vehicles. The rule became effective July 16, 2003.

The idling rules are among a series of rules adopted by the ARB as part of its Diesel Risk Reduction Plan, designed to cut year 2000 diesel emissions by 75 percent by 2010. For the 2004 enforcement statistics of this program, see Appendix C.

School Bus Idling Complaint Program

To complement the School Bus Idling ATCM, a complaint program was established so that members of the public can anonymously report a school bus or other heavy-duty diesel truck that they believe is idling. Upon receipt of a complaint, the driver/vehicle owner is issued an Advisory notice and is asked to respond with information outlining compliance efforts. These complaints are reported through the ARB web site and established 1-800 Hotlines. For the 2004 enforcement statistics of this program, see Appendix C.

Commercial Vehicle Idling Complaint Program

Similar to the School Bus Idling Complaint Program, in the 2nd quarter of 2003, ED staff launched a web site for the public to report incidents of unnecessary commercial vehicle idling and complaints involved with diesel fuel emissions. The owner is issued

an Advisory notice and is asked to respond with information outlining compliance efforts. For the 2004 enforcement statistics of this program, see Appendix C.

Idling Enforcement

The ED is working to enforce the statewide regulation to limit diesel-fueled commercial motor vehicle idling that became effective on February 1, 2005. Thus far in 2005, the ED staff has made 70 visits/contacts with schools, school districts in the Southern California, charter bus companies in Southern California, the Santa Monica Fire Department, and the Big Blue Bus company in Santa Monica to discuss this new statewide regulation as well as to follow-up on complaints of idling.

Heavy-Duty Diesel Engine Reflash Program

The ARB has participated in an on-going outreach effort to promote the installation of the new diesel engine computer low NOx (Nitrogen Oxide) software by disseminating information at events to the trucking industry and manufacturer authorized dealerships.

The owners of most heavy-duty diesel trucks, buses and motor homes built between 1993 and 1999 registered in California are required to have authorized dealers and distributors install new software - a process called reflash - to prevent the release of excess NOx emissions. This requirement stems from a settlement agreement between U.S. EPA, ARB and the six major engine manufacturers. The engine manufacturers were required to voluntarily reflash 35% of all California registered vehicles by November 2004 at no cost to the owner. Only one manufacturer, Detroit Diesel Corporation (DDC) was able to meet the requirement, and as a result will be allowed to continue its voluntary compliance program. The remaining five manufacturers were unsuccessful and were only able to achieve a voluntary rate of 18%; therefore, the mandatory reflash program will be imposed.

The reflash program will be enforced in union with the roadside HDVIP.

Enforcement Actions for PSIP

The ARB staff settled three cases against heavy-duty diesel fleets for a total of \$40,000 in penalties. See Appendix B for the case summaries.

Also, an investigation by the ARB showed that a major California company failed to properly test their engines annually for smoke opacity compliance, to repair those engines failing the annual smoke test, to provide receipts of repairs completed, to retest those engines that initially failed, and keep adequate records of these activities. By not complying with these regulations, this company has enjoyed an unfair business advantage over its competitors by not having to incur those inspection and repair costs. The ARB documented numerous violations as they relate to the PSIP. The ARB is working with this company to settle this case. In addition, the company has brought all of the vehicles in its own fleet into compliance with the PSIP.

Removing Heavy-Duty Vehicles from Service

The ARB has worked with the CHP during past years to establish policies and procedures to enforce the portion of the HDVIP statutes that allows the CHP to remove a heavy-duty vehicle from service when a recalcitrant vehicle owner fails to

clear a citation or Notice of Violation. This authority is granted to the CHP under the California Vehicle Code Section 27159. During 2004, the ARB called upon the CHP to exercise this authority numerous times to collect delinquent citations.

Smoke Inspection Outreach Video

In an on-going effort to provide the regulated community with current, accessible information regarding the smoke inspection programs, the ARB produced, in consultation with California State Polytechnic University, Pomona, (CalPoly-Pomona) an outreach video that details the HDVIP, its operation and its benefits to air quality and fuel conservation. This video replaces an earlier production, and represents the latest relevant information. This video may be viewed on the ARB's Enforcement Program page at <http://www.arb.ca.gov/enf/enf.htm> or copies may be obtained by calling ARB staff listed on Appendix F. Also, staff is producing another video on the implementation of NAFTA and its enforcement.

Complaint PSIP Program

Following up on a public complaint, staff of the Mobile Source Operations Division's Periodic Smoke Inspection Program along with staff of the ED's HDVIP visited the Los Angeles County Sheriff's Department during the months of March, April, and May of 2004. A Level I inspection was performed and due to these efforts, in addition to the Sheriff's Department maintaining PSIP compliance, they are now making plans to retrofit their fleet of 67 buses with the Lubrizol Engine Control Systems Purifier. This retrofit helps meet all current requirements for verification procedures, warranty, and in-use compliance requirements for in-use strategies to control emission from diesel engines as laid out by the ARB.

GENERAL MOBILE SOURCE ENFORCEMENT PROGRAMS

Program Overview

The Air Resources Board has direct enforcement authority for all regulated mobile sources in California. For legal sale in California, all regulated mobile sources must be annually certified by their manufacturer as meeting California emission standards. The Mobile Source Enforcement Section is responsible for ensuring that all regulated mobile sources, both on-road and non-road, comply with ARB certification requirements. The ARB's enforcement program vigorously enforces these laws through inspections and investigations that result in corrective actions and substantial civil penalties.

For on-road sources, the primary focus of enforcement is to ensure that all new vehicles sold, offered for sale, or used in the state are certified for sale in California. Under California's regulations, a new vehicle (defined as a vehicle that has fewer than 7,500 odometer miles) that is not certified to California's standards cannot be sold within or imported into the state. If such a vehicle visits a Smog Check station, the owner is issued a Notice of Noncompliance (NoN) and a copy of the NoN is sent to the ARB. If the NoN is issued to a dealer or fleet, an ARB field inspector will make a follow-up visit to the dealership or fleet and issue a Notice of Violation. The NOV requires that the vehicle(s) be removed from the state along with a civil penalty of up

to \$5,000 per vehicle as authorized under Health and Safety Code Section 43151 et seq. Enforcement statistics for this program may be found in Appendix C. It is worth noting that staff settled many significant cases in this area during 2004 and a discussion of these cases can be found in Appendix B and a summary of case statistics in Appendix C, Table C-6.

Another area of focus for enforcement resources has been in the non-road categories. This includes off-road motorcycles and all terrain vehicles; Small Off-Road Engines (SORE) such as lawn and garden equipment, scooters, and generators; Large Spark Ignition engines (LSI), which include fork lifts, sweepers, quads and generators; and Compression Ignition engines over 175bhp, which include generators and construction equipment.

Program News

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 effect emissions or emissions control systems are issued an ARB Executive Order that allows for their legal sale in California. Mobile source enforcement staff provided outreach at the SEMA International Show, a trade show for import vehicles and parts held in Las Vegas in November 2004.

Street Racing Enforcement Assistance

Mobile Source Enforcement Section staff have provided assistance to California Highway Patrol 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 significantly impact air quality. As these types of modifications can cost thousands of dollars, citing the vehicle owners for tampering (under Vehicle Code Section 27156) has proven to be a powerful deterrent because the owner must show that the offending equipment has been removed, in addition to paying the related penalties. The training by ARB mobile source enforcement staff assists peace officers in writing solid tampering citations that will support resulting court cases. During 2004, the ARB staff conducted various training seminars for law enforcement personnel. Law enforcement personnel conducted hundreds of street-racing strike forces resulting in the issuance of citations. These enforcement actions have significantly reduced excessive emissions from these modified vehicles.

Small Off-Road Engines (SOREs) & Off-Highway Vehicles (OHVs)

SOREs and OHVs (which include off-road motorcycles and all-terrain vehicles) continued to receive additional enforcement efforts during 2004. Mobile source enforcement staff continued to expand their enforcement program to include illegal lawn mowers, trimmers, generators, scooters, and other SORE products, and a number of cases were opened and settled. In addition to these activities, staff supported the industry by assisting new manufacturers into the certification process. Staff also completed a Board item in July 2003 to ensure that the OHV red and green sticker program was being properly implemented by the Department of Motor Vehicles

and enforced in the field by California State Parks, the Bureau of Land Management (BLM), and the U.S. Forest Service. Staff also continued our enforcement efforts to ensure that all off-road motorcycle manufacturers and dealers introduce and sell only products that meet California certification requirements. For 2004, these efforts have expanded to include the rapidly emerging catalog and internet retail markets. Aggressive enforcement of these regulations is critical because the SORE and OHV regulating programs are designed to reduce smog forming emissions by approximately 200 tons per day per the program regulations.

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

Staff continues its ongoing investigation program of muffler shops that install illegal after-market catalytic converters (catalysts) on OBDII vehicles. During 2004, the after-market industry started to introduce catalysts approved for some OBDII applications. However, these applications are still very limited, and the practice of installing illegal catalysts is still prevalent. The cost differential between a legal OEM catalyst and an illegal after-market part can often 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, and enforcement actions have been initiated against shops that install illegal catalysts, with many new cases opened and settled in 2004. The ED staff in cooperation with Mobile Source Control Division staff is developing updated regulations to correct OBDII after-market catalyst compliance issues. These regulations will go to the Board in late 2005.

FUELS ENFORCEMENT PROGRAM

Program Overview

The ARB is authorized to set standards and adopt regulations to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources. Mobile sources of emissions are responsible for approximately 55% of air pollution emissions statewide and approximately 90% of the carbon monoxide emissions.

The ED's Fuels Program is responsible for ensuring 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 fuels group conducts routine inspections of cargo tank vapor recovery systems and those facilities which produce, import and retail California gasoline and diesel fuel. Inspectors conduct further investigation into existing violations, evaluate and maintain fuels production data, and develop cases against violators.

The Fuels Enforcement Program also provides information in the form of training seminars, individual company meetings, and ongoing support to refiners, importers and regulators which clarifies the complex aspects the regulations. This counsel helps members of the regulated industry to understand the regulations and compliance options available to them for maintaining conformity with the motor fuel

regulations. The fuels program also includes the maintenance of data systems for predictive models, certified fuel formulations, fuel distributors, and cargo tanks.

Program News

Field Investigations

The Fuels Enforcement Program staff's routine inspections of CARB gasoline and diesel fuel are conducted year-round at refineries, import vessels, distribution and storage facilities, service stations, and bulk purchaser/consumer facilities. Fuels inspectors gather samples of the fuels, which are then analyzed in the ED's mobile fuels laboratory for compliance with CaRFG3 regulations and diesel fuel regulations.

Analysis of gasoline samples includes: Reid vapor pressure (RVP), T50 and T90 distillation temperatures, gasoline deposit additives, and total aromatic hydrocarbon, olefin, oxygen (including MTBE and ethanol), benzene, lead, phosphorus, manganese, and sulfur contents.

Analysis of diesel fuel samples includes sulfur and total aromatic hydrocarbon contents. In the case of alternative diesel fuel formulations, cetane number, polynuclear aromatic hydrocarbon and nitrogen contents, and additives are also analyzed.

Mobile Fuels Laboratory

In 2004, the use of the new mobile fuels laboratory increased sampling and analysis capability and speed. Though much of the instrumentation and equipment from the old mobile laboratory had been incorporated into the new mobile laboratory in 2003, it also now includes newer and upgraded support systems and analysis equipment. Safety improvements were also included in the new mobile laboratory, including an emergency rear exit door and new hydrocarbon vapor detectors.

The mobile fuels laboratory now contains all the analysis instruments and support equipment necessary to test for the parameters of gasoline and diesel fuel that are regulated by the ARB. These include the latest additions to the laboratory equipment: a Selerity supercritical fluid chromatography instrument for analysis of olefin and diesel aromatics; an Antek analyzer for sulfur and nitrogen; Varian gas chromatographs for aromatics and oxygenates; and Petrospec screening analyzers for gasoline and diesel. At the lab, ARB chemists conduct the testing in accordance with approved American Society for Testing and Materials (ASTM) test methods. To further reduce emissions, the mobile laboratory was retrofitted with diesel particulate filters on the main propulsion system and exhaust filters on the two electrical generators.

Phase 3 Reformulated Gasoline

In March 1999, the ARB was directed to adopt gasoline regulations to facilitate the phase-out of methyl tertiary butyl ether (MTBE) in California's gasoline without reducing the emissions benefits of the existing Phase 2 Reformulated Gasoline program. As a result of the MTBE ban, other changes were made to the regulations. Ethanol oxygenate specifications were added along with a phase-out schedule of de

minimum levels of MTBE. Changes to the maximum limits were implemented to give flexibility to producers who may use a Predictive Model for their final gasoline. A model was also created to allow the producer to project the final parameters of the gasoline after all components are blended.

