

CALIFORNIA AIR RESOURCES BOARD'S 2010 ANNUAL ENFORCEMENT REPORT



THEN

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2010 ANNUAL ENFORCEMENT REPORT

ARB

ENFORCEMENT DIVISION

June 2011

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ACRONYM LIST

AB	Assembly Bill
AFS	Air Facility System
APCD	Air Pollution Control District
APCF	Air Pollution Control Fund
AQMD	Air Quality Management District
ARB	Air Resources Board
ATCM	Air Toxic Control Measure
AG	Attorney General
BAAQMD	Bay Area Air Quality Management District
BHP	Brake-horsepower
BOE	Board of Equalization
CAP	Compliance Assistance Program
CAPCOA	California Air Pollution Control Officers Association
CADMV	California Department of Motor Vehicles
CARBOB	California Reformulated Blendstocks for Oxygenate Blending
CaRFG3	California Reformulated Gasoline Phase III
CHE	Cargo Handling Equipment
CAS	Compliance Assistance Section
CCDET	California Council on Diesel Education and Technology
CCR	California Code of Regulations
CEM	Continuous Emission Monitoring
CHP	California Highway Patrol
CNC	Certificate of Noncompliance
CPES	Consumer Products Enforcement Section
CTS	Compliance Training Section
DRRP	Diesel Risk Reduction Plan
DA	District Attorney
ECLP	Emission Control Label Program
ED	Enforcement Division
EJ	Environmental Justice
EPA	Environmental Protection Agency
FOE	Fundamentals of Enforcement
GHG	Greenhouse Gas
GHGES	Greenhouse Gas Enforcement Section
GVWR	Gross Vehicle Weight Rating
HDD	Heavy-Duty Diesel
HDVIP	Heavy-Duty Diesel Vehicle Inspection Program
H&SC	Health and Safety Code
HC	Hydrocarbon
LBS	Pounds

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LSI	Large Spark-Ignition
MLD	Monitoring and Laboratory Division
MOU	Memorandum of Understanding
MSCD	Mobile Source Control Division
MSOD	Mobile Source Operations Division
MTBE	Methyl Tertiary-Butyl Ether
MY	Model Year
MSEB	Mobile Source Enforcement Branch
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NOV	Notice of Violation
NOx	Nitrogen Oxide
NSR	New Source Review
OGV	Ocean-Going Vessel
OHRV	Off-Highway Recreational Vehicle
OLA	Office of Legal Affairs
PAH	Polynuclear Aromatic Hydrocarbons
PAU	Public Agencies and Utilities
PERP	Portable Equipment Registration Program
PM	Particulate Matter
PPM	Parts per Million
PSI	Pounds per Square Inch
PSIP	Periodic Smoke Inspection Program
SAE	Society of Automotive Engineers
SB	Senate Bill
SEIES	Strategic Environmental Investigations and Enforcement Section
SEP	Supplemental Environmental Project
SORE	Small Off-Road Engine
SSD	Stationary Source Division
SSES	Stationary Source Enforcement Section
SWCV	Solid Waste Collection Vehicle
TAC	Toxic Air Contaminant
TFV	Transit Fleet Vehicle
TRU	Transport Refrigeration Unit
UB	Urban Bus
USEPA	United States Environmental Protection Agency
VDECS	Verified Diesel Emission Control Strategy
VC	Vehicle Code
VEE	Visible Emissions Evaluation
VOC	Volatile Organic Compound

EXECUTIVE SUMMARY

For all of its clean-air successes, California continues to suffer the most severe air pollution in the country. Millions of residents continue to breathe unhealthful air that taxes their lungs and heart. A key public health priority of the Board is protecting California communities from illegal emissions of smog-forming compounds and diesel soot. There is no practical way Californians can individually protect themselves from air pollution making the enforcement program essential to effectively carrying out ARB's mission. . Children, the elderly and people with impaired breathing and heart troubles are particularly at risk.

The Air Resources Board's mission is "to promote and protect public health, welfare and ecological resources through the effective and efficient reduction of air pollutants while recognizing and considering the effects on the economy of the state." The Board approaches this challenge with the recognition that improved public health goes hand-in-hand with economic health. It aims to reduce air pollution through fair, consistent and comprehensive enforcement of air pollution laws and by providing compliance assistance.

Addressing the Challenge of Diesel Pollution

Illegal diesel emissions remained the Board's top enforcement priority in 2010. Diesel pollution is a silent killer. The ultra-tiny, airborne particles in diesel exhaust can penetrate more deeply into lungs, and even enter the bloodstream, triggering death in people with pre-existing heart diseases. A comprehensive body of evidence links these particles to cardiovascular disease and premature deaths, and in 2010 the link between premature death and fine particle pollution (PM_{2.5}) was deemed by the U.S. EPA to be causal— the highest level of scientific certainty.

The Board identified the particles from diesel engines as a Toxic Air Contaminant in 1998, finding it responsible for 70 percent of the known cancer risk from air pollutants in California. This action was followed by the Board adopting a comprehensive plan to reduce at least 85 percent of the diesel soot and the associated health risk by 2020.

The Board began regulating emissions from both new and existing diesel-fueled equipment and vehicles. It started with public transit buses, followed by school buses and garbage trucks, public utility vehicles and transit buses, then heavy-duty trucks and off-road equipment such as bulldozers and irrigation pumps. The most recent additions include offshore ships, tugboats and the cargo trucks and handling equipment at ports and rail yards.

Ports, Rail Yards, Freeways: A New Focus

In 2010 the Enforcement Division focused particularly on neighborhoods near ports, rail yards and freeways – and, in some cases, all three. It overcame budget limitations by collaborating with local air districts and local police on ticketing truck drivers for excessive engine idling.

Staff worked with residents and local officials in identifying problem areas and coordinated with Cal Trans on posting “No Idling” signs at these hot spots.

Reductions in diesel risk are especially needed where port trucks are heavily concentrated, such as in West Oakland, Wilmington, Long Beach and the City of Commerce. The Enforcement Division made these ports high priority targets in 2010, the year the Board’s regulation of the drayage (port) trucks took effect. The rule puts ports and rail yards off limits to the dirtiest trucks – those with model-year 1993 or older engines – and limits entry of newer trucks that are past their prime to those with exhaust filters.

The 3,094 inspections in 2010 resulted in 356 violations – an 80 percent compliance rate. Staff soon discovered that trucks hauling goods transported by rail had a much higher non-compliance rate than those working the ports, so the enforcement focus shifted to the intermodal rail yards. Inspectors also focused on companies that defeated the intent of the regulation by staging their dirtier, non-compliant trucks just outside port and rail yard gates for transfer of loads. As with other heavy-duty diesel vehicles, port trucks are subject to Board limits on engine idling and exhaust smoke.

Transport Refrigeration Units

Enforcement staff also turned much of its attention to trucks equipped with diesel-powered refrigeration systems. Though their horsepower and related emissions are relatively small compared to the trucks themselves, significant numbers of these Transport Refrigeration Units congregate at truck stops and food distribution centers, posing an increased health risk for nearby workers and residents. The refrigeration engines are among the latest in a series of diesel-fueled equipment and vehicles to be regulated as part of the diesel reduction program.

Staff cited owners and operators of all 2002 model-year and older refrigeration units that had not been retrofitted or repowered to meet the diesel emission standard. The 6,119 field inspections in 2010 netted 2,318 violations. The 62 percent compliance rate is higher than expected for a first-time regulation of these units, which took effect just the previous year.

Overcoming Limitations

The State's ongoing hiring freeze kept the Board from adding inspectors to keep pace with the growing number and types of diesel emission sources coming under regulation. The Board nonetheless maximized its enforcement visibility and effectiveness through more strategic scheduling of inspections and by enlisting the help of local agencies with police authority.

In pursuing noncompliant refrigerated trucks, for example, enforcement staff concentrated inspections in agricultural areas at harvest when this truck traffic peaks. To keep better watch on the port traffic in Oakland and San Francisco, the Board arranged for the Bay Area Air Quality Management District to help conduct inspections of diesel cargo trucks.

Compliance Training

The Enforcement Division's compliance training section significantly expanded its outreach to businesses with diesel equipment and vehicles by introducing and expanding community college classes on several mobile source regulations and required retrofits, such as the Selective Catalytic Reduction system for certain heavy-duty diesel vehicles. The section held 253 classes, and directly reached 6831 participants at regulation-specific classes and workshops. Within the National Program (outside of CA) the section held 61 classes with 1436.

2010 Enforcement Highlights 2010

- A Board investigation led to the successful prosecution of the State's first criminal case on illegal sales of uncertified vehicles. The San Bernardino County District Attorney's Office won felony convictions against the owners of Goldenvale Inc. of Ontario for profiting from the sale of dirt bikes, ATVs and other vehicles from China that were falsely certified as meeting California's tough emissions standards. The defendants served jail time and were ordered to pay restitution to those who bought the illegal vehicles.
- Enforcement staff saw a marked increase in the illegal sale and installation of old, substandard catalytic converters. Staff attributed the escalation to the rise in prices of precious metals used in the devices.

2011 Action Items

- Pursuant to Senate Bill 1402, the Board published a draft penalty policy that takes certain circumstances into account when assessing penalties. The draft policy is being vetted in public workshops. Enforcement staff is continuing outreach and education on installation of exhaust filters, a retrofit for older heavy-duty trucks that will be required on a phased-in schedule, starting in 2012.
- Staff also is starting enforcement of the SmartWay truck greenhouse gas programs that require certain fuel-saving features such as aerodynamic skirts on the sides of trailers and low-rolling resistance tires.
- Staff continues working with other federal, state and local agencies and environmental justice community groups to improve air quality in heavily polluted areas.
- Staff aims to increase the compliance rate on the drayage truck rule by 10 percent at the rail yards, and increase pressure on the non-compliant motor carriers by developing cases against the major ones

INTRODUCTION

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

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

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

To carry out these responsibilities, ARB has undertaken a multifaceted program of planning, regulation development, implementation, compliance assistance and training, and enforcement. This is a complex process that weaves together air quality research, modeling and assessment and the development and adoption of regulations through a process that allows for public input and program implementation through active outreach to regulators and regulated industries through training and compliance assistance.

The final component, enforcement, ensures that these efforts do achieve the anticipated emissions reductions and guarantees a level playing field for all participants. This report focuses on ARB's enforcement efforts, both direct enforcement and oversight of

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air district enforcement programs, and voluntary compliance through education and compliance assistance materials.

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

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

The report that follows includes a discussion of the enforcement programs currently administered by ARB, as well as some summary statistics relating to inspections, investigations, and activities in each of the programs. More detailed information relating to case status, local air district enforcement activities and other relevant information is included in the appendices. Please also note that it is ARB's practice to keep confidential the names of entities involved in pending enforcement actions, and that this convention will be observed in any pending case summary information. Specific case settlement summaries can be viewed at ARB's Enforcement Program web site located at: <http://www.arb.ca.gov/enf/casesett/casesett.htm>.

For more information on the ARB, ED or its programs, please contact James R. Ryden, Chief, at (916) 322-7061 or jryden@arb.ca.gov. For questions or comments relating to this report, please contact the Chief Editor, Michelle Shultz Wood, at (626) 459-4338, or email at mshultz@arb.ca.gov.

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

GENERAL ENFORCEMENT PROGRAMS

The ED, through its three branches and an unaligned section, is responsible for a variety of enforcement activities:

- The **Mobile Source Enforcement Branch** (MSEB) enforces programs to reduce gaseous (including GHGs), particulate, and visible exhaust emissions from HDD and gasoline-powered commercial trucks and buses, passenger vehicles and other light-duty on-road vehicles, off-highway vehicles, off-road engines like lawn and garden equipment, and aftermarket parts for on and off-road vehicles.

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- The **Stationary Source Enforcement Branch (SSEB)** investigates and develops cases related to motor vehicle fuels and consumer products, provides oversight and assistance to local air district enforcement programs, conducts a number of major inspection programs, and provides investigative and surveillance services to assist in the development of air quality, toxic exposure, and multi-media cases.
- The **Training and Compliance Assistance Branch** provides training and informative materials to ARB staff, air districts, and regulated industry personnel for improving enforcement and promoting compliance.
- The **Greenhouse Gas Enforcement Section (GHGES)** remains organizationally independent of a branch and provides an enforcement perspective and specific language to the ARB divisions involved in rule development in furtherance of the AB 32 climate change effort.

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

Regulation and Legislation Coordination

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

Legislation

Senate Bill 1402, Dutton (Chapter 413), 2010, requires the ARB to provide air pollution violators with written information on how ARB determines their penalties, which may include an estimate of the excess air emissions their violations caused as practicable. The bill requires ARB to publish a written penalty policy and prepare an annual report to the Governor and Legislature summarizing the motor vehicle pollution administrative penalties imposed by ARB. Pursuant to SB 1402, starting in 2011 all Settlement Agreements will be made available to the public on the ARB's website <http://www.arb.ca.gov/enf/casesett/casesett.htm>. ED also incorporated SB 1402 compliance statements in all case settlement agreements as required by SB 1402.

Environmental Justice

The ARB is committed to making the achievement of EJ an integral part of its activities. State law defines EJ as the fair treatment of people of all races, cultures, and incomes

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with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

The Board's "Environmental Justice Policies and Actions" have established a framework for incorporating EJ into ARB's programs consistent with the directives of state law. These policies apply to all communities in California, but recognize that EJ issues have been raised more in the context of low-income and minority communities. These policies are intended to promote the fair treatment of all Californians and cover the full spectrum of ARB activities. Underlying these policies is a recognition that ARB needs to engage community members in a meaningful way as the Boards' activities are carried out. People should have the best information possible about the air they breathe and what is being done to reduce unhealthful air pollution in their communities. Finally, ARB recognizes the obligation the Board has to work closely with all stakeholders, communities, environmental and public health organizations, industry, business owners, other agencies, and all other interested parties to successfully implement these policies.

Over the last year, ED has increased its coordinated effort with federal, state and local enforcement agencies such as U.S. EPA, the Department of Toxic Substances Control, the California Water Resource Control Board, local air districts, local law enforcement, city leaders and local community groups throughout the state, especially in areas that have been identified as EJ areas. Staff has worked with environmental collaborative groups in the cities of Maywood, Oakland, Pacoima, Riverside, San Bernardino, and Wilmington. In 2010, in these communities and others, identified and reported environmental violations were resolved and ongoing projects continue to improve the quality of life for the people living in these communities. This very important effort will continue and expand to include other communities during the next year.

MOBILE SOURCE ENFORCEMENT PROGRAMS

Program Overview

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

The Board's Mobile Source Enforcement Program is structured to ensure that on and off-road vehicles and engines meet California's standards from the design phase through production, from the point of sale through the vehicle's or engine's useful life, and finally when they are retired from the fleet.

ARB has direct enforcement authority over all regulated mobile sources in California; including passenger vehicles and light duty pickups, on and off-road diesel powered

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vehicles and equipment, off-highway recreational vehicles (OHRVs), off-road diesel and gasoline powered equipment and small off-road engines (SOREs). It is illegal to sell or offer to sell into California new mobile sources unless they have been certified by ARB as meeting California emissions standards. Manufacturers are required to apply for ARB certification annually.

Highlights

Bay Area Air Quality Management District Inspection Memorandum of Understanding

In 2010, ARB entered into a MOU with the BAAQMD where under the MOU the BAAQMD conducts inspections of diesel engines and vehicles at the ports and other EJ areas in its' nine county jurisdiction. This program was implemented in 2010 and is working well to better protect these areas through increased enforcement resources.

Mobile Source Enforcement Branch Reaches out to Stakeholders

Over the past year, MSEB staff attended over 100 meetings and conferences hosted by governmental agencies such as the USEPA, Bureau of Automotive Repair, CHP, CADMV, and organizations such as the California Trucking Association and American Trucking Association where attendees were provided with enforcement program overviews and how to comply with ARB regulations. Outreach is so important to ARB's mission in coordination with enforcement. It allows the regulated community to better understand their responsibilities and requirements under ARB's laws and regulations and allows staff to work with stakeholders to prevent violations.

Mobile Source Enforcement Section

The Mobile Source Enforcement Section is responsible for ensuring all regulated mobile sources, on and off-road, comply with ARB certification requirements. ARB's enforcement program vigorously enforces these laws through inspections and investigations that can result in corrective actions and substantial civil and/or criminal penalties.

For on-road sources, the primary focus of enforcement is to ensure that all new vehicles sold, offered for sale, or used in the state are certified for sale in California. Under California's regulations, a new vehicle (defined as a vehicle that has fewer than 7,500 odometer miles) not certified to California's standards cannot be sold within or imported into the state by a California resident or business. If such a vehicle visits a Smog Check station, the owner is issued a Certificate of Noncompliance (CNC), a copy of the CNC is sent to ARB. When a violation has occurred, a Notice of Violation (NOV) is issued. The NOV requires that the vehicle(s) be removed from the state, and payment of a civil penalty of up to \$5,000 per vehicle, as authorized under H&SC §43151 et seq.

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

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

Highlights

Aftermarket Catalyst Cases

Based on regulations as of January 1, 2009 aftermarket catalysts sold in California required more stringent performance and durability standards and an ARB Executive Order. Older style catalysts are not legal for sale or installation in California. The cost of newer, more effective catalysts is higher; some shops sell the older illegal catalysts creating unfair business climates for shops installing legal parts. To help mitigate this situation, staff focused enforcement on catalyst manufacturers, distributors, and large retailers.

Illegal Import Market

Staff continues efforts to reduce incidences of illegally imported products (e.g. on and off-road motorcycles, ATVs, personal watercraft, lawn and garden equipment, etc.) coming into California through major shipping ports. Staff works with U.S. EPA, U.S. Immigration and Customs Enforcement, U.S. Coast Guard, and international governmental agencies especially China, to ensure imported products fully comply with California environmental regulations. Staff continues to pursue administrative, civil, and criminal action against violators.

In 2010, ARB successfully referred to the San Bernardino District Attorney's Office, the first criminal case based on illegally imported uncertified on and off-road vehicles. The defendants served jail time and were ordered to pay restitution to all victims.

Additionally, in 2010, the ARB continued to run confirmatory and in-use testing on selected import and domestic products using their own small engine test cell to ensure production vehicles and engines continue to meet certification and durability requirements.

Large Spark-Ignition Regulation

On January 1, 2010, emission standards and test procedures for off-road LSI engine powered equipment became more stringent. There are more than 90,000 off-road LSI

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engines in California. Many of these engines have no emission controls and some remain in operator fleets for decades. Just one uncontrolled engine can emit as much hydrocarbon (HC) and nitrogen oxide (NOx) in three eight-hour shifts as a new car certified to California's cleanest emission standard does over its entire lifetime.

The HC and NOx combine in the atmosphere to form ground level ozone, which can damage the respiratory tract and worsen asthma symptoms. The LSI regulation will reduce HC+NOx emissions by approximately six tons per day, helping California to meet federally imposed clean air standards. If these standards are not met, the federal government could impose economic sanctions on California; for example, federal highway funding could be withheld.

Manufacturers of 25 hp or greater (greater than 19 kilowatts) off-road LSI engines must comply with the new engine standards and test procedures and manufacturers of retrofit emission control systems intended for use on LSI engines must comply with the verification procedures. Individual persons, businesses, and government agencies that own or operate LSI engine powered fleets in California are subject to the fleet requirements. Out-of-state companies doing business in California are also subject to the fleet requirements.

The regulation establishes more stringent combined HC and NOx emission certification standards for engine manufacturers. The regulation also establishes verification procedures for manufacturers of retrofit emission control systems. Engine and retrofit emission control system manufacturers will likely employ advanced automotive-style emission control technologies including electronic fuel/air controllers, three-way catalysts, and oxygen sensors to meet the certification and verification standards, respectively.

Off-Highway Recreational Vehicles and Small Off-Road Engines

OHRVs (off-road motorcycles, ATVs) and SOREs (lawn mowers, trimmers, generators, and scooters) continue to receive enforcement attention. Staff worked cooperatively with industry to educate and assist industry's awareness and compliance with ARB laws and regulations.

Staff continues to work with CADMV and the California Department of Parks and Recreation to ensure registration and enforcement in riding areas throughout California and reduce smog-forming emissions by approximately 200 tons per day via aggressive enforcement of regulations. This cooperative effort ensures ARB will achieve the anticipated reductions.

Tire Inflation Regulation

On September 1, 2010, the ARB's Tire Pressure Regulation took effect. The purpose of this regulation is to reduce GHG emissions from vehicles operating with under inflated tires by inflating them to the recommended tire pressure rating. The regulation applies

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to vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds (lbs) or less. Automotive service providers must meet the regulation's following requirements of checking and inflating each vehicle's tires to the recommended tire pressure rating, with air or nitrogen, as appropriate, at the time of performing any automotive maintenance or repair service.

Heavy-Duty Diesel Enforcement

In 1998, ARB identified diesel exhaust as a TAC. As a result, ARB developed the ATCMs, a series of programs intended to reduce diesel emissions of particulates and NOx. These programs require commercial HDD fleets to replace or repower (i.e. install new engines) their vehicles and equipment or the exhaust systems with diesel particulate filters, and alter driver habits that create unnecessary diesel emissions from idling.