The Phase 3 California Reformulated Gasoline (CaRFG3) regulations were approved and became operative in the fall of 2000. By January 2004, all manufacturers of California reformulated gasoline were required to comply with the new CaRFG3 regulations. The use of CaRFG3 has reduced fuel-related emissions to their lowest levels to date. Emissions reductions have been accomplished by lowering previously regulated components such as RVP and sulfur, and regulating additional components such as benzene, total aromatics, olefins, and distillation temperatures.

Alternative Compliance Options and Self-Reporting

Gasoline and diesel fuel producers and importers are allowed some flexibility in the way they comply with the standards established in the CaRFG3 regulations by choosing to use an alternative compliance option. To use one of these alternatives, the company must fulfill certain reporting requirements, which may include the establishment of an approved protocol with the ARB. During 2004, companies used predictive model limits for gasoline and certified fuel formulations for diesel fuel.

The Fuels Enforcement Program staff evaluate and monitor the data sent by companies using alternative compliance options to ensure accurate reporting and compliance with company protocols. Staff also sample and test fuel to confirm the accuracy of the reports.

Fuel Distributor Certification Program

In 2004, staff continued its work in the Fuel Distributor Certification Program, which certifies all distributors of motor vehicle fuel in the state of California. Legislation was passed establishing this program in response to the involvement of organized crime in the fuel distribution business. At that time, a list of legally certified distributors was not available to fuel retailers who had no means by which to choose only reputable and complying companies. Moreover, the ARB had no way to check the records of companies who did not comply or cooperate and, in many cases, companies who were involved in criminal activity.

Since the inception of this program, all motor vehicle fuel distributors in the state must now be certified. The ARB issues an annual list of certified distributors to gasoline and diesel fuel retailers. This program is used in conjunction with special investigation and routine inspection activities.

Red-Dyed Diesel Fuel Enforcement

The diesel fuel that is not used to power a vehicle on the California roadways but is used instead for off-road or stationary equipment is not subject to the motor vehicle fuels tax which vehicular diesel fuel is subject to. Non-taxed diesel is required to be dyed red so trained inspectors may easily recognize it.

Because ARB inspectors conduct ongoing inspections of heavy-duty diesel trucks and are qualified to obtain and transport diesel fuel samples, the state Board of

Equalization (BOE) contracts the ARB to conduct field inspections for red-dyed diesel fuel, red-dyed analysis, and diesel fuel investigations. The ARB and BOE are currently in the process of extending the current contract, which is effective until June 2005. See Appendix D for 2004 enforcement statistics for this program.

Cargo Tank Enforcement and Certification Program

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

The Fuels Enforcement staff administer the annual certification compliance test program. The compliance test program involves reviewing applications for compliance with the annual leak rate requirements pursuant to Health and Safety Code Section 41962 and the Certification and Test Procedures incorporated by the California Code of Regulations, Title 17, Section 94014. A database of all certified cargo tanks includes information such as: the owner/operator, cargo tank (CT) number, the date the application is received, the date certified, and leak rate test results. Thousands of CTs are certified every year. An ARB-certified copy of the application and an official decal which must be displayed by the CT operator are issued after certification and mailed to the owner.

The Cargo Tank Program staff conducts statewide random inspections of CTs at terminals and loading racks. Inspectors also conduct random checks of ARB certified testers to ensure that leak tests are being conducted properly. Enforcement activity in 2004 for these programs may be viewed in Appendix A and D.

Case Development

After violations of the motor vehicle fuels and cargo tank regulations are documented by inspectors, further investigation is conducted by inspectors and case development staff. The Enforcement staff prepares cases by evaluating the field data and documents provided by companies, analyzing company records, and determining the cause and severity of the violation.

These cases are either resolved through the ARB's mutual settlement program or referred outside the ARB for settlement or litigation.

CONSUMER PRODUCTS ENFORCEMENT PROGRAM

Program Overview

Products sold to California consumers are a significant source of volatile organic compound emissions in California. The Consumer Products Enforcement Section (CPES) is responsible for ensuring that chemically formulated consumer products and portable fuel containers meet the standards established in ARB's statewide regulations. Consumer Products Enforcement staff travel throughout California to conduct inspections at retail and commercial establishments to verify that products

available for sale to household and institutional consumers in California comply with the regulations.

Chemically formulated consumer products such as hairsprays, household cleaning products, personal care products, automotive chemicals, and household pesticides that are sold in California must meet the volatile organic compound (VOC) limits established in the statewide regulations. In addition, aerosol coatings sold and used in California must meet separate reactivity based limits. To enforce the regulations, CPES staff purchases products from various locations in California and submits the samples to ARB's Monitoring and Laboratory Division for VOC content or reactivity limits testing. As violations are discovered, enforcement staff works with the OLA to investigate and develop the case, attempt to reach mutual settlement agreements with the violator, and monitor corrective actions.

Portable fuel containers are small, reusable cans with spouts that are used to store, transport, and dispense gasoline and diesel fuel to refill fuel tanks on lawn mowers, equipment, and cars, etc. CPES staff continued to purchase samples of spill-proof systems and spouts from retail outlets and submitted the samples for laboratory compliance testing. Staff also investigated the sale of non-complying products, settled cases where violations were found, and monitored corrective actions.

Program News

Portable Fuel Container & Spouts

CPES staff maintained an ongoing sampling and testing program for spill-proof systems and spouts, investigated non-compliant products, ensured corrective actions, and settled cases when violations occurred. Staff investigated over 319 retail stores, distributors, and manufacturers throughout California in 2004. Several cases were investigated that involved the sale of non-complaint containers and spouts purchased over the internet and at swap meets. Several cases involved irregularities, defects and other quality assurance issues during the manufacturing and assembly process of the spouts or the containers.

Modifications to the Portable Fuel Container Regulation

The Portable Fuel Containers and Spouts Regulation is undergoing a revision to the permeation test procedure and the performance standards. The regulation will also include a certification program, and more clearly define utility jugs. The revisions to the regulation are designed to improve consumer acceptance, enhance ongoing enforcement, and provide assurances that the regulation achieves the estimated emissions reductions.

Modifications to the Consumer Products Regulations

CPES staff worked with other ARB divisions, manufacturers, and industry representatives in amending the Consumer Products Regulations in June. The regulations were modified to reinstate and expand the most restrictive limit provisions to reduce circumvention; require sell-through notification procedures to prevent dumping of old products into California; and to simplify date code provisions and other administrative requirements. These provisions will ensure enforceability and level the

playing field for manufacturers that strive to make compliant products for California.

Sell-through of categories

A non-complying consumer product manufactured prior to a regulation's effective date may be sold, supplied, or offered for sale for up to three years after that date. Starting on January 1, 2004, there were several categories of Consumer Products that had their sell-through periods expire. CPES staff focused on sampling products in these VOC categories to ensure that all of the products met the VOC limits. These categories included: automotive instant detailers, carpet and upholstery cleaners (aerosols and non-aerosols), and spot removers (aerosols and non-aerosols).

Institutional Consumers

Staff conducted inspections of institutional consumers, both in person and via the internet. Businesses inspected for consumer product compliance included automotive detail suppliers and manufacturers, distributors, re-packaging companies, importers, and diverters. The samples were obtained for testing and resulted in the discovery of several violations of the Consumer Products Regulations, which resulted in the pursuit of penalties. Staff will continue to inspect institutional consumers and their suppliers.

Aerosol Coatings

CPES staff continued to sample aerosol coatings and began to evaluate compliance with the Maximum Incremental Reactivity (MIR) limits in the general and specialty coating categories. Staff evaluated the laboratory results and compared them to the manufacturer's formulation data prior to taking enforcement actions.

STATIONARY SOURCE ENFORCEMENT PROGRAM

Program Overview

The Stationary Source Enforcement Section (SSES) has ARB's oversight authority of local air district programs. The section's important and varied program areas include:

- Asbestos – The section oversees implementation of and compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), and investigates all related complaints. Of the 35 air districts in California, nineteen of these districts do not have an asbestos program in place. For these “non-delegated” districts, the section receives and reviews all demolition/renovation notifications from these districts for compliance with the Asbestos NESHAP.
- Complaint Investigation – The section conducts special investigations of air pollution complaints emitted by stationary sources that are referred to us by districts, ARB's OLA, Executive Office, and other agencies. The section conducts compliance inspections to assist other enforcement sections with case development, and special projects to ensure compliance with all Health and Safety Code (H&SC) requirements concerning stationary sources.
- Variances – The H&SC allows air districts to issue variances to stationary sources that may be or become out of compliance with their rules and regulations. A

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

- Air Facility System (AFS) – The section oversees the collection and input into the AFS database of compliance/inspection data on major sources and on high priority violators (HPVs) in 26 of the 35 air districts, and generates reports to both the United States Environmental Protection Agency (U.S. EPA) and these air districts. The section conducts mini-audits of the districts' AFS/Compliance and HPV programs to ensure complete and accurate input of the appropriate data, and assists U.S. EPA in training district personnel to effectively use the AFS database.
- Continuous Emission Monitoring (CEM) Program – The H&SC requires that the operator of any stationary source (for which a district is required to install and operate a CEM) report violations of emission limits noted by the CEM to the air district, and that the local districts, in turn, report these to the ARB. The section collects, stores, analyzes and reports this information.
- Complaint Hotline – This toll-free telephone number -- (800) 952-5588 -- provides a medium for citizens throughout the state to call and voice their concerns regarding air pollution problems. Citizens call to alert the ARB to persistent odors, emissions from industry and vapor recovery equipment, smoking vehicles and to ask questions regarding air pollution. When a call is received it is recorded, assessed, and either referred to the appropriate air district or appropriate agency, or investigated by the ARB. The ARB's Public Information Office also maintains a toll-free contact number at: 800-END-SMOG (800-363-7664).
- Agricultural Burning Program – The section reviews air district smoke management plans and burning rules. The staff also conducts aerial surveillance on agricultural burning practices in the Sacramento Valley.
- Rule Review – The ARB works cooperatively with local air pollution control districts to ensure regulations are adopted to achieve the most effective air pollution control program and obtain maximum emission reductions. The Rule Review Program accomplishes this by reviewing rules for clarity and enforceability, specifically for accuracy and completeness of definitions, presence of test methods, control emission device efficiencies, and record keeping requirements. The district is notified verbally of deficiencies followed by a formal written comment with suggestions for ensuring the rule is enforceable. Thorough review of draft rules has proven vital in reducing the need for changes of subsequent adopted rules and nearly eliminating the need for ARB to identify rule deficiencies at public hearings. The ED reviews 90% of all rules submitted to the ARB.

Program News

Gasoline Storage Tank Inspections

The SSES was contacted by the Sacramento Air Quality Management District (AQMD) and the Imperial Air Pollution Control District (APCD) to conduct gasoline storage tank inspections. The SSES inspected 35 tanks and all of the tanks were in compliance. The inspection results were documented and submitted to the districts.

STRATEGIC ENVIRONMENTAL INVESTIGATIONS AND ENFORCEMENT PROGRAM

Program Overview

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

SEIES is tasked with providing enforcement assistance (inspection, investigation, and case preparation) to local air pollution control districts. They also provide assistance to other local and regional environmental agencies including county departments of environmental health and regional water quality control boards. The section also supplies surveillance services in support of multi-media cases. The section's staff actively participates in environmental task force meetings throughout the state.

Program News

Environmental Task Force Investigative Assistance

Strategic Environmental Investigations and Enforcement (SEIES) staff are current members of several different environmental crimes task forces that meet throughout the state. SEIES staff provided assistance in the investigation of crimes against the environment where air inspection, sampling, or other services were needed. Several cases involved fugitive dust arising from cement manufacturing operations in Southern California. The section also provided investigative work in the wood-burning co-generation industry and in various other issues raised at local environmental crimes task force meetings and in response to citizen complaint.

Environmental Task Force Legal Coordination

SEIES staff continued to forge new relationships with legal counsel outside ARB. Several joint meetings were attended to discuss goals. In the fall, staff attended the Environmental Task Force Workshop at the U.S. Attorney's Office in Sacramento.

Workshop participants included members from Cal/EPA and its Boards, Departments and Offices (BDOs) and attorneys and investigators from the California District Attorney's Agency (CDA) and several Federal, State, County, and City organizations. The mix of regulators and attorneys made for important discussions and all agreed it was a great opportunity to share ideas and resources.

CAPCOA Enforcement Coordination

SEIES staff worked diligently to establish a good working relationship with the California Air Pollution Control Officers Association (CAPCOA). Staff attended several CAPCOA meetings throughout the state, including the annual enforcement meeting in South Lake Tahoe. All sessions were very informative and sparked a lively discussion among the attendees. At the end of the fall meeting, the consensus was that it was one of the most productive meetings the group has had.

EPA Region 9 CID Coordination

Staff attended environmental crimes meetings with the U.S. EPA Region 9 Criminal Investigation Division (CID) staff in San Francisco and Sacramento. The purpose of the meetings was to develop a stronger relationship between the Federal, State, and Local environmental enforcement agencies. Coordination through the rest of 2004 was noticeably improved.