Certain segments of all diesel fleets are now required to be equipped with these retrofits, including transit buses, solid waste collection vehicles (SWCV), Public Agencies and Utilities (PAU) vehicles, CHE, drayage trucks, as well as TRU (trailers equipped with diesel-powered cooling systems). Starting in 2012, retrofits will be required on a phase-in schedule for on-road diesel-powered vehicles which are covered under the Truck and Bus Regulation (On Road HDD Vehicles greater than 14,000 GVWR). By January 1, 2023, all affected vehicles under this program must have a 2010 model year (MY) engine or equivalent installed.

Diesel powered off-road vehicles will be required to lower their particulate matter (PM) emissions once the U.S. EPA grants ARB the waiver to enforce the in-use emission standards set by ARB's regulation.

ARB, in cooperation with the CHP, inspects HDD trucks and buses for excessive smoke emissions and tampering of emission control systems. Every HDD 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 HDD vehicles comprise only two percent of California's on-road fleet, they produce about one-third of the NOx and approximately two-thirds of the PM emissions attributed to motor vehicles. The exhaust emissions from these vehicles are of special concern, particularly in populated areas, because of the toxic nature of the sooty particles found in diesel exhaust. ARB also inspects HDD gasoline-powered vehicles for emission control systems tampering. Tampered gasoline engines contribute an inordinate amount of HCs, NOx, and carbon monoxide to total vehicle emissions. Owners of tampered gasoline and diesel vehicles are cited. The citation must be cleared by repairing the engine, having the engine inspected by an authorized Smog Check Station or ARB inspector, submitting repair receipts, and paying an assessed penalty. Vehicles with citations that are not cleared in a timely manner may be subject to impound by CHP.

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In addition, California Vehicle Code (VC) Section 4755 authorizes CADMV to refuse the registration, renewal or transfer of registration, at ARB request, for vehicles with violations not cleared in a timely manner. The bill was signed by the Governor and became effective January 1, 2008.

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

ARB has been authorized to adopt rules to address global warming by reducing the gaseous emissions (methane, carbon dioxide, etc.) that trap heat in the earth's atmosphere, as outlined in the Board's December 2008 Scoping Plan. Two initial efforts include designing new trucks and trailers, and retrofitting in-use trucks and trailers, with equipment that enhances aerodynamics to reduce air drag and increase fuel economy. These strategies are commonly referred to as "Smart Way Technologies". Other measures include controls on vehicle tire designs (to reduce rolling resistance) and air pressure, engine efficiency and economy, and the introduction of low-Carbon fuels. Some of these rules became effective January 1, 2010.

Highlights

California-Mexico Border Programs

Currently, there are designated commercial zones around the ports of entry at Otay Mesa, Calexico, and Tecate in which Mexican-domiciled trucks may transport and deliver freight to transfer stations in California. American carriers will load product at these stations and deliver it to final destinations. To mitigate excessive PM and NOx emissions from Mexican-domiciled vehicles, ARB maintains HDVIP inspection sites at the Otay Mesa, Calexico, and Tecate border crossings. ARB also conducts random roadside inspections near and around these border crossings to assure compliance from the trucking companies. Mexican commercial vehicles are inspected for engine certification, emissions and tampering when they travel through these inspection sites.

California Council on Diesel Education and Technology

Fleets, firms, and individuals that perform smoke opacity testing related to ARB's HDVIP (13 California Code of Regulations (CCR) 2180-2189) and Periodic Smoke Inspection Program (PSIP) (13 CCR 2190-2194) need a clear understanding of the programs' regulations and must be able to correctly administer the Society of Automotive Engineers (SAE) J1667 opacity test. To this end, in 1992 ARB created the CCDET. It is a partnership among ARB, the diesel trucking industry, and five California community colleges. The College of Alameda, San Joaquin Delta College, Santa Ana College, Los Angeles Trade Technology College, and Palomar College offer a low-cost, one-day class in the proper application of SAE J1667. The CCDET colleges held 141 of these classes in 2010.

ARB policy requires that certification through CCDET be renewed every four years (see

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ARB Advisory 340 at <http://www.arb.ca.gov/enf/advs/advs340.pdf>) The CCDET program is currently adding modules to cover other ARB diesel regulatory programs, such as retrofits to idling controls on diesel engine emission control systems.

CCDET's new class - Diesel Exhaust After-Treatment Maintenance training covers the following:

- Background on why diesel particulate filters are necessary;
- How the technology filters PM and how regeneration strategies such as passive and active systems operate;
- Explores how filters might fail as well as preventative maintenance practices to avoid break downs;
- An overview of selective catalytic reduction systems used on HDD engines.

The one day training also includes hands-on shop exercises designed to reinforce maintenance procedures employed to keep after-treatment technology and the engines they are installed on working at peak performance. Monies received by the CCDET colleges are used to purchase equipment for the hands-on testing portion of diesel after-treatment devices.

SEP	Number of Cases	Amount
CCDET/Peralta Community College District ¹	141	\$336,672

¹ CCDET was created to train diesel fleet mechanics on the proper conduct of ARB's HDVIP SAE J1667 test protocol, HDVIP/PSIP program record keeping requirements, and after-treatment and engine maintenance requirements. The Peralta Community College District administers the program and distributes the SEP monies in equal shares to participating CCDET community colleges. The cost for each CCDET class is \$175.

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

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

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

Before these funds are released, ED staff performs compliance checks on the vehicle's registered owner and the vehicle's identification number to determine if there are any outstanding violations within the various enforcement programs. If an outstanding violation is found, the vehicle owner is required to provide proof of compliance and pay all civil penalties before the funds are released. This program ensures that the ARB

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does not award money to violators.

Compliance Outreach and Education

The ARB's ED routinely issues citations for violations ranging from minor violations, such as smoking HDD vehicles to major violations, such as illegal engines. When a case against a violator is settled by the ARB, the terms of the settlement extend beyond simply punishing the violators by forcing them to pay fines. In all cases, ARB makes an effort to assist the violators in achieving compliance by educating them. Enforcement staff encourages the violators to work directly with ARB program staff in order to achieve a greater understanding of the regulatory programs.

Drayage Truck Regulation

The enforcement of the drayage truck rule was a high priority in 2010. Both the registration requirements and the first in-use compliance phase were enforced in the field through 3,094 inspections resulting in 356 violations with a compliance rate of 80 percent and through developing 16 new cases against motor carriers who dispatch non-compliant trucks to ports or rail yards in California. ARB enforcement quickly learned to focus efforts at the rail yards rather than the ports because it is there where a significantly higher rate of non-compliance was found.

Fleet Rule for Public Agencies and Utilities

The fleet rule for public agencies and utility fleets is ARB's effort to reduce both criteria pollutant emissions and exposure to toxic diesel exhaust from diesel powered vehicles. The regulation affects both municipalities and utilities.

PAU engines were required to meet a fleet average starting in January 2008 and the last date is December 31, 2018. This includes certification requirements for the fleets and includes meeting fleet fuel strategy requirements. Operators of all PAU vehicles are required to meet fleet-wide PM reductions and lower NOx fleet averages. This can be achieved through the use of verified diesel emission control strategies (VDECS), i.e. by installing certified particulate filters, by replacing older engines with ones that meet the 2008 engine exhaust emission standards, or by using alternative fuels. Annual reporting is also required from all PAUs by December 31st of each year.

Fleet Rules for Transit Agencies

In February 2000, the ARB adopted the Fleet Rule for Transit Agencies and more stringent exhaust emission standards for new UB engines and vehicles. The Fleet Rule for Transit Agencies is ARB's effort to reduce both criteria pollutant emissions and exposure to TAC from UBs and TFVs operated by and for public transit agencies. The regulation affects both public transit operators and HDD engine manufacturers.

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New UBs operated in California are required to have engines that meet the more stringent California UB engine exhaust emission standard through the 2006 MY. Starting with the 2007 MY, the standard aligned with the California HDD engine exhaust emission standard. A transit agency must report every January 31st, starting in 2003 through 2016, the UBs owned, operated, or under contract to the transit agency as of January 1 of that year.

Transit fleet operators that own TFFVs are required to reduce public exposure to diesel PM and NOx emissions. TFFVs are any on-road vehicles operated by a public transit agency, less than 35' in length and 33,000 GVWR, but greater than 8,500 GVWR, powered by HDD engines fueled by diesel or alternative fuel; including service vehicles, tow trucks, dial-a-ride buses, paratransit buses, charter buses, and "commuter service" buses operated only during peak commute hours with 10 or fewer stops per day. Gasoline-powered TFFVs are exempt.

An UB is a passenger carrying vehicle owned or operated by a public transit agency, powered by a heavy HDD engine, or of a type normally powered by a heavy HDD engine, intended primarily for intra-city operation. A bus normally powered by a heavy HDD engine is usually 35 feet or longer, and/or greater than 33,000 lbs GVWR.

Transit operators are required to choose a fuel path: diesel or alternative fuel. The fuel path choice affects UB purchases and dictates emission reduction deadlines. During 2010, total penalties for the Transit Fleet Rule were divided between UBs and TFFVs. There was \$1,875 in penalties collected to settle UB violations and \$1,250 in penalties collected from 2 TFFV cases settled.

Idling Programs

California has two regulations aimed at curbing the length of time diesel vehicles are allowed to idle their engines. The Commercial Vehicle Idling regulation applies to HDD vehicles greater than 10,000 lbs. and prohibits these vehicles from idling for more than five minutes. The School Bus Idling regulation focuses on school buses and other vehicles that visit school zones, including HDD and alternatively fueled vehicles.

The school bus idling regulation requires that engines in these vehicles shut down immediately upon arriving at a school, and after starting up; the vehicle must leave the school within 30 seconds. Exceptions apply to both regulations, and each carries a \$300 penalty that is the responsibility of the driver of the vehicle in violation. There are numerous alternatives to idling a vehicle's main engine such as auxiliary power systems, battery systems and truck stop electrification. A list of alternatives and information about the regulation can be found at <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>. Complaints about idling vehicles from the general public may be submitted to <http://www.arb.ca.gov/enf/complaints/complaints.htm>.

AB 233 was enacted in 2007, requiring ARB to review existing enforcement needs, increase the penalty for commercial vehicle idling, enable registration holds to be placed

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on California vehicles with outstanding ARB citations, place “No Idling” signs throughout the State in places where trucks frequently idle, and train air pollution control districts and local law enforcement on the commercial vehicle idling regulation. In 2010, “No Idling” signs were approved by Cal Trans’ board and plans for placing them throughout the state are underway, the commercial vehicle idling penalty increased from \$100 to \$300, two air districts are actively enforcing commercial vehicle idling, and registration holds are routinely placed on vehicles with outstanding citations. These measures have achieved enhanced enforcement reducing toxic diesel emissions.