Coordination During Rule Making and Legislation

In a departure from the past, SEIES staff became more involved with rule development and proposed legislation. Staff assisted with rules and legislation that dealt with portable equipment registration, cruise ship incineration, ship auxiliary engines, wood composites, and others. The coordination between the rule writers, the legislative analysts, and the enforcement staff is critical in ensuring that the new regulations are enforceable.

PERP Program

On February 26, 2004, the Board held a hearing and adopted amendments to the Regulation (Rule) for the Statewide Portable Equipment Registration Program (PERP). At the public hearing, there was much discussion about the large number of portable engines operating in the State without local district permits or PERP registration. Because of this concern, the Board directed ARB staff to conduct a statewide inspection program to find these "scofflaws" and to bring them into regulatory compliance within district permit programs or registration in PERP. In addition, staff was directed to report back to the Board with the results of the inspection program.

The resulting PERP Inspection Project is a 12-month cooperative effort of ARB's Enforcement and Stationary Source Divisions (ED and SSD, respectively), with ED acting as the project lead. The purpose of the project was to learn more about the number of portable units that lacked local permits and state registration and to evaluate compliance with PERP Rule.

Enforcement of PERP is set forth in the California Health & Safety Code. HSC §41755(a) provides that, "Districts shall enforce the statewide registration program."

Therefore, this project was accomplished in coordination with the Californian Air Pollution Control Officers Association (CAPCOA) and local district personnel. CAPCOA was briefed and consulted about this effort. ARB staff also met with management in each local district where inspections were to be conducted. District inspectors usually joined and worked cooperatively with ARB staff in the field. A total of 404 PERP inspections were conducted throughout the state between July and December 2004. Of these portable units, 214 (53%) were registered and 190 were not registered (47%). A project report is currently being drafted for presentation to the Board in July 2005.

Litter and Illegal Dumping Enforcement

New in 2004, staff attended Litter and Illegal Dumping Enforcement Task Force meetings. Hosted by the California Integrated Waste Management Board, attendees included the Bureau of Land Management, the CA Desert Management Project, the Riverside County Economic Development Agency, the Regional Council of Rural Counties, the CA District Attorneys Association, the Keep California Beautiful organization, the Department of Toxic Substances Control, the Regional Water Quality Control Board, the Sacramento County Health Services, the Sacramento County Bomb Squad, and many other agencies. The purpose of the meetings was to bring together resources to battle the statewide problem of illegal dumping. During the meetings SEIES staff discussed their surveillance program and several groups expressed interest in expanding their own capabilities. Since the first meeting SEIES staff have become more involved in dumping issues statewide.

California Indian Gasoline Sales Survey

In January, responding to a complaint received from the California Independent Oil Marketers Association (CIOMA), staff surveyed 67 tribal governments and 33 Indian gaming casinos in Northern California by telephone to determine if the tribal properties were underselling gasoline or diesel to the general public. Staff also investigated who the gasoline suppliers were, and whether the fuels were ARB certified. Of the tribes or casinos reporting gasoline sales, two were supplied by in-state petroleum distributors and were selling ARB certified fuels. Two more were supplied by out-of-state distributors, with non-California-specification gasoline. At least one gasoline station on tribal land would not provide information about the source of their fuel or whether it met California specifications. Additional investigative work is proceeding on the remaining property where the petroleum distributor is located outside of California.

In December, in response to another complaint from CIOMA, staff began a second survey of tribal gasoline sales. As part of this survey, staff from the Fuels sections sampled gasoline from several Indian gasoline stations in Northern and Southern California.

El Dorado County Asbestos

SEIES staff attended multiple meetings and visited multiple sites in 2004 concerning Naturally Occurring Asbestos (NOA) in El Dorado County, especially in the El Dorado Hills area. Meeting participants included: ARB staff; Marcella McTaggart, El Dorado County Air Pollution Control Officer; U.S. EPA Region 9 members; representatives

and consultants for the housing developers; and members of local community action groups. NOA is an on-going concern in many areas of California as developers grade roads and building sites on formerly undisturbed land.

South Coast Locomotive Environmental Justice (EJ) Issues

Staff met with District staff involved in the locomotive EJ issues, reviewed the District's enforcement efforts to date, reviewed the Memorandum of Understanding (MOU) between ARB and the railroad companies and reviewed South Coast AQMD's settlement with the railroads. The District issued 124 NOVs since 1995 and has settled these violations for \$730,125. Staff continues to monitor the Slover Avenue siding on a periodic basis. SCAQMD is continuing these enforcement efforts.

Construction Company Case

The investigation of a major construction company's portable equipment continued through 2004. The SEIES is working very closely with the Attorney General's office and continues to find the company's portable equipment in violation throughout the state. The staff is currently reviewing the records to make a more precise determination of violations over the past five years. A tolling agreement is being prepared by the Attorney General's office to allow further investigative time prior to submitting the case for judgement.

Santa Barbara Mortuary

SEIES staff, along with staff from the Santa Barbara Co. APCD, jointly inspected a mortuary in Santa Barbara. The mortuary has been the source of several citizen smoke complaints for many months, including complaints to ARB's complaint hotline. The facility was determined to be in violation of the District rule for visible emissions (Rule 302) and for permit conditions (Rule 206). The District has received additional smoke complaints and continues to issue NOVs. The facility is refurbishing its crematorium retort and after expending considerable funds and resources, decided to cease all crematorium operations effective June 29, 2004. The company is still operating the mortuary. The District settled the violations issued for actions taken.

Lehigh Southwest Cement Company

Staff conducted a joint fugitive dust/public nuisance complaint investigation with staff of the Kern Co. APCD at the Lehigh Southwest Cement Company facility in Tehachapi. Lehigh Southwest Cement Company (formerly Calaveras Cement Co.) manufactures portland cement at its facility in Tehachapi. As part of the cement manufacturing process the facility blasts limestone rock materials from its property and transports this material to the cement kiln. Fugitive dusts arising from the blasting process have been alleged to drift off-site impacting neighbors in the adjacent Sand Canyon community. No violations of the fugitive dust rule (Rule 402) or of the public nuisance rule (Rule 419) were documented as a result of the joint investigation. Lehigh Southwest has made improvements to their blasting operation consisting of: not blasting unless the wind is blowing away from the Sand Canyon area (from west to east), initiating blasting at 0800 hrs. instead of 1400 hrs., hiring an independent contractor to conduct the blasting, and not blasting when wind speeds are greater than or are projected to be above 12 mph.

Landfill Search Warrant

Staff participated in the execution of a search warrant at a landfill in the Sacramento area. The Department of Toxic Substances Control (DTSC) was the lead agency in the investigation. Also participating were personnel from the regional Water Quality Control Board, the County of Sacramento Department of Environmental Health, U.S. EPA Criminal Investigation Division, the Sacramento Metropolitan Air Quality Management District and the state Franchise Tax Board. The landfill was reported to be disposing of wastes in a manner not consistent with its licensing from the county and in methods that were illegal. In addition, there were allegations of tax fraud. According to informants, the landfill was involved in illegal hazardous wastes activity and disposal by burning, burial, release and commingling with municipal wastes prior to transfer to a municipal landfill. These activities included the illegal disposal of asbestos by crushing and burial at the site, and the illegal venting of refrigerant gases from white goods and air-conditioning units. At the landfill, SEIES personnel participated in the review of office documents in addition to escorting an informant around the site to identify where illegal disposal activities had taken place. SEIES staff assisted in substantiating many of the violations claimed by the informants from these activities and from investigative assistance activities conducted prior to the warrant.

North Coast Pulp Mill

Responding to a complaint alleging excess emissions and poor maintenance at a north coast pulp mill, SEIES staff conducted an inspection of the mill accompanied by staff from the North Coast AQMD. Inspectors found several minor permit violations and at least one piece of equipment, a standby stationary diesel engine, which should have had a permit to operate. District staff are handling these violations. The inspection also focused on the mill's continuous emission monitoring systems (CEMs). To verify CEM operation, staff requested operating data and instrument calibration and audit data for analysis. CEM analysis is not complete at this time.

Lumber Company Case

The Attorney General has filed against a major lumber company in Northern California alleging hundreds of emission violations in three separate local air districts, other air violations, and unfair business practices. The company operates sawmills with co-generation plants at several locations in the state. SEIES investigated the violations on its own initiative and in cooperation with one of the local air districts, leading to the referral of the case to the Attorney General. SEIES staff is working closely with the attorneys on the preparation of pre-trial documents.

Cement Manufacturing Company

Staff assisted the California Dept. of Fish & Game (CDF&G) in their FGC §5650 case against a large cement plant in Southern California. CDF&G required the offending firm to restore the streambed adjacent to the plant, mitigate the damage to springs downstream from the plant, and to relocate the outside cement clinker storage piles to the rear of their property.

San Diego PERP Cases

Staff reviewed the inspection reports issued by District staff, visited the properties involved, and participated in a meeting between then District and the alleged violators. Based on review of the inspection reports, staff prepared three Reports of Violation (ROVs) for submittal to OLA against a contractor and its subcontractors for violating the daily PM₁₀ emission limit or the daily record keeping requirement in the PERP regulations for consideration of settlement/litigation. OLA staff testified at a District Hearing Board meeting in defense of the District's position. The case remains unsettled at this time.

Disneyland Resorts

In a response to neighboring complaints, SEIES staff reviewed SCAQMD's white paper on Disneyland Resorts mitigation efforts for smoke and odor impacts from its fireworks operations. Staff also interviewed key District personnel involved with the white paper report. In response to citizen concerns, Disneyland has completely eliminated its black powder aerial launches and replaced them with an electric air compression launch system. In addition it has reduced by 19% the number of black powder ground launches and has researched the use of low-smoke black powder (and will be implementing this in May 2005). Furthermore, Disney staff is researching the use of ultra-low-smoke black powder launches and, if testing goes well, will be implementing this in 2007. ARB staff will participate in the May 2005 evaluation of the low-smoke black powder technology.

Surveillance Cases

The SEIES surveillance unit assisted in investigations of environmental criminal activity of all kinds throughout the state. The unit works closely with investigators specifically to provide covert video, either digital or analog, to the investigating teams for the various agencies. This video is then used by investigators as evidence to support their cases. Video evidence is a highly effective tool in environmental crime enforcement and its use by state and local agencies continues to grow.

During 2004, SEIES assisted state, local and federal agencies across the state to support civil and criminal case development. The program provided surveillance assistance in the following cases:

- Tampering with sampling equipment - for the Orange County Sanitation District,
- Falsification of records - for EPA/CID Region 9 and the Orange County Sanitation District,
- Improper disposal of hazardous waste - for DTSC,
- Complaints of illegal emissions from a battery recycler– for South Coast AQMD,
- Nuisance complaints of illegal air emissions from a manufacturing plant – for Ventura APCD,
- Purging chlorinated fluorocarbons (CFCs) to the atmosphere – for ARB,
- Illegal waste acceptance practices at a landfill – for a Local Enforcement Agent (LEA), and
- Illegal disposal of hazardous waste, specifically tires – Ten separate cases for

CIWMB and Environmental Health Programs in six counties.

Recently, SEIES entered into a mutual assistance program directly with CIWMB to help them handle the growing problems of illegal disposal of hazardous waste, specifically tires. The surveillance unit assisted a number of areas across the state in this capacity, including the Environmental Health Programs of Fresno, Tulare, Alameda, Imperial, Napa, and Sacramento Counties. In return, CIWMB awarded a grant for the purchase of additional surveillance equipment to augment the remote video surveillance program. The two agencies have agreed to continue the cooperative effort through 2005.

The tire dumping problem has some specific surveillance requirements, the most difficult being the need to see the dumping activity in the dark and to read license plates in the dark. These are formidable challenges that continue to be addressed with small but consistent increments of progress. SEIES staff contacted the FBI Technical Investigations group and they kindly provided advice on the most effective nighttime equipment to purchase, with consideration of the limited funds available.

In a related effort, Cal/EPA awarded the remote video surveillance program a small grant to enable them to educate local environmental enforcement agents about video surveillance. The local agents will learn appropriate uses for video, limitations of the equipment, some tips and techniques, and legal considerations. This is achieved as a part of the evidence gathering process for the agent's specific case. The training will help local agencies decide whether or not to acquire their own video surveillance capabilities.

Providing Evidence Training in Eureka

Staff, in conjunction with DTSC and CDAA, provided classes to the North Coast Unified Air District, Health Services, and county staff in investigative techniques, collection/storage of evidence and report writing.

Assistance For El Dorado County APCD

SEIES staff traveled to Placerville in order to provide inspection training for some of the newer inspection staff of the El Dorado County APCD. Sources inspected, as part of this training, included: dry cleaners, mineral processing, automotive and wood coating facilities. There were no emissions related violations documented at any of these facilities. However, two of the facilities had deficiencies related to their record keeping requirements. The District prepared the inspection reports and followed-up with appropriate enforcement action for record keeping violations.

El Dorado County APCD staff have attended additional training and have continued to conduct inspections of all minor and major sources located in their District. The District reports that staff who were trained by SEIES personnel are now fully functional APCD inspectors.

Special Projects

SEIES personnel participated in several special projects including: a booth at the Cross-Media Environmental Symposium in San Diego; participating in the (continuing) preparation of the ED's Strategic Plan; and attending the Western States Project's

special training in Las Vegas on investigating environmental crimes. SEIES continues to be the go-to section when senior management has unusual and challenging assignments.

TRAINING & COMPLIANCE ASSISTANCE PROGRAMS

COMPLIANCE TRAINING PROGRAM

Program Overview

It was a challenging year for the Compliance Training Section (CTS). CTS transferred from the Stationary Source Division to the ED during the fourth quarter of 2004. CTS has provided a total of 186 classes or multi-day training programs representing 5,313 student days of training.

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

Programs and Attendance

Classes and Programs	# of Courses	Student-Days
100 Series (California) (5 days)	1	125
200 Series (California)	35	625
Enforcement Symposium (3.5 days)	1	1029
Dry Cleaner (ATCM)	2	40
Other 300 Series Courses	34	599
California Totals	53	2,214
National Totals	110	2,510
Overall Totals	163	4,724

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

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

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

Program News

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

100 Series

One 100-Series program was conducted in California in Calendar Year 2004. Inspectors from California and Nevada as well as a number of representatives from the regulated industries and the military attended the regularly scheduled four-day session in Sacramento.

National Program

Working with the core program of 30 courses (100/200/300 Series), staff continues to make the presentations more relevant and dynamic. Staff also created and upgraded electronic slide presentations for 10 of the courses, giving instructors additional tools to provide high-quality training.

200/300 Series Courses

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

training, while the 300 Series courses provide workshop environments and in many cases legal certification.

The 200/300 trainers had an outstanding year. Output was up and course quality was continuously improving as the staff upgraded and computerized lesson plans. These improvements have been reflected in overwhelmingly positive student course evaluations. Even more impressive is that these improvements occurred in spite of the increased demand for staff time on other projects such as Title 17 Defect List, MACT General Information, Dry Cleaning ATCM and Certification Program, Enforcement Symposium and many others.

200/300 Series Statistical Analysis

Parameter	Instate CY 2003	Instate CY 2004	Out of State CY 2003	Out of State CY 2004
Classes Accomplished	77	72	76	110
Student Days	2,852	2,752	1,758	2,510
Average Attendance	37.3	38.1	23.1	22.8

Note: The decrease in numbers of both the Instate Classes Accomplished and Student Days in CY 2004 is because of the restriction of overnight travel on CTS. Most of the courses were taught in Sacramento and in nearby cities. On the other hand, the National Program has gained ground in terms of Classes Accomplished and Student Days from CY 2003 to CY 2004 because the program had an increase in funding.

Cal/EPA inspector Certification Program

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

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

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

In CY 2004, this training was provided to 88 participants from the following agencies:

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

Cross Media Enforcement Symposium

The 11th Annual Environmental Cross Media Enforcement Symposium was held in Sacramento in April 2004. The Symposium objective is to provide a forum where participants can gain knowledge about advanced enforcement techniques. There were a total of 294 participants in this Symposium including, but not limited to, field inspectors, law enforcement personnel, attorneys, and members of the regulated community.

The three and a half day event focused on enforcement subjects involving each program/media (air, water, waste, toxics and pesticides) and possible cross media, cross program impacts (commonly referred to as “cross media”). This interdisciplinary approach recognizes that many environmental issues cannot be fully addressed without the involvement of more than one environmental regulatory entity. Participants in the Symposium learned from top enforcement professionals. They learned proven techniques to improve the effectiveness of inspection, investigation, administrative, civil, and criminal enforcement practices. Participants learned how to identify different violations encountered in each media, determine what agencies may need notification after violations are identified, whether violations may be administrative, civil or criminal offenses, and what follow-up enforcement actions need to be taken.

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

The 2004 Symposium included the latest environmental scenarios. The most up-to-date enforcement methods were also addressed at the Symposium by top officials from: Cal/EPA, ARB, 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.

Permitting Staff Development Workshop (COURSE #330)

Due to requests from the local air districts and the California Air Pollution Control Officers Association, a new two-day course on Permit Writing has been added to our curriculum. This two-day workshop focuses on statewide training for permit service staff in the local air district. The first day, focuses on common stationary sources & controls and provides an overview of the permitting process including New & Modified Source Review (NSR), BACT review, Offsets and ERCs, Title V & Federal NSR. Participants were introduced to common prohibitory and source specific rules as well as New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). On the second day, the course focuses on application review and effective permit writing, risk management, statewide control programs, and compliance considerations. This two-day workshop has been held twice a year and alternates between northern and southern California to accommodate permit writers from various districts and reduce their traveling.

MACT General Information (COURSE #290)

The 1990 Federal Clean Air Act Amendments require Maximum Available Control Technology (MACT) for many specific sources. This created the necessity for a new training course for a rather complex subject matter. After many months of research and preparation, CTS staff was able to provide the much requested MACT General Background Information (Course #290) to the field inspection staff.

- This one-day course is designed to provide general background information on: various ARB and U.S. EPA toxic regulations/programs: MACTs and ATCMs, ARB Hot Spots vs. U.S. EPA Significant Risk Programs, U.S. EPA vs. California Accidental Release Prevention Programs;
- listing of toxic air contaminants and hazardous air pollutants, and U.S. EPA's toxic source categories;
- pathways for ARB and US EPA enforcement; and
- lowering a source's potential to emit for MACT sources.

Due to the new MACT Standard requirements for many sources, the field inspection staff was able to use their newly acquired knowledge from this MACT class to facilitate their daily inspection duty. CTS was able to provide training for MACT in the northern part of the state in 2004 and will expand to the southern part of the state in 2005. So far, the feedback from the students has been favorable. CTS plans to increase the number of frequency of this class when more resources are available.

Title 17 of the California Code of Regulations (CCR), A.K.A. Vapor Recovery Equipment Defect List

California Health and Safety Code section 41960.2 requires the ARB to identify and list equipment defects in systems for the control of gasoline vapors resulting from motor vehicle fueling operations that substantially impair the effectiveness of the systems in reducing air contaminants and to update the list to reflect changes in equipment technology or performance.

Gasoline vapor emissions, which are a significant contributor to the formation of

photochemical ozone, or smog, are controlled during two types of gasoline transfer. Phase I vapor recovery collects vapors when a tanker truck is loaded at the bulk terminal and when it fills the service station underground tank. Phase II vapor recovery collects vapors during consumer vehicle refueling at a gasoline dispensing facility (GDF). The vapor recovery collection efficiency during these transfers is required to comply with ARB regulations and is monitored and enforced through certification of vapor recovery systems. When a vapor recovery system is certified, an executive order is issued to the system manufacturer by the ARB that specifies the conditions of use.

At the request of the Monitoring & Laboratory Division of the ARB, CTS staff developed a special training course to meet the needs of the local air district field inspection staff as well as of the regulated community. This special course, the Title 17 Defect List Training, was researched and prepared by a CTS trainer who specialized in Vapor Recovery Training. The purpose of this course is to bring everyone up to date as to the exact requirements of the Vapor Recovery Equipment Defect List in Title 17 of the CCR.

Seven well-planned training classes on the Title 17 Defect List were conducted by CTS staff in various major metropolitan areas of the State of California in CY 2004. Both the enforcement staff from the local air districts and the regulated community were able to attend and take away valuable training information from these 7 classes. The enforcement staff members able to comprehend the complexity of the requirements of Title 17 and therefore improved their knowledge and skills during their inspections of GDFs. At the same time, the regulated community was also enabled to self-police their own equipment with the newly gained knowledge and thus improve their compliance rate and avoid penalties.

COMPLIANCE ASSISTANCE PROGRAM

Program Overview

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

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

The two components of the visible emissions evaluation (VEE) training program are the Fundamentals of Enforcement (FOE) training course and the VEE Re-certification program. FOE is a basic overview of air pollution and enforcement of air pollution regulations emphasizing evaluation of visible emissions. It is a prerequisite to becoming VEE certified in accordance with EPA Reference Method 9. The 1½ -day classroom session is followed by a ½-day field practice and VEE certification session. Typically there is an associated re-certification session the following day, giving students new to VEE another chance to certify. Certification is valid for 6 months and is required of most district enforcement staff. To help meet this requirement, VEE program staff schedule re-certification sessions on a 6-month rotation throughout the state during the year.

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

Program News

Publications

In 2004 CAS staff:

- Distributed 10,874 copies of publications: 2,676 Technical Manuals (including interactive and archival CDs), 7,038 Handbooks, and 1,160 Pamphlets.
- Created and published an interactive CD technical manual on "Hot Mix Asphalt Facilities." This was a major rewrite of the original technical manual published in 1990.
- Converted 26 hard copy technical manuals to pdf format CDs.

The CAS currently has 32 handbooks and pamphlets and 33 technical manuals and CDs in print or on-line.

Also in 2004, seven requests were made by local air agencies and private companies in California and other states to adapt CAS materials for use in their programs.

Support of other ED sections

CAS staff created and distributed the 2004 Training and Compliance Assistance Survey to all the local air quality agencies in California. The results of this survey are used to plan the 2005 training schedule and to prioritize which publications would be updated or developed for the coming year.

To assist in the development of the Basic Inspector Academy on-line training component, a CAS staff person with experience in web-based training development was assigned as liaison between Cal/EPA content development staff and University of California, Davis design staff. This person will help expedite both the timely completion of the content of the different training modules and the incorporation of this material into a suitable web-based format.

FOE Program

Seven FOE courses were conducted in 2004, with a total attendance of 258 private sector and agency personnel. Over the past year, the proportion of private sector attendees has increased significantly as self-compliance efforts and concerns about particulate pollution intensify throughout the state. In fact, over 2/3 of FOE attendees are now from the private sector. In addition to the five regularly scheduled courses, special request FOEs were given in Great Basin APCD for Los Angeles Dept. of Water and Power (focusing on fugitive dust) and in Long Beach for the Harbor Patrol.

VEE Re-Certification Program

Fifty VEE day and night certification/re-certification sessions were completed in 2004, including seven part-day sessions for FOE attendees. A total of 1,418 people were certified successfully.

In November 2004, the program staff took delivery of a long-awaited new smoke generator built by a local contractor. While the contractor completed nearly all of the structural and external components, some electrical and plumbing work remains before this generator will be fully operational. Program staff will be focusing on this in early 2005.

Assistance to other VE Training Programs

VEE Program staff provided assistance and expertise to two outside entities in 2004. In January, staff used the smoke generator to help Physical Optics Corporation test their newly developed laser optic smoke opacity detector. Physical Optics is developing this technology under one of their military contracts.

In October 2004, Al Arnone, lead for ARB's VEE program, traveled to the University of Florida's Center for Training, Research and Education for Environmental Occupations (TREEO) Center to train their staff in the setup, operation, calibration and maintenance of their smoke generator system. Mr. Arnone also assisted TREEO staff in establishing a quality assurance program for conducting EPA Method 9 training.

ARB ENFORCEMENT DIVISION GOALS FOR 2005/2006:

GENERAL ENFORCEMENT

- Continue to improve and enhance the ARB enforcement program web page (<http://www.arb.ca.gov/enf/enf.htm>).
- Implement programs to prevent the sale of illegal products (e.g. consumer products, engines and vehicles) through mail order and Internet venues such as E-Bay.
- Continue to develop a unified enforcement case tracking database and upgrade current enforcement program databases for better functionality and efficiency.
- Continue multi-media Environmental Justice Strike Forces in selected communities in support of the ARB's Environmental Justice Action Plan.
- Implement the Environmental Justice pilot project in the three Southern California communities of Commerce, Wilmington (LA Port) and Mira Loma at the request of the ARB's Community Health Office and PTSD. Include locomotive and heavy-duty diesel truck emissions enforcement in these communities.
- Continue the SB 527 administrative hearing program.
- Complete the "ARB Enforcement Strategic Plan."
- Continue participation in the Cal/EPA Enforcement Initiative Program (BCP, legislative proposals, etc.).
- Continue to participate in the Cal/EPA monthly Enforcement Managers meetings and enforcement strike forces statewide.
- Continue to enforce the School Bus Idling Air Toxic Control Measure and train school districts on program compliance.
- Ensure a vigorous response to complaints that allege a breach of environmental law and determine if a violation has occurred.
- Ensure all enforcement actions are timely, effective, and appropriate to the severity of the situation.
- Ensure any repeated non-compliance activity results in escalating enforcement consequences.
- Ensure that all industry related enforcement operations are conducted in a responsible manner resulting in a level playing field.

- Improve administrative functions such as database management, case formatting, filing systems, and case record retention.
- Seek out training and development opportunities for staff.