Periodic Smoke Inspection Program

The PSIP was authorized by SB 2330 of 1990 (HS&C section 43701). This program requires fleet operators with two or more heavy duty diesel powered vehicles over 6,000 pounds GVWR to conduct annual smoke emissions inspections using the SAE J1667 test procedure. This test is designed to be diagnostic of engine maintenance issues. It alerts fleet operators of vehicles that are emitting above normal levels so that they can be repaired to be brought back to manufacturer specifications.

When ARB performs fleet audits under the PSIP, fleet vehicle records are inspected to confirm that valid testing of the vehicles has been annually performed. As part of a PSIP audit, ARB conducts comprehensive multi-program audits (e.g. DTR, ECLs, PAU, TRU, SWCV, etc.) which include inspecting the compliance reports submitted to ARB regarding diesel exhaust retrofits, plus inspecting each vehicle for the proper installation of these exhaust retrofits, engine emissions certification labels, and other program labeling requirements.

When violations are found, a case is developed against the fleet. The developed case includes the violations, assessed penalties, and a list of additional requirements such as attending CCDET classes, re-flashing engine computers, and agreeing to comply to avert future violations. Over 99 percent of these cases are settled through mutual settlement and cases that remain unsettled are referred to the Office of the Attorney General or a local District Attorney’s Office for prosecution. In 2010, ARB closed 181 PSIP cases for a total of \$857,080 in penalties. See Appendix C, Table C-16.

Solid Waste Collection Vehicle Program

California’s SWCV regulation became effective in 2004. The SWCV regulation reduces cancer-causing PM and smog-forming NOx emissions from these trucks.

The rule applies to all SWCVs of 14,000 lbs or more that run on diesel fuel, have engines in MYs from 1960 through 2006, and collect solid waste for a fee. Each MY from 2004 through 2010, waste hauling and waste recycling companies are required to retrofit exhaust systems on more of their trucks by installing diesel particulate filters or diesel oxidation catalysts. The ARB must verify these devices for performance prior to installation.

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A phase-in was scheduled from 2004 through 2010 to retrofit entire fleets. By December 31, 2007, SWCV fleets were required to reduce particulate emissions from all of their trucks equipped with 1988-2002 MY engines. Fleets with 15 or more vehicles were required to bring into compliance all vehicles with 1960-1987 MY engines. Fleets with 14 or fewer vehicles had until December 31, 2010 to retrofit 100 percent of vehicles with 1960-1987 MY engines. Fifty percent of vehicles with 2003-2006 MY engines were required to be brought into compliance by December 31, 2009. The other half of these engines were brought into compliance by the end of 2010.

The objective was for fleets to have diesel emissions from all of their SWCVs at or below 0.01grams of PM per bhp hour level by 2010. Enforcement of this program is being conducted with HDVIP and PSIP. During 2010, 20 SWCV fleet cases were closed for \$52,720. See Appendix C, Tables C-13 and C-16 for other statistics regarding this program.

Tractor – Trailer Greenhouse Gas/SmartWay Regulation

The SmartWay regulation became effective in January of 2010 and is a phased-in GHG regulation. The SmartWay regulation was developed to reduce GHG emissions produced by HDD tractors by making them more fuel efficient. Fuel efficiency will be improved by requiring the use of aerodynamic tractors and trailers that are also equipped with low rolling resistance tires. This regulation, over time, will also save money and reduce the dependence on foreign oil.

The Tractor-Trailer GHG Regulation applies to 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and all HDD tractors that pull them on California highways. Any person residing in California that sells an affected vehicle or trailer must provide a disclosure notice to the buyer of such vehicle or trailer.

Tractors

Beginning January 1st, 2010 - MY 2011: Sleeper-cab tractors that pull affected trailers must be SmartWay certified; Day-Cabs that pull affected trailers must use SmartWay verified low rolling resistance tires; All 2010 and older MY tractors that pull affected trailers must use SmartWay verified low rolling resistance tires.

Trailers

Beginning January 1st, 2010 - 2011 and newer MY 53-foot or longer box-type trailers must, be either SmartWay certified or retrofitted with SmartWay verified technologies.

Beginning January 1, 2013 - 2010 and older MY 53-foot or longer box-type trailers (with the exception of certain refrigerated-van trailers) must meet the same aerodynamic device requirements as the 2011 and newer MY trailers.

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Fleet Options

July 1, 2011 – Fleets with 21 or more trailers can report to take advantage of a second phase-in timeline.

July 1, 2012 – Fleets with less than 21 trailers must report to take advantage of an optional phase-in timeline.

No enforcement action has been taken to date other than site visits to dealerships to ensure proper disclosure on tractors and trailers sold. This was done for outreach and education purposes.

Transport Refrigeration Units Regulation

Enforcement of the TRU rule was a main enforcement focus of the Off-Road Group - Heavy-Duty Diesel Enforcement Section in 2010. This was accomplished through 6,119 field inspections resulting in 2,318 violations with a compliance rate of 62 percent as well as through developing 102 new cases and settling 19 cases against non-complying companies. Specifically, field inspections were conducted in agricultural areas at the time when the local crops were being harvested and refrigerated truck traffic was at a peak to maximize enforcement visibility and effectiveness.

This regulation requires California based TRUs to be registered with the ARB and all TRUs operating in California to comply with applicable in-use particulate-matter, emission standards. In 2010, all 2002 MY and older TRU engines that were inspected were cited if they were not retrofitted or repowered.

Truck and Bus Regulation

The Truck and Bus regulation became effective in January of 2010 and is a phased-in regulation. The Truck and Bus regulation was developed to significantly reduce PM and NOx emissions from existing diesel vehicles operating in California. This regulation applies to nearly all diesel-fueled trucks and buses with a GVWR greater than 14,000 lbs that are privately or federally owned and for the privately and publicly owned school buses. This regulation basically affects the remaining HDD vehicles not covered under other regulations.

Enforcement will begin in 2012 for HDD powered vehicles with a GVWR greater than 26,000 lbs. Lighter trucks and buses with a GVWR of 14,001 to 26,000 GVWR do not have compliance requirements until 2015. Starting January 1st, 2015, these trucks with engines that are 20 years or older will need to be replaced with newer trucks. Starting January 1st, 2020, all remaining lighter trucks will need to be replaced so they all have 2010 MY engines or equivalent emissions by 2023. No reporting is required.

Heavier trucks and buses with a GVWR greater than 26,000 lbs have two primary ways to comply. Fleets can meet with the compliance schedule by engine MY or can use a

phase-in option that is more flexible.

The regulation has special provisions that delay some or all of the compliance requirements, but fleets must report to take advantage of them. By March 31st, 2011, fleets must report to qualify for lower use and specialty agricultural truck exemptions until 2017 or 2023 and must report hour meter reading for sweepers with auxiliary Tier 0 engines.

No enforcement action has been taken to date other than site visits to dealerships to ensure proper disclosure on tractors and trailers sold. This was done for outreach and education purposes.

STATIONARY SOURCE ENFORCEMENT PROGRAMS

The Board's Stationary Source Enforcement Programs conduct oversight and enforcement activities in conjunction with the 35 local air districts. Stationary sources include "point" or fixed sources such as petroleum refineries and factories, and "area" sources which individually emit small quantities of pollutants but collectively emit significant emissions, such as consumer products and residential chimneys.

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

Fuels Enforcement Program

The fuels enforcement program regulates the composition of motor vehicle fuels and ensures compliance with motor vehicle fuels regulations, including California reformulated gasoline regulations, diesel fuel regulations, and cargo tank vapor recovery regulations.

The enforcement of the fuels program includes field investigations; inspection and certification of cargo tank vapor recovery on gasoline cargo tank trucks, evaluation of alternative compliance data, investigation into violations for the development of fuels cases, and other programs listed in the highlights below.

Fuels enforcement also provides outreach and support to clarify complex aspects of the regulations in the form of training seminars, individual company meetings, web pages, and ongoing telephone support to the regulated industry and the public.

Highlights

Field Investigations

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

In 2010, fuels enforcement staff collected 2,244 samples of gasoline and 435 samples of diesel fuel for a total of 2,679 samples. See Appendix D for data regarding fuels inspections. Further information is at the ARB fuels enforcement web page at <http://www.arb.ca.gov/enf/fuels/fuels.htm>

Mobile Fuels Laboratory

Use of the mobile fuels laboratory increases sampling capability and provides quicker turnaround time for sample analysis. The lab contains all the analysis instruments and support equipment necessary to test for the parameters of gasoline and diesel fuel regulated by ARB. After fuels samples are collected by inspectors and transferred to the lab, ARB chemists conduct the testing in accordance with approved American Society for Testing and Materials test methods. The results are evaluated and when a violation is discovered, an NOV is issued and a case is developed. In 2010, Fuels enforcement staff conducted 17,460 analyses on gasoline and diesel fuel. See Appendix D, Table D-4 for detailed fuels analysis data.

Phase 3 California Reformulated Gasoline

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

In 2010, ARB inspectors enforced the Phase 3 regulations by performing over 16,000 analyses on samples of California gasoline collected during fuels inspections. See Appendix D for detailed information.

Alternative Compliance Options and Self-Reporting

The Reformulated Gasoline and Diesel regulations offer alternative compliance options for refiners and importers of California fuel to meet the motor vehicle fuels standards. These alternative options include: when a company elects to use an alternative compliance option such as predictive model limits, designated alternative limits, or

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certified diesel fuel formulations, the company is required to notify ARB and provide data.

Fuels enforcement staff monitors and evaluates data submitted by companies to ensure accurate reporting and compliance with company protocols, as well as provide essential information. Staff randomly sample and test the fuel to confirm the accuracy of the reports. In 2010, staff received and evaluated 2670 predictive models from producers and 74 from importers of California gasoline.

Fuels Distributor Certification Program

The Fuels Distributor Certification Program provides a list of legally certified distributors to motor vehicle fuels retailers. It also provides the ARB with a means by which to check the records of companies who do not comply or cooperate with requests for data, and in some cases, companies which have been involved in criminal activity. To be placed on the list of certified distributors, a company must submit an application to ARB which includes its principal place of business and the location of its records.

In 2010, staff certified 270 distributors of motor vehicle fuel in the program. Fuels enforcement staff issued its annual list of certified distributors to gasoline and diesel fuel retailers and made it available to the public on the ARB website. This program is used in conjunction with special investigation and routine inspection activities. For more information, see <http://www.arb.ca.gov/enf/fuels/distcert.htm>.

Oxygenate Blender Certification Program

The Oxygenate Blender Certification Program was created to ensure that gasoline blend stock, known as CARBOB, complies with the standards for California gasoline. Any oxygenate blender must register with the ARB at least 20 days before blending oxygenates with CARBOB. To obtain certification, an oxygen blender is required to provide the facility name and the physical location of records, contact name and telephone number for each blending facility.

In 2010, staff certified 60 oxygenate blending facilities. Fuels enforcement staff posted its annual list of certified blenders at <http://www.arb.ca.gov/enf/fuels/oxyblend.htm>.

Red-Dyed Diesel Fuel Enforcement

The Board of Equalization (BOE) has contracted with ARB to conduct field inspections to prevent the use of illegal non-taxed diesel fuel. The exempt fuel is dyed red so that inspectors are able to distinguish it from the non-exempt fuel.

The ARB inspectors obtain samples of fuel that is suspected of being illegal, and ARB laboratory staff analyzes the samples for the presence of the red dye. ARB fuels enforcement inspectors also conduct special investigations of companies suspected of illegally using red-dyed diesel fuel.

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In 2010, staff conducted 11,855 red-dyed diesel fuel inspections and found ten violations. These inspections are conducted as part of the HDVIP program. For more detailed information, please see Appendix D, Table D-6.

Cargo Tank Vapor Recovery Program

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

Cargo tank program staff conducts statewide random inspections of cargo tanks at terminals and loading racks. When a leak is discovered, the cargo tank owner or operator is issued an NOV and must refrain from reloading gasoline until the cargo tank is brought back into compliance. If a cargo tank is found without a current decal or certification, or if the cargo tank is not maintained in accordance with ARB emission standards, it is in violation and the owner may be subject to penalties of \$500 or more, depending on the company's compliance history. Inspectors also conduct random inspections of ARB certified testers to ensure that leak tests are being conducted properly.

CTVRP certification staff also administers the annual certification compliance test program. An ARB certified copy of the application and an official decal which must be displayed by the cargo tank operator are issued after certification. The tanks are currently certified through a new web-based system: the system, which includes the thousands of cargo tanks that are ARB certified every year, is maintained in this program. In 2010, staff certified over 5,500 cargo tanks. Please see Appendices A and D, Table D-3 for further information regarding inspection and certification results from 2010. For more information about this program, please visit <http://www.arb.ca.gov/enf/cargotanks/cargotanks.htm>.

Case Development

Case development staff conducts investigations into violations of fuels regulations. Staff immediately notifies the violating entity to ensure that the non-compliant fuel is removed from distribution and then begins the investigation which includes obtaining and evaluating field data and other company records to determine the date of onset, cause, and extent of the violation(s). When a violation has occurred, staff will issue an NOV to the company and will initiate settlement negotiations. Most of the fuel specification cases are settled administratively through negotiation; cases that cannot be settled in this manner are referred for civil or criminal litigation with case development staff assisting the prosecution.

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In 2010, case development staff settled or closed 20 fuels cases and collected \$90,400 in penalties. See Appendices A, Table A-1, and B for an overview of case dispositions and summaries of the significant cases resolved in 2010.

Consumer Products Enforcement

Consumer products such as deodorants, hair sprays, cleaning solvents, spray paints and insecticides are examples of common everyday products that are made with ozone-forming volatile organic compounds (VOCs). Manufacturers self-designate the categories for their products. Although each consumer product contains only a small amount of VOCs, Californians use over half a billion of these products every year, which cumulatively contributes to the formation of ground level ozone, which is a major part of California's smog problem. ARB regulates the amount of VOCs permissible in approximately 129 categories of consumer products in order to reduce smog and public exposure to hazards associated with smog. In addition to their caseloads regarding VOCs and the chemical content of products, Consumer Product Enforcement Section (CPES) investigators are increasingly responsible for the enforcement of other product regulations adopted to reduce emissions into the air, including portable fuel containers, out-board marine tanks, and indoor air cleaners.

CPES staff travels throughout California conducting inspections and collecting consumer product samples for laboratory analysis, as well as purchasing samples online and through mail order outlets. CPES staff logs all samples into a dedicated sample tracking database, then transfers the acquired products under legal chain-of-custody to ARB's Monitoring and Laboratory Division (MLD) for testing of VOC content or the presence of toxic compounds prohibited under California regulations. MLD has developed specific testing methods to determine product compliance with California regulations.

After receipt of laboratory analysis or performance testing, CPES staff determines if there have been violations of the Consumer Products Regulations. If a violation is determined, staff either works with the manufacturers or retailers to reach a mutual settlement agreement, or refers the case to the OLA. In 2010, CPES staff settled 72 consumer products cases and 2 portable fuel container cases. Penalties collected were \$2,948,005 for consumer products and \$93,000 for portable fuel container cases.

Highlights

Portable Outboard Marine Tanks Regulation

Starting in 2010, new regulations limiting the permeation and diurnal emissions from the tanks, caps, hoses, hose fittings, and primer bulb assemblies used to store and supply fuel to outboard marine engines became effective. Similar requirements for marine primer bulbs and fuel tanks, took effect on January 1, 2011. CPES staff work closely with the MLD to evaluate new products in order to implement the regulations, and maintains frequent contact with industry stakeholders in support of their efforts to

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achieve compliance.

California Certified Air Cleaning Devices

New requirements adopted to limit the ozone emitted from indoor air cleaning devices became effective in 2010. All manufacturers who sell to California residents or businesses were required to notify their distributors, retailers, and sellers about this regulation, to provide a copy of the regulation to them and to provide documentation of the notification to ARB. Enforcement action will be taken initially against manufacturers that ARB has not received documentation or notification from, as well as, against ozone generator companies that are not complying with the regulation.

Hair Care Products

CPES staff observed many hair care products claiming to be both a styling product, as well as a finishing product. These products can only fall under the hairspray category (55 percent VOC limit) if they meet the criteria for finishing products otherwise they must comply with the hair styling product category (6 percent VOC limit). Staff will be looking closely at these two categories and have advised manufacturers to review the labels of their products.

Personal Fragrance

In 2010, CPES staff settled several cases involving body sprays subject to either the antiperspirant deodorants or personal fragrance products categories. Some deodorant body spray products were labeled an antiperspirant deodorant, thus making the products in violation with the VOC limits. Additional body spray manufacturers imitated these labels and also produced products that were out of compliance. In addition, personal fragrance body spray products were discovered that failed to meet the limits of the category. Often these products were manufactured overseas and the importers did not verify the VOC content of the products prior to selling them in California.

"Special Purpose" Products Making General Purpose Claims

2010 saw an increase in the number of products CPES encountered that were ostensibly labeled for an unregulated special purpose, but were labeled with additional claims that put the products into a regulated general purpose category. Several degreaser and lube-type products that were labeled for firearm or power tool lubrication and degreasing also included claims that made the products subject to general purpose cleaners, multipurpose lubricants, general purpose degreasers, and even carpet cleaners category limits. Enforcement actions were taken where warranted.

Multiple Air Freshener Cases

Air freshener cases are a significant amount of the CPES case load due to introductions of newer methods to deliver fragrances into the air. Reed diffusers, ceramic diffusers,

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fragrance lamps, gel beads, and fragrance fans are just some of the creative methods that are being used. Air fresheners are imported as well as domestically manufactured and are sold everywhere; from low-end retail establishments to high-end boutiques.

Stationary Source Enforcement

The Stationary Source Enforcement Section (SSES) is responsible for overseeing several enforcement programs and activities established to ensure compliance with air pollution rules and regulations. The programs and activities that the section is responsible for are presented below. Please refer to Appendix E for additional statistics of these programs and activities.

Highlights

Complaint Hotline and the Online California EPA Environmental Complaint System

The Complaint Hotline - (800) 952-5588 – and the Online Cal/EPA Environmental Complaint system, provides a means for citizens to alert ARB of persistent odors, emissions from industry, vapor recovery equipment problems at gas stations, and smoking vehicles, as well as to get information regarding air pollution. Every call and online complaint received is recorded, assessed, and referred to the appropriate air district or agency, or is investigated by ARB. In 2010, staff responded to 933 complaints/questions from the Complaint Hotline, and 312 complaints were received and handled from the Online Cal/EPA Environmental Complaint System. – See Appendix E, Table E-1.

Variances

The SSES reviews all District Hearing Board variance orders for compliance with H&SC requirements and sends a letter requiring corrective action to the appropriate air district and District Hearing Board when the board variance order does not comply with the mandated requirements. SSES maintains a database to monitor all activity related to Board orders. In addition, ARB staff support district staff and Hearing Boards by providing training and workshops to educate in the hearing board process. In 2010, staff addressed 78 Hearing Board issues and reviewed 496 variances and abatement orders - See Appendix E, Table E-2.

Air Facility System

The Air Facility System (AFS) is the U.S. EPA's permit and compliance tracking database for Title V sources, and other significant stationary sources. SSES staff oversees the collection, input, and quality assurance of the compliance and permitting data entered into U.S. EPA's AFS database for 27 of the 35 air districts. In addition, staff assists the U.S. EPA in training district personnel to effectively use the AFS database. In 2010, staff entered 75 Full Compliance Evaluation reports and 60 High Priority Violation reports. See Appendix E, Tables E-3 and E-4.

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Continuous Emission Monitoring Program

Any stationary source that an air district requires to install and operate a continuous emission monitor (CEM) is also required by H&SC section 42706 to report the violations of emission limits recorded by the CEM to the air district, and the air district, in turn, must report them to ARB. SSSES collects, stores, analyzes and reports this information. In 2010, staff received and processed 132 reports. See Appendix E, Table E-5.

Rule Review

ARB works cooperatively with local air districts to ensure that they adopt regulations that achieve the maximum air pollution reduction through the use of the most efficient and cost effective control technology. The Rule Review Program staff reviews the rules for clarity and enforceability, and ensures that the rule contains definitions of all key terms and phrases, the appropriate test methods, control efficiencies, recordkeeping, and averaging periods for verifying compliance of any limits and/or exemptions contained in the rule.

Thorough review of the rules from the draft to the adoption stages has proven vital in reducing the need for amending subsequent adopted rules, and nearly eliminated the need for ARB to identify rule deficiencies at public hearings. In 2010, ED staff reviewed 174 rules - See Appendix E, Table E-6.

Complaint Investigation

The SSSES conducts special investigations of stationary source complaints referred to ARB by state citizens, air districts, ARB's OLA and Executive Office, and by other agencies. In addition, staff conducts compliance inspections to assist other ED sections with case development and special projects. In 2010, staff completed six special projects, received 132 CEM reports and sent 222 reports to U.S. EPA - See Appendix E, Table E-7.

Strategic Environmental Investigations and Enforcement

The Strategic Environmental Investigations and Enforcement Section (SEIES) conducts special and joint investigations of "cross media" environmental cases. Cross media cases involve multiple areas of environmental regulation governing air, water, soil, toxic waste, regular waste, or pesticides. SEIES investigations may also include coordination with enforcement jurisdictions that fall outside the environmental field. The Section works under a MOU with Cal/EPA to provide the investigative services necessary to fulfill Cal/EPA's statutory enforcement responsibilities.