MOBILE SOURCE ENFORCEMENT

- Continue inspections at points of distribution and retail outlets for illegal engines and vehicles.
- Increase enforcement audits of heavy-duty diesel vehicle fleets and refer cases for litigation or settlement where violations are found.
- Continue Heavy-Duty Vehicle inspection events in mixed-use (industrial/residential) neighborhoods for the Environmental Justice Program.
- Continue improvement of environmental quality at the California-Mexican border through enhanced enforcement and compliance assistance. Specific goals include increased heavy-duty diesel vehicle inspections due to increased traffic under the North America Free Trade Agreement, and continued participation in the Tri-National Heavy-Duty Vehicle Inspection and Maintenance Working Group. This will be accomplished through the implementation of the 15.3 PY BCP in the FY 2005/06 Governor's Budget.
- Assist in the development of regulations for the AB 1009 Heavy-Duty Diesel Vehicle Certification Enforcement Program (MSOD/ED) in cooperation with the CHP by January 1, 2006 and implement the enforcement of these regulations immediately thereafter.
- Continue aggressive enforcement of ARB's Off-Highway Vehicle (OHV) regulations.
- Focused enforcement against illegal motor homes.
- Continue aggressive enforcement of ARB's Large Spark-Ignited Engine and Non-Road regulations.
- Continue implementation of a program to enforce ARB's marine pleasure craft regulations.
- Continue working with the California Highway Patrol to remove vehicles from service for repeat offenders of the Heavy-Duty Vehicle Inspection Program, as provided in statute under the California Vehicle Code section 27159.
- Continue aggressive collections of delinquent citations from the HDVIP.

- Continue aggressive enforcement of the 49-state vehicle program.
- Continue the aggressive enforcement of illegal motorcycles including on and off road motorcycles.
- Continue to crack down on the Asian import market for illegal vehicles and engines (scooters, pocket bikes, OHVs, etc.) in cooperation with the U.S. EPA and federal/state and local prosecutors.
- Implement, with local law enforcement and the CHP, a taxi cab tampering enforcement program at major California airports (LA World Airports, SFO, San Jose, Oakland, SAC).
- Revisit high concentration used car dealer areas to ensure vehicles offered for sale have all of the required emissions control systems.
- Continue work with the California Department of Motor Vehicles, California Highway Patrol, local law enforcement agencies toward improving compliance with ARB's regulations (49-state vehicles, gray market vehicles, off-road motorcycles, gas-powered scooters, pocket bikes, street racers, etc).
- Continue after-market parts enforcement and peace officer training to discourage emission control system tampering and street racing.
- Implement programs to prevent the sale of illegal engines and vehicles through mail order and internet venues.
- Implement regulations for the control of emissions from Transportation Refrigeration Units (TRUs) and enforce these regulations upon adoption.
- Implement regulations requiring the upgrading ("reflashing") electronic on-road heavy-duty diesel engines that exhibit high NOx emissions in-use and enforce these regulations.
- Implement the enforcement of new regulations for the control of diesel particulate emissions from on-road heavy-duty solid waste collection vehicles.
- Continue to improve the smoking vehicle complaint database and web site and administer the smoking vehicle complaint program.
- Continue to improve the web sites and complaint databases for idling vehicles for the school bus idling enforcement program and the heavy-duty diesel vehicle idling enforcement program.
- Implement the new Heavy-Duty Diesel Vehicle Idling enforcement program.

- Work with MSCD/MSOD to develop new regulations for after-market OBDII catalysts and continue OBDII catalyst enforcement at exhaust/muffler shops statewide.

STATIONARY SOURCE ENFORCEMENT

- Maintain the frequency of inspections at retail and commercial points of distribution of consumer products while focusing on categories of consumer products and aerosol coatings with newly effective limits and categories where the sell-through period has expired.
- Ensure that enhanced enforcement provisions are adopted into the Consumer Products and Portable Fuel Container regulations by continuing to work with regulatory development staff.
- Continue to implement the enforcement program for portable fuel containers.
- Continue aggressive enforcement of the Asbestos NESHAP.
- Continue aggressive investigation of citizen complaints.
- Conduct at least two Air Facility System (AFS) audits of non-grantee districts.
- Conduct at least two Asbestos NESHAP Task Force Meetings.
- Conduct at least two Hearing Board workshops related to stationary sources of air pollution to train hearing board members, industry and district staff on variance issuance requirements.
- Rebuild the stationary source variance database to improve ARB's management of reviewing and monitoring variances for the 35 air districts.
- Include the status of stationary source complaints on ARB intranet.
- Continue vigorous enforcement of motor vehicle fuels regulations by conducting frequent inspections of production, distribution and retail facilities.
- Continue enforcing the Cargo Tank Vapor Recovery regulations with inspections of cargo tanks.
- Continue to investigate violations and resolve cases of motor vehicle fuels regulations and cargo tank regulations.
- Settle fuels reporting cases by consulting with counsel from the ARB's Legal Office and determining settlements vs. referral of all cases to Legal.

- Continue to develop and update the Enforcement Division's Fuels and Cargo Tank web pages (<http://arb.ca.gov/enf/fuels/fuels.htm>.)
- Conduct workshops of the Cargo Tank Advisory Committee and make meeting notices available to the public through the Enforcement Division's list serve and Cargo Tank Vapor Recovery web page.
- Continue coordination with the IRS and BOE on the red-dye diesel program and with BOE on imported diesel and gasoline fuels.
- Continue working with refiners, producers, importers, and SSD to resolve severe problems that continue to come up with the MTBE ethanol transition and to plan for future potential problems.
- Maximize reformulated gasoline reporting efficiency by requiring all refiners to use new ARB standardized reporting forms.
- Install two additional fume hoods in the New Mobile Fuels Laboratory to increase testing capability and as an additional safety measure.
- Resolve citizen complaints within 90 days of first receipt.
- Increase air district involvement with citizen complaint cases.
- Increase assistance to the state's air districts.
- Foster cooperative bonds between the ARB divisions, Cal/EPA and its local counterparts, and U.S. EPA.
- Enhance surveillance capabilities and provide surveillance training to regulatory agencies. Explore new digital and low light technologies.
- Foster exchange of expertise and learning through active participation in environmental task forces.

TRAINING AND COMPLIANCE ASSISTANCE

- Complete and distribute Chrome Plating Operations interactive CD by August 2005.
- Develop new Fugitive Dust interactive CD (completion anticipated late summer 2006).
- Conduct five Visible Emissions Evaluation (VEE) Certification courses (a.k.a. Fundamentals of Enforcement), two special VEE Certification courses focusing on construction operations, two special VEE courses for community leaders in

SCAQMD, 22-day VEE re-certification sessions, and 12 night VEE re-certification sessions, resulting in approximately 2000 people certifying and re-certifying.

- Revise FOE curriculum to include information on fugitive dust control and reading techniques for courses beginning March 2005.
- Have the new smoke generator operational by July 2005.
- Complete and distribute Wood Burning handbook by February 2005.
- Complete and distribute Asbestos-Containing Rock and Soil handbook (covering provisions of Asbestos ATCMs) by May 2005.
- Complete brochure on Transportation Refrigeration Units (TRUs) to support implementation of TRU regulation.
- Update and conduct the 12th Annual Environmental Cross Media Enforcement Symposium.
- Update and conduct 30 training courses including, but not limited to, lesson plans, handouts and slide presentations to reflect the latest rules and regulations.
- Redesign and develop new training courses to match the new demands from the target audiences as new rules and regulations are promulgated, including but not limited to Transport Refrigeration Units (TRU), Fugitive Dust Emission for Fundamental of Enforcement (FOE).
- Investigate and adopt new technologies as training tools in classroom to facilitate and improve student learning. This includes the 100s series classes.
- Experiment on-line training for certain segment of the training materials in order to reduce traveling time and expenses for trainers and trainees. This includes the CAL/EPA Basic Inspector Academy to be developed in conjunction with the University of California, Davis.
- Research and expand the target audience for our training courses in order to provide a cost-effective training program, to increase compliance and reduce emissions. This includes two outreach programs for the TRU.

2004 APPENDICES

Appendix A**ENFORCEMENT ACCOMPLISHMENTS FOR 2004**

Program	Settled/Closed	Penalties*
Mobile Sources	1,255	\$3,092,142
Fuels	8	\$128,000
Consumer Products	24	\$874,700
Portable Fuel Containers	10	\$99,300
Cargo Tanks	15	\$7,000
Stationary Source/Other	2	\$400,000
Totals	1,314	\$4,601,142

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

CASE DISPOSITIONS

Category	Number Cases	Penalties
Civil	9	\$721,735
Administrative	1,305	\$3,879,407
Criminal*	0	0
Totals:	1,314	\$4,601,142
Restitution/Investigative Costs	5	\$25,835
Supplemental Environmental Projects (SEPs)	2	\$6,500 (CDAA)

*Approximately 10 criminal cases are currently under development.

Key:

Civil or criminal cases are cases that are referred to the Attorney General's Office or a local District or City Attorney's Office or the U.S. Attorney's Office and are filed in Superior Court or U.S. District Court or settled prior to filing.

Administrative cases are cases settled in house via informal staff/violator settlements (used for small violation cases), the Mutual Settlement Program or through an administrative hearing in front of an ARB Administrative Law Judge (ALJ) (this applies to HDVIP cases only), or through an administrative hearing before a State Office of Administrative Hearings ALJ.

Restitution/Investigative Costs are monies received for ARB investigative costs for cases that are referred to a District or City Attorney's Office.

Supplemental Environmental Projects (SEPs) are programs under which case settlement monies are used for environmental research, education or technology projects (e.g. research on the effects of new gasoline additives, lawn mower exchange programs to promote the use of electric lawn mowers, etc.)

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

CIVIL CASE DISPOSITIONS

CASE	PROSECUTOR	AMOUNT	DISPOSITION
1. Bay Area Custom Cycles	AG	\$150,000	ARB - APCF
2. Indian Motorcycle of Long Beach	AG	\$250,000	ARB - APCF
3. South Bay Triumph	AG	\$210,000	ARB - APCF
4. Joe's Muffler	LACA	\$12,500	\$9,600 Penalty LACA \$1,600 ARB \$1,300 BAR
5. Vantage Power Vehicle	OCDA	\$49,500	\$5,000 SEP CDAA \$44,500 ARB - APCF
6. Valley Environmental Services (VES)	ICDA	\$14,635	\$11,635 ARB \$1,500 CDAA \$1,500 ICDA
7. Power Plus	OCDA	\$5,000	ARB
8. Boreen	LADA	\$24,300	\$20,000 LADA \$4,300 ARB
9. ISD	LADA	\$5,800	\$2,500 LADA \$3,300 ARB
TOTALS:	9 cases	\$721,735	

Key:

AG: *State of California, Office of the Attorney General*
 LACA: *Los Angeles City Attorney's Office*
 OCDA: *Orange County District Attorney's Office*
 ICDA: *Imperial County District Attorney's Office*
 LADA: *Los Angeles County District Attorney's Office*
 APCF: *Air Pollution Control Fund*
 BAR: *Bureau of Automotive Repair*
 SEP: *Supplemental Environmental Project*
 CDAA: *California District Attorney's Association*

Appendix B

SIGNIFICANT CASE SETTLEMENTS

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

The following is a summary of the significant cases settled in 2004, including mobile sources, consumer products, fuels, and stationary sources cases.

MOBILE SOURCE CASES

A. M. Leonard, Inc. - \$12,000 Settlement

Based on information from a whistle blower, Mobile Source Enforcement Section (MSES) learned that A. M. Leonard, Inc., a horticultural supplies company from Piqua, Ohio, sold non-California certified outdoor power equipment via their catalog and web site at www.amleo.com to consumers in California. In response to a cease and desist order, Leonard submitted their California sales records from which MSES identified 164 non-compliant string and hedge trimmers, leaf blowers and chainsaws. Leonard has added "NOT FOR SALE IN CALIFORNIA" notification to the non-compliant products on their web site and catalog. In addition, Leonard has revised their blocking system for orders from California for non-compliant products. Leonard settled for \$12,000.00.

Electrolux Home Products – \$53,628 Settlement

EHP paid \$53,628.00 into the Air Pollution Control Fund because Sears and OSH had inadvertently sold non-compliant chain saws, blowers and trimmers made by EHP. Since January 2000, when California's more stringent emission standards for Small Off-Road Engines went in effect, OSH and Sears combined, sold 930 non-California certified units and recalled 835 non-compliant units. Most of these units were not sold in Sears' full line retail stores but through their Parts and Repair Centers where a manual replenishment system allowed the non-compliant product to slip through the automated check system. In September of 2001, EHP refined its ordering systems to block any incorrect units and ensure that only California compliant units could be ordered for shipment to California.

John Deere – \$315,000 Settlement

During the Spring 2003 Landscape Industry Show at the Long Beach Convention Center, MSES staff visited the booth of a local dealer and noticed that a hedge trimmer by John Deere was equipped with a non-California certified engine. A subsequent investigation showed that John Deere dealers throughout California had sold 597 non-compliant portable power products and 174 lawn movers. Fortunately, John Deere was able to recall 371 of the portable power products and 129 of the lawn movers from dealers and consumers in California. The portable power products had slipped through insufficient blocks in the parts ordering system. For the lawn movers, John Deere had relied on the dealers in California to order only ARB compliant units. Both the portable power product ordering system and the whole goods ordering system for the mowers have since been rewritten to avoid future sales of non-compliant products through the John Deere dealer net work. As part of the settlement, John Deere paid \$315,000.00 into the Air Pollution Control Fund.

Komatsu Zenoah – \$40,000 Settlement

Komatsu Zenoah (KZ) failed to report to the ARB that one of their small off-road engine families exceeded the family emission level (FEL) during the quality audit testing for the second and third quarter of 2003. The test procedures require that the engine manufacturer report to the ARB, within 10 days, if a family exceeds an applicable emission limit. Instead, it was the Off-Road Certification/Audit section that discovered the reported average of the audit tests exceeded the FEL and it was they who notified KZ. Subsequently, KZ raised the FEL for the affected family to be the same as the standard. In addition, KZ paid back the emission credits earned by this family during the two quarters. The Health and Safety Code Section 43212 provides for a civil penalty of \$50 for each unit found to be in violation of emission standards and test procedures. KZ and ARB agreed to settle the alleged violations for \$40,000. This is a precedent setting case in which we held firm in our settlement that the manufacturer selected FEL is the emission standard.

Lowe's – \$41,600 Settlement

In April 2001, MSES staff documented string trimmers, leaf blowers and chain saws equipped with non-California certified, SOREs at Lowe's Companies Inc. (Lowe's) retail stores in California. Upon notice from the ARB, Lowe's reported the immediate and planned implementation of measures to prevent future sales of non-compliant products in California. In addition, Lowe's reported the recall from California stores of all non-compliant and potentially non-compliant products. However, the exact number of non-compliant product sold in California could not be determined, nor was it possible to recall non-compliant units from consumers in California. The ARB and Lowe's reached a settlement agreement in the amount of \$41,600.00.

Quinsey Kawasaki, Inc. - \$13,250 Settlement

On February 11, 2004, Mr. David Quinsey, President of Quinsey Kawasaki, Inc. (Quinsey) in San Diego signed a Settlement Agreement with the ARB for violations to the H&SC. Beginning in October 2001, Quinsey offered for sale and sold approximately twelve Canadian Yamaha Banshee off-road recreational vehicles (OHRVs) in California. The twelve OHRVs were built for sale in Canada and were not certified by the ARB for California sale. These actions are in violation of H&SC 43150-43153. Quinsey corrected the violations by re-purchasing the sold OHRVs from the owners and replacing the OHRVs with legally certified models. The illegal OHRVs were subsequently sold outside of California. Along with the corrective measures, Quinsey also paid a penalty of \$13,250.00 to the Air Pollution Control Fund.

RMC Pacific Materials - \$15,000 Settlement

During December 2004, ARB and RMC Pacific Materials reached a settlement agreement for violations of the fleet Periodic Smoke Inspection Program (PSIP). RMC Pacific Materials self reported violations on November 4, 2004, in response to ARB's aggressive enforcement of past fleet PSIP cases posted on the ARB's web site. RMC Pacific Materials reported that they failed to conduct the mandated, self heavy-duty diesel engine opacity inspections for part of their statewide fleet during 2003 and 2004. After self-reporting these violations, RMC Pacific Materials immediately identified these vehicles and had them tested. All passed the applicable inspections. Additionally, to settle this matter, RMC Pacific Materials voluntarily installed low NOx software in all applicable engines in their California fleet during December 2004. RMC Pacific Materials also paid penalties totaling \$15,000 to the APCF to settle this case.

Sam's West Inc. (Sam's Club) – \$55,500 Settlement

In November of 2003, MSES staff noted a go-cart offered for sale in the Sam's Club Holiday Gift Guide. A subsequent investigation showed that the go-cart was equipped with an engine that was not certified to meet California's SORE standards. Due to the fact that the non-compliance was discovered early in the holiday season, only 32 units had been sold and 158 units were recalled from Sam's Club stores throughout the State. On November 23, 2004, Sam's West Inc. settled for \$55,500.

The Sportsman's Guide, Inc. – \$24,311 Settlement

From a review of the Sportsman's Guide catalog, the MSES identified motorized kick-scooters equipped with non-California certified engines. In response to a cease and desist order, the Sportsman's Guide submitted their California sales records, from which MSES identified 319 units of motorized, kick scooters and non-preempted, outdoor power products equipped with non-compliant engines. To avoid further sales of non-compliant products, the Sportsman's Guide has coded their system and instructed their telephone-order staff to decline orders for shipment of non-compliant product to California. Sportsman's Guide settled for \$24,311.

Wal-Mart – \$106,337 Settlement

During the spring of 2001, MSOD staff conducted a compliance survey for SOREs by visiting hardware stores and lawnmower shops throughout the state. They found non-California certified leaf blowers, line trimmers and chain saws offered for sale at Wal-Mart stores throughout the state. In response to a cease and desist order issued by MSES, Wal-Mart reported that measures had been taken to avoid further sales of non-compliant portable power products. However, shortly thereafter, MSES documented the sale of walk-behind mowers clearly labeled in red letters: "NOT FOR SALE IN CALIFORNIA." Wal-Mart recalled the non-compliant mowers from the stores in California and strengthened their controls to include automatic blocking of non-compliant products at the cash register. Despite these strengthened controls, MSES was able to purchase a non-compliant line trimmer without the transaction being flagged or blocked. Wal-Mart reevaluated their non-California blocking system and discovered that the same coding that prevented California stores from ordering non-compliant product also made it impossible to block their sale at the cash register. Wal-Mart corrected this error and reported that they recalled 74 units and sold 2,415 non-compliant units in California. The ARB reached a settlement with Wal-Mart for the alleged violations in the amount of \$106,337. The estimated emission impact of the 2,415 non-compliant units sold by Wal-Mart is a total of 1.27 tons of ROG and NOx combined for the current year.

Arlen Ness – \$10,000 Settlement

There were 41 motorcycles were inspected and found 5 to be illegal non-California certified. A Notice of Violation was issued. Three motorcycles were Arlen Ness Special Construction and 2 were American Ironhorse. One of the American Ironhorse was later found to be in compliance but the other one had a missing emissions label. They paid \$10,000 to settle this case.

Bay Area Custom Cycles – \$150,000 Settlement

The MSES, ARB's Legal Office, and the AG's Office negotiated a stipulated settlement agreement with Bay Area Custom Cycles. It was alleged that Bay Area Custom Cycles was manufacturing custom built motorcycles, offering them for sale and selling them to California residents without certifying them and obtaining an Executive Order from ARB. Bay Area Custom Cycles paid \$55,000 to the APCF over a period of two years and will be on probation during this time. In the event of failure to comply with the agreement Bay Area Custom Cycles is ordered to pay a total of \$150,000. Bay Area Custom Cycles has since certified with ARB and has been issued an Executive Order.

Genesis Custom Cycles – \$10,000 Settlement

There were 25 motorcycles inspected and found 4 that were illegal non-California certified. A NOV was issued for 1 Hellbound Steel, 2 Big Mikes Choppers, and 1

Independence. The 2 Big Mikes Choppers were put into certified condition and the other two were shipped to Arizona. Genesis paid \$10,000 to settle this case.

Indian Motorcycle of Long Beach – \$250,000 Settlement

The MSES, ARB's Legal Office, and the AG's Office negotiated a stipulated settlement agreement with Indian Motorcycle of Long Beach in the amount of \$250,000; which closed this investigation that was ongoing for over two years. It was alleged that Indian of Long Beach was removing emission equipment from new motorcycles before and after they were sold. Indian of Long Beach was found to be liable for the total sum of \$250,000 in penalties. The ARB conditionally accepted a payment of \$65,000 if it was paid within 30 days of settling this case. It was also agreed to that the principals/owners/ shareholders of Indian of Long Beach, who also own Nissan of Long Beach, LLC will not seek a California dealers license to sell motorcycles in California for a three year period ending April 1, 2007.

Indian of San Leandro – \$15,000 Settlement

There were 18 motorcycles inspected and found 6 illegal non-California certified. The motorcycles were 3 Indians, 2 Independence and 1 Panzer. The Independence motorcycles had a non-carbon type air filter, the Panzer was a federal motorcycle with no emissions at all and the three Indians had open air filter housings and missing parts (speed traps). A re-inspection of all of the motorcycles showed they had all been corrected by installing the proper emissions equipment and could now be sold in California. They paid \$15,000 to settle this case.

Irish Construction & Valley Environmental Services - \$25,000 Settlement

An investigation by the ARB showed that Valley Environmental Services (VES) of Imperial, California failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The ARB documented 76 counts of violations as they related to the Periodic Smoke Inspection Program (PSI). The ARB presented their investigation results to both the CDAA and the DA's Office of Imperial County. To settle the case, VES agreed to the \$15,000 penalty and to comply with the PSI Program.

An investigation by the ARB showed that Irish Construction of Rosemead failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented 96 counts of violations as they relate to the PSIP. The ARB presented their investigation results to Kirk Oliver, Senior Staff Counsel in its OLA. To settle the case, Irish Construction agreed to the \$10,000 penalty and to comply with the PSIP.

Joe's Muffler – \$12,500 Settlement

In a joint investigation conducted by ARB and the BAR, it was discovered that Joe's Muffler and Brake, located in Los Angeles, was installing non-exempt after-market catalytic converters on OBDII equipped vehicles. A search of records was done at Joe's and it was found that in a six-month period Joe's had installed 86 illegal converters on OBDII vehicles. BAR ran an undercover vehicle into Joe's with a defective converter and Joe's installed an illegal converter on this vehicle. The case was filed in Los Angeles Superior Court, and in January 2004, the Los Angeles City Attorney's Office finalized the settlement with Joe's Muffler on behalf of ARB and the BAR. The owner of Joe's Muffler and Brake pled guilty to violation of 7 counts of the California Vehicle Code Section 27156 and to violation of 1 count of Business and Professions Code Section 17500. The owner was ordered to pay fines of \$9,600, and he must pay ARB \$1,600 for investigative costs and BAR \$1,300 for their costs. In addition, the consumers that can be contacted will be receiving restitution, and he will be on three years probation.

Mack Trucks - \$52,000 Settlement

During March 2002, Mack Trucks self-reported the inadvertent sale of 8 Midliner trucks equipped with 49-state engines. The difference between the California compliant engines and the 49-state engines is that California requires a NOx emission rate of 4.0 g/bhp-hr or less, while the federal EPA allows 4.6 g/bhp-hr under their non-conformance option. As part of the settlement, Mack recalled the 8 trucks to convert the engines to the California certified configuration. In addition, Mack agreed to pay \$52,000 to the California APCF to cover their own and the dealer's portion of the penalties.

Nor-Cal Bike Sales – \$10,000 Settlement

There were a total of 18 motorcycles inspected and 8 of the motorcycles were non-California certified. A re-inspection found 7 of the 8 motorcycles had been put into California-certified condition. One of the motorcycles had been sold and was not available for inspection. The two Bourget's had not been retrofitted yet. After staff inspected the Bourget's and found everything had been added except for the gas tank vents. The gas tanks were at the painters getting repainted because adding the gas tank vents damaged the paint. This case was settled for \$10,000.

RV's of Merritt's – \$15,000 Settlement

The motor homes in this case are from the Peak Manufacturing case. Peak went out of business before we could file against them. There were a total of six motor homes that were non-California certified and sold to California residents by Merritt's. The Enforcement staff issued a Notice of Violation (NOV) to Merritt's for these six vehicles and gave Merritt's 21 days to get the motor homes back and remove them from California. One of the motor homes had been removed from California prior to the

NOV. Merritt's traded the other five owners out of their motor homes and then sold them at an auction to out-of-state dealers. Merritt's provided sufficient proof that the requests were met. Merritt's paid a total of \$15,000 to settle this case.

San Diego Coast Choppers – \$10,000 Settlement

This facility was inspected and found a total of 8 illegal non-California certified motorcycles. There was one Big Dog, two Fast Trac's and five Simms motorcycles. A re-inspection of the Big Dog motorcycle found it had been put into the California certified condition. The five Simms motorcycles were picked up by Simms and returned to the store where they were modified into the correct California certified condition after the EO was approved. The five Simms motorcycles were all in the correct California-certified condition and thus, shipped back to San Diego (no penalties on these). Then information was received on one fast Trac that had been sold to non-California resident and shipped out of California. As of yet, staff has not received information on the other Fast Trac despite the numerous requests to have it removed from California. This case was settled for the full penalty amount of \$10,000.