SEIES is also tasked with providing enforcement assistance to local air districts and other environmental agencies. This assistance includes facility inspections, complex investigations, surveillance technology, and case preparation. SEIES staff also actively participates in a number of environmental task forces throughout the state.

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In 1998, the ARB identified diesel exhaust as a TAC. In October 2000, the ARB adopted a DRRP. Subsequently, a number of new regulations have been adopted. Starting in 2006, SEIES staff has shared responsibility with MSEB to implement certain new rules at rail yards, ports, and marinas. These new regulations are collectively known as the Goods Movement Regulations.

Another recently adopted rule is the ATCM to Reduce Formaldehyde Emissions from Composite Wood Products. SEIES staff has been actively implementing this regulation during 2010.

In 2010, SEIES successfully concluded cases valued at \$120,950 in penalties and mitigation costs. This does not include significant penalties collected by local air districts or US EPA. Many cases generated during 2010 remain in development. See Appendix E, Table E-8.

Highlights

Goods Movement Inspections

Enforcement of Goods Movement Regulations is a major, growing responsibility for SEIES. The purpose of these regulations is to reduce public exposure to health risks associated with diesel PM. Inspection efforts include CHE, commercial harbor craft, marina fuel docks, rail yards, OGV, and TRUs.

The purpose of the CHE regulation is to reduce pollutants from diesel powered mobile cargo handling equipment that operates at ports and intermodal rail yards. Examples of this type of equipment include yard trucks, rubber tire gantries, side picks, and forklifts.

The commercial harbor craft inspection program began in 2009. Harbor craft include tugboats, crew boats, and excursion (tour) vessels. These vessels are evaluated for compliance with emission and recordkeeping standards. The marina fuel dock inspection program began in 2007, after the regulations governing ARB on-road diesel fuel were expanded to cover harbor craft. SEIES staff collects samples of marine diesel fuel and review records at fueling docks located on both coastal and inland waterways.

Ocean-going vessels are inspected at the Ports of Los Angeles, Long Beach, San Pedro, Oakland, Richmond, Stockton, Sacramento, Port Hueneme, Benicia, and San Diego. Staff board vessels and obtain samples of low sulfur marine distillate fuels for laboratory analysis. Staff also reviews bunkering receipts and fuel switching logs to verify compliance with requirements that apply within 24 nautical miles of the California baseline. Compliance with certain incinerator requirements is also verified.

Rail yards are inspected twice each year. The first is in the spring and the second is in the fall. This involves 32 covered and designated rail yards identified in the ARB/Railroad Statewide Agreement. To better assure statewide compliance,

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enforcement activity includes additional inspections outside the covered and designated rail yards. SEIES staff evaluates locomotives for compliance with idling and visible emission standards. Staff also sample locomotive fuel at some rail yards to enforce the sulfur fuel standard. The overall compliance rate exceeds 99 percent.

TRUs are refrigeration systems used for commercial transportation that are powered by a small integral diesel engine. Highway vehicles with TRUs are handled by MSEB personnel. SEIES is responsible for inspecting units at ports and rail yards.

Composite Wood Air Toxic Control Measure Inspections

The ATCM to reduce formaldehyde emissions from composite wood products was effective in 2009. The regulation targets composite wood panels that are typically manufactured using urea formaldehyde resins and glues, specifically hardwood plywood, medium density fiberboard, and particle board. Any finished goods produced with regulated composite wood panels also fall under the scope of the ATCM. SEIES staff performs facility inspections, prepare samples for laboratory testing, conduct presentations for industry groups, and respond to inquiries from the regulated community and the public. In 2011, as part of a reorganization of ED, this inspection program is moving to the Stationary Source Enforcement Program.

Notable Upcoming Strategic Environmental Investigations and Enforcement Section Activities in 2011

In 2011, SEIES will continue to ramp up new inspection and enforcement programs. This includes the OGV main and auxiliary engine, and auxiliary boiler low-sulfur fuel regulation, shore power requirements, CHE, harbor craft, TRU, drayage truck, and composite wood products programs.

GREENHOUSE GAS ENFORCEMENT SECTION

The GHGES was formed in December 2007, as a result of the California Global Warming Solutions Act of 2006 (AB 32), which mandates that ARB monitor compliance with and enforce all adopted regulations.

The primary mission of GHGES is to ensure maximum emission reductions through effective enforcement of AB 32 regulations utilizing a four-pronged approach: regulation development, implementation support, enforcement, and development of a case tracking database. These four core functions are summarized below.

1) Regulation Development

- Collaborate with regulation writers from other ARB Divisions to strengthen enforceability of new GHG-related regulations.

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- Conduct in-depth regulation analysis resulting in written input that improves and harmonizes regulatory language.
- Provide estimates on resources needed to enforce new regulations.

2) Regulation Implementation Support

- Ensure continuity between regulatory development, implementation and enforcement by participating in ARB workshops and training sessions.
- Advise on and produce documents related to enforcement and compliance processes. These processes include public advisories and workshops, guidance documents, compliance monitoring plans, inspections, audits, and complaint procedures.

3) Regulation Enforcement

- Develop enforcement strategies and options with ARB program and legal staff to shape effective enforcement plans, inspection protocols, and penalty assessment.

4) Case Tracking Database Development

- Develop a division-wide modular case tracking database that will interface with other ARB divisions and the public. This database will aid GHGES in measuring enforcement effectiveness.

Highlights

Regulatory Support

In 2010, GHGES collaborated on the following regulations by engaging in one or more of the four core functions:

- *Mandatory GHG Emissions Reporting*
- *Cap and Trade*
- *Renewable Electricity Standard*
- *Landfill Methane Control*
- *Low Carbon Fuel Standard*
- *Sulfur Hexafluoride Reduction in Non-Electricity Applications*

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- *Sulfur Hexafluoride in Semiconductor Applications*
- *Sulfur Hexafluoride in the Electricity Sector*
- *Reduction of HydrofluoroCarbon Emissions from Do-it-Yourself Motor Vehicle Air Conditioning Servicing*
- *Mandatory Commercial Recycling*
- *Energy Efficiency and Co-Benefits Audits*
- *High Global Warming Potential GHG Refrigerant Management*
- *Under-Inflated Tires*

Outreach, Training and Regulatory Support Activities

- *Training* – GHGES participated in various training programs including ARB's board administration and regulation coordination unit regulatory training and air district hearing board training. At the board administration training, attended by ARB regulation writers, GHGES presented language and other considerations necessary for development of enforceable regulations. At the air district hearing board training, GHGES provided instruction on the Health and Safety Code and administrative hearing requirements for granting variances, thus ensuring consistent statewide implementation.
- *Earthquake disaster outreach* - After a magnitude 7.2 earthquake in Imperial County, GHGES staff met with building owners and facility operators to explain how to perform asbestos cleanup procedures that comply with the National Emissions Standard for Hazardous Air Pollutants (NESHAP).
- *Western Climate Initiative* – Throughout 2010, GHGES staff continued to participate in Western Climate Initiative Committees pertaining to emissions reporting, market oversight and offsets. Western Climate Initiative is a collaboration of seven U.S. governors and four Canadian Premiers and was created to identify, evaluate, and implement collective and cooperative ways to reduce GHGs in the region, focusing on a market-based cap-and-trade system.
- *Inter-divisional staff exchange* – In support of the GHGES mission to support regulation development, a GHGES staff member, selected due to his extensive knowledge about the California Environmental Quality Act, worked for more than six months with the Office of Climate Change in development of the Functional Equivalent Document for California's cap-and-trade program. The document serves as the environmental document for the Initial Statement of Reasons for Proposed

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Rulemaking required by the California Administrative Procedure Act and addresses the potential environmental impacts of California's cap-and-trade regulation and program implementation.

TRAINING AND COMPLIANCE ASSISTANCE PROGRAM

Traditionally, ARB has been charged with overseeing the efforts of local air pollution control and air quality management districts in controlling air pollution caused by stationary sources. The goals of ARB's outreach and compliance assistance efforts are to ensure that members of the public and the regulated industries are aware of regulations, understand how to comply, and have sufficient information to meet its requirements. The undertaking of the Compliance Training Section (CTS) has been to train local air pollution control district staff, state and federal personnel and the regulated industry. The assignment of the Compliance Assistance Section (CAS) has been to provide a variety of outreach publications as well as provide Visible Emissions Evaluation (VEE) certification and training services to these same clients.

Typical outreach activities include: maintaining web pages, outreach via list-serves on regulatory developments, publication and distribution of brochures and fact sheets that include overviews of regulatory requirements and compliance dates, articles published in industry journals, presentations to public groups and industry associations, and staff response to inquiries from the public and the regulated community.

CTS courses provide current, practical, and technologically up-to-date information for both new and experienced environmental professionals working throughout California. As ARB is on the leading edge of air quality controls, the rest of the world looks to ARB for leadership regarding environmental issues. To help fulfill this role, similar training is offered throughout the country via the EPA funded National Training Program. Entry-level courses cover history of air pollution, laws and regulations, and enforcement aspects of air pollution. The advanced level courses cover the analysis of industrial processes, theory and application of emission controls and emissions evaluation procedures pertaining to stationary, diesel and GHGs regulations.

The CAS develops publications to provide complementary resources for outreach and education of air compliance professionals. The section develops and distributes a variety of practical, rule-specific publications and web-based information geared to assist regulated businesses in complying with these regulations. This information is aimed at a diverse audience, from process operators to air quality specialists, from small businesses to the interested public. Publications include outreach flyers and pamphlets to increase awareness of new air quality regulations, handbooks that assist regulated businesses in complying with these regulations and reference manuals that provide the comprehensive technical, regulatory, and inspection information to government and industry environmental professionals. The CAS also provides VEE training and certification services throughout the state.

Compliance Assistance

In general, businesses and other regulated entities make an effort to comply with air quality regulations 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 CAS serves both the regulated community and air enforcement agencies by providing appropriate technical publications, online materials, and self-inspection guides, and by conducting VEE training and certification.

The publications arm of the section is called the Compliance Assistance Program (CAP). To create these publications, CAP staff works with ARB staff throughout the agency, government agencies, private industries, and the local air pollution control districts. CAP staff collaborates closely with CTS staff to develop these materials. Technical manuals are the primary references used in a number of training courses and provide in-depth, source-specific information for inspectors and facility environmental specialists. Handbooks and pamphlets explain source-specific regulatory and compliance programs in everyday terms. They are brief, colorful, and easy to read, with helpful inspection checklists, flowcharts, diagrams, and illustrations.

The two components of the VEE program are the Fundamentals of Enforcement (FOE) training course and the VEE Certification program. FOE is a basic overview of air pollution and enforcement of air pollution regulations emphasizing evaluation of visible emissions. The classroom portion of the FOE course is a prerequisite to becoming VEE-certified in accordance with U.S. EPA Reference Method 9.

VEE certification/recertification is conducted in the field for both new and returning students. Certification is valid for six months and is required for most district enforcement staff and many industry staff. VEE program staff schedule recertification sessions on a six-month rotation throughout the state during the year as either stand-alone sessions or in conjunction with FOE.

Highlights

CAP Publications

- The CAP library currently has 40 handbooks and pamphlets in print and/or on-line (including some in Spanish and Korean) and 22 technical manuals on CD or on-line.
- In 2010, the program distributed just over 4,990 copies of publications, an approximately 40 percent decrease from the previous year. This decrease has been a trend for several years as many more people view publications on-line. The distribution of publications was as follows: approximately 477 Technical Manuals (including interactive and archival CDs), 4,151 handbooks, and 363 pamphlets. Most of the older manuals are still used for the National Training Program courses on a case-by-case basis and were factored into the year-end statistics for the CAP. The top five CDs and handbooks distributed and the top five website inquiries are shown in Appendix F, Tables F-4 and F-5. Rankings for hard copy distribution are

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based on both California and national programs.

- Webpage views for CAP publications were up just slightly from 2009. The 217,204 views were distributed as follows: 59,978 on Technical Manuals, 148,585 on Handbooks, and 8,641 on Pamphlets. (The number of webpage views is not a precise number, because a certain percentage of web views are from “robot” search engines.) CAP publications can be found on the webpage: <http://www.arb.ca.gov/cap/cap.htm>.

New and Revised Publications Activities

In 2010, CAP staff:

- Published a new *Stationary Source Controls Devices* technical manual. The manual describes 13 categories of emission control technologies for stationary sources along with a description of emissions and their health effects. It combines and updates all or part of five older style hardcopy manuals. There is a discussion of federal, state, and local regulatory requirements and a detailed description of suggested inspection procedures applicable to stationary sources in California. The manual is available on CD or on the ARB website in an interactive web-page format. The manual includes a glossary of commonly used air pollution control device and control technology definitions, acronyms, and a gallery of movies and animations.
- Published and extensively updated the *Automotive Refinishing* handbook. This publication was updated to reflect changes in coating technology and ARB's Automotive Refinishing Suggested Control Measure. The handbook describes how automotive refinishing shops contribute to air pollution; how to calculate VOCs generated from automotive refinishing; how to reduce VOCs and save money; inspection points for automotive refinishing shops; and informational resources available to shops.
- Updated the *In-Station Diagnostics* job aid booklet. This job aid was developed to aid gas station owners and operators on how to operate the in-station diagnostics equipment, understand the different in-station diagnostics equipment alarms, generate reports, and conduct self-inspection of in-station diagnostics equipment. The booklet is provided to attendees at Enhanced Vapor Recovery Classes and upon request from gas station owners and operators.
- Updated the *Enhanced Vapor Recovery Self-Inspection Calendar* (for 2011). This calendar was updated to reflect 2011 dates and to show new equipment certified by Executive Order. The calendar provides check-off lists so that owners and operators of gas stations can inspect their vapor recovery equipment daily. The calendar also contains an excellent vapor recovery glossary and air district contact information.
- Updated the *Wood Burning* handbook with new information about district rules. During 2010, staff received requests for over 2,000 handbooks. Since the handbook need to be reprinted to fill these orders, staff took the opportunity to update the handbook with some of the new wood burning air district rules and to update air

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district telephone numbers.

- Created a pamphlet for the composite wood enforcement program called *What Retailers Need to Know*. CAS staff has been working with Enforcement and Stationary Source Divisions to develop outreach publications for the Composite Wood ATCM. Staff completed a brochure to assist retailers of hardwood plywood, particleboard, medium density fiberboard, and finished goods with their compliance efforts.
- Developed several Flash animations to be used in online publications. These animations include: illustrations of health effects (respiration, the body's response to air pollution), principles of operation (vapor recovery, adsorber, venturi scrubber, RSCR), industrial processes (steam power plant operation), and formation of air pollutants (PM, ozone, and TOG).
- Developed an online friendly template for ARB interactive technical manuals that has navigation links for the learner to find information quickly. This template also includes much more interactivity with an interactive glossary, labeled graphics and improved flash animation.

On-Line Training

CAP staff began and will continue their role as contract manager for a multi-year contract with the Foundation for Community Colleges to develop an extensive introductory online "Air Quality Training Program". CAP staff worked with a contractor and CTS staff to begin converting a 4-day classroom course into an 11 module online course.

Fundamentals of Enforcement Program

CAS staff taught five FOE Courses (Course #100) to 135 government agency and private sector personnel.

VEE Certification Program

Thirty four VEE day and 5 night certification/recertification sessions (Courses #100.1 and #100.2) were completed in 2010. Out of 1,954 participants, 1,250 successfully certified or recertified in 2010, a pass rate of 64 percent. (Note: The 1,954 participant statistic is included in totals for the 100-Series in CTS)

Compliance Training

In 2010, CTS increased training offerings and took on additional duties within the ED. CTS increased the compliance training activities to a much higher level in order to meet increasing requests from the CAPCOA districts, state and federal agencies and the regulated communities. CTS also took on various enforcement outreach activities and expanded and revised the compliance training curriculum. CTS provide a valuable

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service to ED, other divisions within the ARB, Cal/EPA, and U.S. EPA. The continuous growth of the Compliance Training Program over the years reflects its value. ARB has received countless favorable comments for the excellent work performed by CTS staff and CTS's accomplishments continue to be utilized to meet Cal/EPA's program commitments.

CTS continues to emphasize program enhancement through the development of new courses and continual updating of existing courses. The expectation provides high quality training while responding to the changing needs of California agencies and industries by ensuring that its instructors are continuously updated on the emerging issues in the air quality field, and kept up to date by attending training themselves. Over the years, ARB has trained thousands of people from industry, academia, government agencies, other organizations, and members of the public on how to comply with ARB requirements. ARB training is, and continues to be, a model for other states, the nation and other countries.

The courses scheduled for the upcoming 2011 year reflect the specific needs of most local agencies in California. In addition, many special training programs are requested by other agencies and industries annually, and are provided by CTS as resources allow. In this manner, CTS has gained the support and respect of many California agencies as well as many leaders of the regulated community, by providing compliance training and regulatory support to their staff.

January 1, 2010 to December 31, 2010	Total Students Taught in CA	6,783
	Total Courses Taught in CA	250
	Total Students Taught in the National Program (outside CA)	1,435
	Total Courses Taught in the National Program (outside CA)	61
	Webcast Capable Courses	26
	Webcast Students	611
	Average Webcast Students per Course	22
	Total Courses Total Students	337 8829

Compliance Training Highlights

The Uniform Air Quality Training Program is a series of 14 courses providing an introduction to air pollution control and enforcement. The program is intended for new, entry-level stationary source inspectors, regulatory agency staff, and environmental specialists in business and government. Federal EPA staff, local air district staff, representatives from regulated industry, employees of municipalities and counties, navy, marine corps, air force, and other military personnel, L.A. County Dept. of Water

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and Power, and utility districts made up the bulk of the attendees of these trainings. CTS is currently developing an on-line module of this Uniform Air Quality Training Program.

A total of 5 sessions were offered to 95 students comprising of air district inspectors and permit writers, as well as industry participants, along with military personnel from the Air Force and Navy and U.S. EPA.

200 Series

The 200 series courses are designed for the semi-experienced air quality professional. They contain a higher level of technical information offering first-hand application of topics addressed in the classroom study portion of the class by including field visits to regulated commercial and industrial sites. These field trips afford the students the opportunity to interact with the regulated community and ask questions that are more detailed or extremely technical in nature. A representative sample of the 200 series courses is listed below.

Course 267: In-Station Diagnostics:

This course presented specific information regarding the use of in-station diagnostics as an enforcement tool at Gasoline Dispensing Facilities. These systems are required to be installed under the provisions of enhanced vapor recovery which was adopted by the Board in 2000. In-station diagnostics equipment is a continuous monitoring system for gasoline dispensing facilities which monitors the vapor collection system, vapor containment and itself. The in-station diagnostics system notifies the station of possible problems with a series of warning and failure alarms. If the problem is serious enough, the system has the ability to shut down the station, preventing the sale of gasoline. A total of 8 outreach sessions were offered to 109 station operators and district inspectors.

Course 297 – Permitting Under New Source Review and Course 298 – Overview of the Title V Permitting Program

These courses present and discuss New Source Review (NSR) and Title V Permitting Program. NSR was promulgated with the 1977, Clean Air Act Amendments, and addresses the air quality problems in attainment and non-attainment areas of the nation due to air pollution from industrial and commercial processes, while still allowing economic growth. NSR is the overriding consideration for almost any air quality permitting action for stationary sources in the state. The Title V Permitting Program course presents and discusses the applicability, requirements, and how implementation of the Title V program is carried out in California.

A total of 11 sessions were offered to 264 students comprising of air district inspectors and permit writers, as well as owner/operators from South Coast, San Diego, Bay Area, Santa Barbara, North Coast, Sacramento, Kern, Imperial, Antelope Valley, Mojave, L.A. County and City, Port of Oakland, L.A. Dept. of Water and Power, along with military

personnel from the Air Force and Navy and U.S. EPA.

300/400 Series

The 300 and 400 series courses are comprised of workshops, seminars, and symposiums that address current, and sometimes controversial, environmental issues such as cross media training, legal issues, case development and variance/hearing board requirements. This series of training was designed for experienced environmental professionals.

500 Series

The 500 Series courses are focused primarily on Mobile Source Emissions. Over the past couple of years, there have been numerous mobile source regulations introduced, therefore, demand for training and knowledge in this arena, specifically diesel regulation outreach, is at an all-time high. The demand for this training is apparent from the numerous classes required throughout 2010. Several new and revamped mobile source training and outreach courses are in development stages for 2011 to keep up with this growing demand. A representative sample of the 500 series courses is listed below.

Course 502: Portable Equipment Registration Program

This course discusses the Portable Equipment Registration Program (PERP) regulations in depth and is designed for both regulators and the public. Focus is on eligibility requirements, operating conditions, and record keeping for both engines and equipment units. The state ATCM for portable engines, along with enforcement for both PERP and the ATCM is also covered.

A total of 12 outreach sessions were offered to 412 participants that were affected by the aforementioned rule.