South Bay Triumph – \$210,000 Settlement

The MSES, ARB's Legal Office, and the AG's Office negotiated a stipulated settlement agreement in the amount of \$210,000 with South Bay Triumph. This closes the investigation that was ongoing for almost two years that alleges South Bay Triumph was removing emission equipment from new motorcycles before and after they were sold. South Bay Triumph will pay \$50,000 to the APCF over a period of two years and will be on probation during this time. In the event of failure to comply with this agreement South Bay Triumph was ordered to pay the \$210,000.

Union City Body - \$16,000 Settlement

During March 2004, the ARB reached settlement with Union City Body for introducing and selling non-certified and mislabeled vehicles in California.

Union City Body, a company that shares a business relationship with Workhorse, was found to have sold four new non-California certified vehicles to Frito Lay for use in California. Frito Lay removed the vehicles from California service, and Union City Body settled with a payment of \$16,000 to the APCF.

Vantage Power Vehicles - \$49,500 Settlement

During September of 2003, the MSES visited Vantage Power Vehicle Inc. (Vantage) in Yorba Linda to verify allegations from a whistle blower about the illegal sale of light, off-road utility trucks equipped with non-California certified Large Spark Ignition (LSI) engines. During the inspection, MSES documented non-compliant vehicles on site. In addition, a record search produced files documenting the sale of non-compliant vehicles to consumers in California. Based on this evidence, the ARB issued a cease

and desist order. The same month, MSES documented further violations that occurred after the cease and desist order. In response, Vantage produced a letter from China First Automobile Group (CFA), the current manufacturer of Vantage vehicles, stating that the engines were built before the effective date of the applicable regulations. However, MSES was able to show that the engines in the earlier Vantage vehicles that were produced by Kia, were made after the effective date of the regulation. With the assistance of the Orange County DA's office, Vantage and the ARB were able to reach a settlement that included a program to recover the illegal vehicles and \$44,500 to the APCF and \$5,000 to the CDAA. On March 30, 2004, Vantage received Executive Orders for the engine families powering the CFA vehicles.

Workhorse - \$356,650 Settlement

During March 2004, the ARB reached settlement with Workhorse for introducing and selling non-certified and mislabeled vehicles in California.

A detailed investigation covering over a one-year period determined that Workhorse sold 86 non-California certified vehicles in California, and 253 vehicles that were California certified but incorrectly labeled. To mitigate these violations, Workhorse worked with ARB enforcement and certification staff to modify all 86 vehicles to a California certified configuration. Workhorse also implemented an ongoing recall program L-31 to install the correct emissions label on the 253 affected vehicles. In addition to the corrective measures, Workhorse will pay \$356,650 to the Air Pollution Control Fund.

Workhorse – \$24,000 Settlement

During May 2004, MSES staff discovered that Workhorse had imported six new trucks with diesel engines that were not California certified. At the time of importation, the trucks were already modified for the DHL delivery company. To minimize any economic impact to DHL, and because diesels are engine certified, the ARB agreed to allow Workhorse to replace the engines with California certified diesel engines. Each of the conversions were conducted in Oakland and verified by ARB staff. In addition to the engine retrofit program, the settlement included a payment by Workhorse of \$24,000 to the Air Pollution Control Fund.

Yamaha Motorcycle Dealers – \$520,000 Settlement

During an investigation by the MSES it was discovered that numerous Yamaha Motorcycle Dealers throughout California were importing illegal non-California-certified motorcycles and selling them to California residents. During November and December 2003, MSES settled eight cases with a total in penalties of \$557,000. In 2004, an additional \$520,000 was collected in penalties for a total 2003/2004 amount of \$1,077,000. San Diego House of Motorcycles settled for \$40,000 for eight motorcycles. Yamaha of Santa Cruz County settled for \$5,000 for one motorcycle.

Corona Yamaha settled for \$37,500 for eight motorcycles. One of the motorcycles was removed from California and the penalty was reduced to \$2,500. Pasadena Yamaha settled for \$10,000 for two motorcycles. Fun Bike Center in San Diego settled for \$5,000 for one motorcycle. G. P. Sports in San Jose settled for \$120,000 for twenty-four motorcycles. Hollywood Motorcycles settled for \$10,000 for two motorcycles. Bert's Mega Mall in Covina settled for \$330,000 for seventy-one motorcycles. Ten of the motorcycles were removed from California and the penalties for them were reduced to \$2,500 each. This investigation is on-going with more settlements still to come.

Transit Agencies - \$71,000 Settlement

Staff of the Heavy-Duty Diesel Enforcement Section - South, working in tandem with the MSCD, submitted seven transit bus fleet cases to ARB's OLA regarding settlement for notices of violation as they relate to Title 13 of the California Code of Regulations for the transit bus fleet regulation.

Alameda-Contra Costa Transit, City of Chico, City of Commerce, San Luis Obispo South County Area, and the Los Angeles Department of Transportation Agencies have agreed to pay a total of \$71,000 in penalties in conjunction with the transit fleet rule NOx fleet average and reporting requirements for violating state air quality regulations. Settlements are pending for the remaining two transportation agencies in question.

The settlement monies will be deposited in the state's Air Pollution Control Fund, which is used to mitigate various sources of pollution through education and the advancement and use of cleaner technology.

CONSUMER PRODUCTS CASES

Pennzoil-Quaker State - \$67,500 Settlement

On February 18, 2004, Pennzoil-Quaker State submitted a check for \$67,500 to fully execute a settlement agreement. Pennzoil-Quaker State supplied over 22,800 gallons of non-compliant formulations of Rain X De-Icer Windshield Washer Fluids, which were sold in non-Type A areas of California by several major retail chains.

Scepter Corporation - \$10,000 Settlement

For their settlement, Scepter Corporation submitted a check for \$10,000 and the signed settlement agreement on February 24, 2004. Scepter Corporation is a portable fuel manufacturer and was found to be producing fuel containers for sale in California that did not meet state requirements. These containers did not meet the permeation requirement described in the regulations.

Albertson's Inc. - \$12,000 Settlement

Albertson's offered for sale Blitz USA brand "2+" portable fuel containers that did not meet the performance standards in the Portable Fuel Containers and Spouts Regulations. On May 11, 2004, Albertson's Inc. submitted a check for \$12,000 and the signed settlement agreement.

Blitz USA, Inc. - \$50,000 Settlement

Blitz USA, Inc. (Blitz) is a manufacturer of spill-proof systems. Blitz proposed to recall or replace 2000 series spouts on one-gallon and two-gallon containers offered for sale in California. ED staff inspected over 600 locations and observed and documented many instances where the spouts were still present on retail store shelves, in violation of Blitz's recall/replacement program. On May 18, 2004, Blitz submitted a check for \$50,000 and the signed settlement agreement.

John Paul Mitchell - \$15,000 Settlement

On July 9, 2004, a settlement agreement was finalized with John Paul Mitchell Systems. The company paid a \$15,000 settlement for selling 19,753 containers of non-compliant hairspray into California. The initial samples were collected on July 12, 2001. Since the company had limited sales data, staff contacted distributors to determine the amount of sales into California between 2000 and 2003.

Permatex - \$13,000 Settlement

On March 13, 2001, several samples of No Touch Glass & Surface Cleaner were collected. After analysis by the laboratory, the product was found to exceed the 10% VOC limit for aerosol general-purpose cleaners. On June 4, 2004, ED staff conducted a telephone office conference with representatives of Permatex to discuss a NOV issued on May 21, 2004. Permatex primarily manufactures adhesives and lubricants. A settlement offer of \$13,000 was proposed during the office conference and the case was settled on July 26, 2004.

Rafael Wholesale Tools Case - \$12,000 Settlement

On September 23, 2003 Rafael Wholesale Tools was found selling non-complying portable fuel containers from a warehouse in Paramount. The manufacturer had shipped these products to the Rafael Wholesale Tools to sell to their customers in Mexico and Arizona. After obtaining the manufacturer's invoices and reviewing Rafael Wholesale Tools California sales invoices, a NOV was issued to the wholesale company. The owner of Rafael Wholesale Tools agreed to settle the violation but failed to fulfill his monetary obligation as stipulated in a signed settlement agreement. The case was referred to the OLA and the owner has paid \$12,000 of the \$16,000 owed to the ARB.

Aqua Chlor - \$18,000 Settlement

The OLA reached a settlement with Aqua Chlor to settle violations over the sale of non-complying automotive windshield washer fluids in California. Numerous samples were collected from April 1999 through August 2000, which exceeded the 10% VOC limit for windshield washer fluids sold in non-type A areas of California. A Report of Violation was issued on November 7, 2000. On June 10, 2004, ED staff and counsel from the OLA conducted an office conference with Aqua Chlor, the manufacturer. A settlement offer of \$18,000 was proposed during the office conference and the settlement agreement was finalized on July 30, 2004.

Institute of Tricology - \$25,000 Settlement

A settlement agreement was reached on August 5, 2004 with TRI - Institute of Tricology over the sale of non-complying hairspray products in California. The initial samples were collected on November 14, 2000. The case had been referred to the OLA for resolution after attempts were made to resolve discrepancies in the sales information provided by the company. Several teleconferences were held with the company. TRI sold approximately 37,000 containers in two sizes of Aerogel and Aerogel Light Hairspray in violation of the 55% VOC limit from 1999-2002. An agreement to settle this case for payments totaling \$25,000 over two and one-half years was finalized by the Office of Legal Affairs.

MOC Products Inc. - \$500,000 Settlement

During 2002 and 2003, MOC Products Inc. sold, supplied, offered for sale, and manufactured for sale in California a parts wash product that exceeded the VOC limit of standard of 50% for aerosol general purpose degreasers. Approximately 937,500 cans of products was sold during that time period and resulted in approximately 176 tons of excess emissions. The case was referred to ARB's Legal Office and was settled for \$500,000 on October 18, 2004.

Reckitt Benckiser - \$165,000 Settlement

Reckitt Benckiser was issued a NOV for manufacturing Energine Spot Remover for sale in various retail stores throughout California from 2001 – 2003. Laboratory analysis showed that the product had a VOC content of almost 100%, which was in violation of the 8 percent VOC limit. It was estimated that over 65,000 cans were sold which resulted in 11 tons of excess emissions. In addition, Reckitt Benckiser was unable to show compliance with the requirements to display the date of manufacture on this product. The company removed the product from the market and settled the case on October 29, 2004 for \$165,000 in penalties.

Conair Corporation - \$15,000 Settlement

In 2001 and 2002, we obtained samples of non-compliant W8less, W8less Plus and Headcase hairspray manufactured by Conair that exceeded the 55% VOC standard. We held an office conference on September 23, 2004 with counsel for the Conair Corporation to discuss the alleged violations. On December 16, 2004, Conair settled the case for a \$15,000.00 payment.

FUELS CASES

Vitol - \$9,000 Settlement

On August 22, 2002, routine sampling of imported gasoline on the vessel Lepta Mermaid found that the premium grade of gasoline had a sulfur content that exceeded their predictive model flat limit. The settlement was reached for \$9,000.00 and the case is closed.

Shell Oil - \$48,000 Settlement

Routine additization record review discovered that between January 2000 and April 2001, Shell had been using a decertified additive at their Bakersfield and Wilmington facilities. The settlement was reached for \$48,000.00 and the case was closed.

Valero - \$7,500 Settlement

Valero's Wilmington refinery self reported on April 28, 2003, that they had failed to notify the ARB when they began producing gasoline under a new predictive model. The settlement was for \$7,500.00 and the case was closed.

Valero Refineries - \$15,000 Settlement

On April 13, 2004, executives from the Valero refineries in Benicia and Wilmington met with the ED staff to negotiate settlement of two cases.

On March 14, 2003, an e-mail predictive model notification for a batch of CARBOB (CARBOB is a California reformulated gasoline with oxygenate blend of ethanol) was sent from Valero's Benicia refinery but not delivered to us due to a server problem in their San Antonio office. This case was been settled for \$7,500.

Valero's Wilmington refinery self-reported on April 28, 2003, that they had failed to notify the ARB when they began producing gasoline under a new predictive model. This case has also been settled for \$7,500 and the case was closed.

Shell - \$15,000 Settlement

On November 29, 2002, Shell manufactured a batch of diesel according to designated alternative limits that should have been reported to us at that time. Because their laboratory staff failed to enter nitrogen data, the report was not sent until December 2, 2002.

On December 20, 2002, Shell's Martinez refinery reported that they had been selling premium gasoline with an oxygen content that exceeded the value submitted on their predictive model notification.

A settlement conference was held on August 12, 2004 to discuss both violations. ED staff offered to settle the November case for \$5,000 and the December case for \$10,000. Both offers have since been accepted and the cases closed.

7-Eleven - \$10,000 Settlement

Routine sampling on May 14, 2003, found that a 7-Eleven station in Hanford, California was selling mid-grade gasoline with a Reid Vapor Pressure of 7.83 psi. The case was settled for \$10,000.00 and the case was closed.

Shell - \$35,000 Settlement

On March 25, 2003, at Shell's Carson refinery, approximately 22,000 barrels of premium grade conventional gasoline was inadvertently added to their regular grade CARBOB tank. Shell self-reported the violation.

On June 5, 2003, Shell's Carson refinery shipped two tenders of Arizona premium gasoline to the Kinder Morgan terminal in San Diego instead of ARB premium MTBE gasoline as ordered by Valero, who owns both products. The gasoline did not meet CARB T90 standards.

NOVs were issued for these cases in October 2004. At a settlement conference in December 2004, both cases were settled for \$15,000 and \$20,000 respectively.

STATIONARY SOURCE CASES

TXI and Subsidiaries - \$350,000 Settlement

On January 11, 2004, the court approved a settlement between the ARB and the Ventura County Air Pollution Control District and Texas Industries, Inc. (TXI) and several of TXI's subsidiaries (Pacific Custom Materials, Inc. (PCM); TXI California, Inc.; and TXI Operations, Inc.). SEIES personnel developed the case working with staff of the Ventura County Air Pollution Control District and provided support for the ARB attorneys in developing the settlement. The settlement is the culmination of three years of investigation, surveillance, and case preparation.

The ARB and the District alleged that TXI/PCM's plant, which is located outside of Frasier Park in eastern Ventura County's Lockwood Valley, emitted NOx, sulfur oxides and particulate matter in amounts exceeding limits in the regulations of the Ventura County Air Pollution District and set in TXI/PMC's permits, issued by the District. These emissions resulted in deleterious health consequences, property damage, and nuisance to Lockwood Valley residents. These emission violations caused a large number of complaints to the District and the ARB, resulting in an investigation by SEIES personnel and ultimately in the enforcement case prepared jointly by the ARB and the District.

Under the terms of the settlement, TXI and its subsidiaries have agreed to pay a monetary settlement of \$350,000, undertake process and equipment upgrades, install additional monitoring and reporting equipment, and conduct additional source testing. In addition to paying the monetary settlement, TXI/PCM agreed to provide continuous monitoring of emissions from the facility and upgrade several pieces of equipment at the facility to reduce emissions and to provide continuous quality control on emission control equipment. Further still, TXI/PCM agreed to retrofit diesel engines on mobile equipment with catalytic control devices to reduce or eliminate emissions of particulate matter in the exhaust. TXI/PCM agreed to work with the District in the development of a plan to reduce fugitive emissions of particulate matter from the facility.

Mulligan's Irish Pub - \$50,000 Settlement

On October 7, 2004, the U.S. EPA settled a case with two South Lake Tahoe business owners for \$50,000 for improper asbestos removal, a violation of the Clean Air Act.

During the remodeling of Mulligan's Irish Pub in July 2001, the EPA asbestos staff and ARB asbestos staff observed improper disturbance, removal and disposal of asbestos ceiling material. Immediately after the inspection, the EPA and the ARB required the owner of Mulligan's, Francis Lennon, and the owners of the motel, Mira Pradip and Thakor Patel, to clean up the asbestos materials.

The inspectors cited the owners for several violations of federal air requirements, including the failure to notify EPA of asbestos removal activities, emissions of asbestos materials to the air and improper disposal of asbestos wastes. During the renovation, asbestos material was also found outside in the open air, exposing the general public and workers to the materials.

Appendix C

MOBILE SOURCE ENFORCEMENT

2004 PROGRAM AND INSPECTION ACTIVITIES

Table C-1
Heavy-Duty Vehicle Inspection Program

Number of Inspections	15,343
Number of Violations	1,111
Failure Rate	7%
Appeals Received/Closed	11/9
Violations Closed	869
Current HDVIP II Penalties Assessed/Collected	\$300,600/\$221,250
Delinquent HDVIP I/II Citations Closed/Penalties Collected	202/\$117,984.01
Total HDVIP I/II Penalties Collected	\$339,234.01

Table C-2
Smoking Vehicle Complaint Program

Letters Sent	2,999
Responses Received	942
Response Rate	31%

Table C-3
School Bus ATCM Enforcement and Outreach

	TYTD
School Districts Contacted	225
Schools Contacted	223
Presentations	50
School Bus Spot Checks	339
Notice of Violations (NOVs)	4

Table C-4
School Bus Idling Complaint Program

2004 Idling School Bus Complaints	TYTD
Complaints Received	19
Advisory Letters Sent	19
Responses Received	8
Response Rate	42%

Table C-5
Commercial Idling Complaint Program

2004 Commercial Vehicle Idling Complaints	TYTD
Complaints Received	9
Advisory Letters Sent	9
Responses Received	5
Response Rate	56%

Table C-6
Certificate of Non-Compliance (49-State Vehicle) Program

Certificates Received	1,288
Certificates Reviewed	277
Cases Opened	75
Cases Closed	77
Penalties Received	\$958,000

Table C-7
Administrative Hearings

Number of Cases	11
Number Closed	9
Number Pending	2*
Settled	8**
Went to Hearing	2***

*awaiting payment and/or hearing set for 2005.

**one settled at administrative hearing.

***1 case affirmed by ALJ, 1 case settled at hearing.

Table C-8
Environmental Justice Inspections

Inspections	47
HDVIP Inspections	6,973*
HDVIP Citations	685*
HDVIP NOVs	79*
TOTAL VIOLATIONS:	764/11%

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

Appendix D**Fuels and Consumer Products Enforcement
Inspection Activities -- 2004****Table D-1****Consumer Products Inspections and Samples**

Samples obtained	1,732
Lab results received	1,391
Alleged violations	381
Notices of Violation Issued	44

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

Number of inspections	986
Samples obtained	290
Notices of Violation Issued	13

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

Cargo tanks inspected	831
Cargo tanks tested	322
Pressure violations (nitrogen test)	27
Uncertified equipment violations	2
Liquid leak violations	2
Annual tests observed	126

*Includes tanks inspected during strike forces.

Table D-4
Motor Fuel Inspection Summary

Number of samples	3,223
Number of analyses*	25,006
Reid vapor pressure	1,963
Lead	30
Sulfur	3,060
Manganese	0
Phosphorus	0
MTBE	2,682
Oxygen*	2,682
Benzene*	2,805
Total aromatics*	2,805
Olefin*	2,671
Distillation, T50*	2,609
Distillation, T90*	2,609
Aromatic hydrocarbon* (dsl)	545
PAH (dsl)	545

* Includes screen results

Table D-5
Gallons Represented in Sampling

Gasoline	437,946,117
Diesel	118,893,892

Table D-6
BOE Dyed Diesel Program

Number of Inspections	16,819
Number of Violations	106

Appendix E**Stationary Source Enforcement**
Air District Oversight Activity -- 2004**Table E-1****Air Facility System (AFS) Compliance Data**

Reports received	106
Reports entered	73
Issues addressed	288
Reports sent to districts	187
Mini-audits conducted*	1
NOV logs received	88

Table E-2**Asbestos Enforcement Activity**

Notifications received	421
Demolition/renovation inspections	24
Violations issued	9
Violations settled	0
Penalty amount received	0
Samples collected	0
Samples analyzed	0
Complaints received	10
Complaints investigated	10
Related phone calls/e-mails received	417
Workshops conducted	2

Table E-3**Continuous Emissions Monitoring (CEMs) Program Activity**

Total reports received	2,542
NOx	660
SO ₂	365
H ₂ S	371
CO	332
Opacity	814

Table E-4**Hotline Complaints Activities**

Total complaints received	473
Stationary source	210
Vapor recovery	102
Smoking vehicle	84
Questions answered	77
Referrals to air districts	312
District responses received	247
Referred for investigation	1
Referred to other ARB divisions	15
Referred to other agency	44

Table E-5**Air District Rule Review**

Rules received	292
Rules reviewed	288
Rules commented on	14

Table E-6
Variance Activity

Variances received	480
Variances reviewed	440
Notices received	384
Variances questioned	22
Variances returned	3
Issues addressed	1,486
Hearing Board visits	3
Workshops conducted	6
Audits***	2
Special Projects	6

*** San Joaquin AQMD/Ventura APCD

Table E-7
Air Facility System (AFS) High Priority Violators (HPV)

Reports received	298
Reports entered	29
Issues addressed	231
Reports sent to districts	324
Mini-audits conducted	1

Table E-8
Complaint Investigations

Investigations	0
Requests for Assistance	11
Reports Completed	13
Special Projects	27

Table E-9
Strategic Environmental Investigations

TYPE OF ACTIVITY	TOTAL
Continuing Investigations	12
New Investigations	48
Cases Closed	29
Cases Referred for Investigation	3
Cases Referred for Prosecution	5
Continuing Prosecution	3
Case Settlement/ Prosecution	1
Investigative Assistance	10
Continuing Surveillance	7
New Surveillance	16
Surveillance Closed	17
Source Inspections	18
Task Force Meetings Attended	54
PERP Inspections	400
PERP Violations	180
Special Projects	25

Appendix F**Enforcement Division Contacts and Other Information:**

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

Division Contacts:

Division Chief	James R. Ryden	(916) 322-7061
Division Secretary	Anita Ortiz	(916) 322-7061
Enforcement Database Coordinator	Reggie Guanlao	(916) 445-2815
Enforcement Division Coordinator	Valerie Sarver	(916) 322-2659
Enforcement Division FAX (Sacramento – HD Diesel Program)	-	(916) 322-8274
Enforcement Division FAX (Sacramento – General Enforcement)	-	(916) 445-5745
Enforcement Division FAX (El Monte – HD Diesel Program)	-	(626) 450-6170
Enforcement Division FAX (El Monte – MS Enforcement Program)	-	(626) 350-6431

Mobile Source Enforcement Contacts:

Chief, Mobile Source Enforcement Branch	Paul E. Jacobs	(916) 322-7061
Manager, Mobile Source Enforcement Section	Gregory Binder	(626) 575-6843
Manager, Heavy-Duty Diesel Enforcement Section – North	Judy Lewis	(916) 322-1879
Manager, Heavy-Duty Diesel Enforcement Section – South	Darryl Gaslan	(626) 450-6155
Mobile Source Enforcement Field Supervisor	Ken Helgren	(626) 575-6850
HD Diesel Field Supervisor – Northern California	Chuck Owens	(916) 445-2049
HD Diesel Field Supervisor – Southern California	Craig Pendley	(626) 450-6172
Citation Administration – Northern California	Rena Hankins	(916) 322-8275
Citation Administration – Southern California	Debbie Wiemer	(626) 450-6161
Collections Administration	Cheryl Griffin/ Katy Curran/ Jason Sanders	(916) 322-2654
Special Investigations/Collections	Jay Zincke	(916) 323-1608

Stationary Source Enforcement Contacts:

Chief, Stationary Source Enforcement Branch	Chuck Beddow	(916) 322-6033
Manager, Fuels Enforcement Section	Mark Stover	(916) 322-2056
Manager, Consumer Products Enforcement Section	Steve Giorgi	(916) 322-6965
CaRFG/Diesel Regulations Enforcement	Dickman Lum	(916) 327-1520
Case Development Program	Janice Ross	(916) 327-1526
Cargo Tank Enforcement Program	Brad Cole	(916) 322-3951
Cargo Tank Certification Program	Juli Sawaya	(916) 322-3034
Fuel Distributor Certification Program	Nelson Chan	(916) 445-0287

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Fuels Inspection Program	Fred Schmidt	(916) 327-1522
Fuels Enforcement and Cargo Tank Web Pages	Mary Rose Sullivan	(916) 327-1523
Manager, Strategic Environmental Investigations & Enforcement Section	R.C. Smith	(916) 445-1295
Manager, Stationary Source Enforcement Section	Carl Brown	(916) 323-8417
Air Facility System (AFS)	James McCormack	(916) 324-8020
Agricultural Burning Program	Cheryl Haden	(916) 323-8410
Asbestos NESHAP Program	Ahmad Najjar/ Nestor Castillo	(916) 322-6036 (916) 322-0749
Complaint Hotline Program	Verna Ruiz	(800) 952-5588
Continuous Emission Monitoring Program	Verna Ruiz	(916) 327-7574
Variance Program	Vickie McGrath	(916) 324-7343
Training & Compliance Assistance Contacts:		
Chief, Training & Compliance Assistance Branch	Mary Boyer	(916) 322-6037
Branch Secretary, Training & Compliance Assistance	Kathy Walton	(916) 327-5988
Branch Registrar, Training & Compliance Assistance	Nancy Thompson	(916) 322-2227
Manager, Compliance Training Section	Louis Chiu	(916) 323-8412
Manager, Compliance Assistance Section	Mark Tavianini	(916) 327-0632
CAP Publications	Marci Fenski	(916) 327-7211
FOE/VEE Program	Min Li	(916) 327-1168
Other Contacts:		
ARB Office of Legal Affairs		(916) 322-2884
ARB Complaint Investigations	Carl Brown	(916) 323-8417
ARB Complaint Hotline (Alternative Number)	-	(800) 363-7664 (800) END-SMOG
ARB Enforcement Division Spanish Speaking Assistance	Hortencia Mora Marivel De La Torre Anita Ortiz	(626) 350-6590 (916) 323-1362 (916) 323-8541

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