Course 511: Diesel Exhaust After-treatment Device Training

Course 511 provides students information on oxidation catalyst, flow-through filter, and wall-flow filter technology used to reduce engine-out PM emissions as well as lean NOx catalyst, NOx absorber and selective catalytic reduction systems to minimize NOx emissions from HDD engines. Training includes modules on the retrofitting process, engine and after-treatment device maintenance and compliance strategies.

A total of 23 outreach sessions were offered to 591 participants affected by the rules governing the Diesel Risk Reduction Plan. This course was delivered to, fleet operators, managers, dispatchers, service personnel, consultants and ARB/air district staff throughout California and serves to achieve compliance from fleets affected by regulations such as those applying to PAU fleets, UB and transit vehicles, SWCV fleets, off-road equipment, drayage trucks, and on-road truck and bus fleets.

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Course 512: Diesel Vehicle Regulation Overview Outreach

Outreach Course 512 consists of 8 modules covering HDD engine exhaust emissions health and environmental effects and ARB Enforcement programs such as HDVIP, PSIP, commercial vehicle and school bus idling, low NOx software re-flash, motor vehicle fuels enforcement; VDECS, the Statewide Truck and Bus rule, GHG Reduction, Drayage, TRU, and Off-road rules. Modules include who and what the rules apply to, compliance options, compliance dates, and contact information as well as question and answer periods.

A total of 21 outreach sessions were offered to fleet owners affected by these regulations. Participants totaled 514, and fleet owners/operators, managers, dispatchers, service personnel and consultants from up and down the state along with ARB staff attended.

National Program

The National Air Compliance Training Delivery Project, with the assistance of ARB, delivered 61 training classes nationwide (outside of California) to 1435 students during 2010. Principal funding support for the program comes from the U.S. EPA grants that are administered by the National Council on Aging and are coordinated, managed, and directed by the CTS.

The National Air Compliance Training Delivery Project consists of air pollution control training classes contained in three series. The 100 Series is a basic introductory group of 15 courses presented over a 4-day period. The 200 Series consists of 27 advanced classes. A set of three or four classes is given within a week and each class lasts for one day with the exception of "Petroleum Refining," which is a 2-day course. The 300 Series contains classes of special interest to many air pollution professionals. This series includes Permit Practices and Procedures I and II, Principles of Environmental Compliance and Enforcement, and Environmental Case Development and Resolution. Depending on the subject, these classes are two to three days in length and are presented in a lecture/workshop format.

Regional consortia sponsored most classes in ARB 17. These included the Northeast States for Coordinated Air Use Management NESCAUM, the Mid-Atlantic Regional Air Management Association, the Southeastern Local Air Pollution Control Agencies and the Southeastern States Air Resources Managers, the Central States Air Resource Agencies, and the Western States Air Resources Council. State agencies and/or local agencies also sponsored several classes.

ENFORCEMENT DIVISION ACTION ITEMS FOR 2011

General Enforcement:

- Continue working with other federal, state and local agencies and EJ community

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groups to improve air quality in the areas of California most affected by air pollution in support of ARB's Environmental Justice Action Plan.

- Ensure a vigorous response to complaints that allege a breach of environmental law and determine if a violation has occurred.
- Comply with SB 1402 reporting and transparency requirements. Develop and implement an ARB Enforcement Penalty Policy and continue working with stakeholders.
- Continue to ensure that all enforcement operations are conducted in a responsible manner, resulting in a level playing field for the regulated industries.
- Continue exchanging information with U.S. EPA regarding shared enforcement actions and violators. This helps both agencies use their resources to the fullest and achieve the best success in enforcement and compliance.

Mobile Source Enforcement:

- Work toward obtaining Clean Air Act 208 section authority through the USEPA to enhance enforcement authority and access to manufacturer data and records.
- Work with Mobile Source Operations Division (MSOD) and MLD to ensure new certified production products meet CA emissions requirements through confirmatory testing and initiating enforcement actions as needed.

Heavy-Duty Diesel Vehicle Enforcement:

- For 2011, drayage truck rule enforcement will be a top priority followed by TRU enforcement. Specifically, the compliance rate will be increased by 10 percent at the rail yards and increase the pressure on the non-compliant motor carriers by developing cases against major carriers.
- Maintain an enforcement presence for the off-road rule registration, idling and notification requirements
- Develop cases involving VDECS violations as they are referred to us.
- Implement enforcement of the statewide truck and bus and SmartWay truck and trailer greenhouse gas programs.
- Utilize the California Vehicle Code authority to reduce the incidence of delinquent violations by removing vehicles from service via the CHP and placing registration holds via CADMV and increasing the use of small claims court to assist in the collection process.

Fuels Enforcement:

- Increase the number of import inspections by 50 percent and increase the number of cargo tank test audits by 50 percent.

Consumer Products Enforcement:

- Focus on improving efficiency in selecting non-compliant consumer products, portable fuel containers, and indoor air cleaners for testing.

Stationary Source Enforcement:

- Increase investigations and enforcement of the Perchloroethylene ATCM.
- Step up the oversight of the air districts variance programs.

Strategic Environmental Investigation and Enforcement:

- Expand enforcement programs governing ocean-going vessels, harbor craft, cargo handling equipment, ship and railcar based TRUs, and railroads.

Greenhouse Gas Enforcement:

- Fine tune ARB's enforcement priorities for AB 32 GHG-related regulations so that enforcement activities achieve the greatest emission reductions possible. Work with local air districts on processes for shared responsibility of certain AB 32 regulations.
- Continue to expand staff expertise in new and changing aspects of enforcement (e.g., computer forensics and evidence gathering) in order to best respond to emerging enforcement challenges presented by AB 32 regulations.

Compliance Assistance:

- Complete a comprehensive update of the *Stationary Reciprocating Engines* technical manual to include new control technologies and ATCMs.
- Complete a comprehensive update of the *Automotive Refinishing* technical manual to include new NESHAP rules.
- Complete a comprehensive update of the *Industrial Boilers* technical manual with additional sections on biomass boilers.
- Conduct seven scheduled FOE courses and at least 30 day and 6 night VEE certification sessions.

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- Develop publications and resources for an on-road diesel communication and outreach campaign focusing on small business trucking operations. This initiative will take place as a strategic partnership with ED Training, Mobile Source Control Division (MSCD), MSOD, Stationary Source Division (SSD), the Ombudsman, and Public Information Office (PIO).

Compliance Training:

New Course Development:

- *How to Comply with New and Existing Diesel Regulations* for industry. Bridge the gap between implementation compliance and enforcement (maintenance) compliance. Goal: Compliance before enforcement for Industry.
- *Cal Trans Maintenance Vehicle and Employee Training* for Cal Tran's field personnel and vehicle and equipment maintenance staff. The course will include diesel and PERP/Fugitive Dust regulations.
- *Diesel Exhaust After-treatment (Diesel Particulate Filter) Maintenance* for CAPCOA and industry. This will be conducted in partnership with CCDET and lead to a higher compliance rate. Lack of diesel particulate filter maintenance is one of the biggest contributors to current ED enforcement cases.
- *GHG Refrigerant Management Program* for CAPCOA and Industry. Conducted in partnership with the Research Division.

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Appendix A 2010 Enforcement Program – Enforcement Action Summary

Table A-1 - Closed Enforcement Actions

Program ¹	Cases/Citations Closed	Penalties ²
Mobile Sources ³	3,517	\$9,517,967
Fuels	7	\$90,400
Consumer Products	72	\$2,948,005
Portable Fuel Containers	2	\$93,000
Cargo Tanks ⁴	32	\$16,000
Stationary Source/Other	19	\$112,750
Railroad MOU ⁴	52	\$9,200
TOTAL CASES	3,701	\$12,787,322

Many of these enforcement actions are joint ED/MSCD/MSOD/SSD/OLA investigations and settlements. Enforcement actions include citations and NOV's as well as investigative cases closed through mutual settlement or litigation.

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

² Includes supplemental environmental projects, early compliance costs, etc.

³ Includes cases, citations and NOV's - see table C-17.

⁴ Citation and NOV cases.

Table A-2 - 2010 Case Dispositions

Category	# Cases	Penalties
Civil Cases Pending ¹	16	N/A
Criminal Cases Pending	0	0
Civil Cases Closed ²	23	\$2,887,499
Criminal Cases Closed	1	\$1,200,000
Administrative Cases Closed	3,677	\$8,699,823
Total Cases Closed	3,701	\$12,787,322

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

² Civil cases closed: See Table A-3 on next page.

Key:

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

Administrative Cases are cases settled in-house via informal staff/violator settlements, the Mutual Settlement Program, or through an administrative hearing in front of an ARB Administrative Law Judge (this applies to HDD Vehicle Inspection Program cases only), or, through an administrative hearing in a State Office of Administrative Hearings Administrative Law Judge.

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

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

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

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Table A-3 - 2010 Civil Cases Closed

Case Name	Prosecuting Agency	Date Closed	Settlement Amount
Pro's Choice ¹	California District Attorneys Association Circuit Prosecutor and Attorney General	March 2010	\$475,000
American Consumer Products ²	Attorney General	May 2010	\$75,000
Exotica Fresheners	ARB--Small Claims Court	Dec 2010	\$2,499
New Star Technology	District Attorney - San Bernardino	November 2010	\$235,000
Cummins Inc.	U.S. Department of Justice/USEPA/ARB	February 2010	\$2,100,000
TOTAL = 23 cases			\$2,887,499

¹Pro's Choice was a compilation of 15 individual cases.

²American Consumer Products was a compilation of 5 individual cases.

Table A-4 - 2010 Criminal Case Closed

Case Name	Prosecuting Agency	Date Closed	Settlement Amount
Goldenvale	San Bernardino District Attorney	April 2010	\$1,200,000 ¹

¹Paid in restitution to the victims and overseen by the San Bernardino District Attorney's office.

Table A-5 - 2009 Supplemental Environmental Projects

SEP	Number of Cases	Amount
CCDET/Peralta Community College District ¹	141	\$336,672

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

Appendix B
SIGNIFICANT CASE SETTLEMENTS

In most enforcement actions, ARB is able to reach mutual settlement agreements with air quality violators. These settlements generally include a monetary penalty, a corrective action, and in some cases, funds for an SEP that provides additional emission reduction incentive programs and public education projects.

Apart from funds earmarked for SEPs, all penalties submitted to ARB are deposited into the APCF, the Vehicle Inspection and Repair Fund, or the Diesel Emissions Reduction Fund, which serve as funding sources to mitigate air pollution throughout California.

The following is a summary of the significant cases settled for \$10,000 or more in 2010, including mobile sources, consumer products, fuels, and stationary sources cases. See the complete list of cases settled during 2010 at <http://www.arb.ca.gov/enf/casesett/casesett2009.htm> .

Mobile Source Cases

Adonis Transport - In February 2010, Adonis Transport paid \$10,500 in penalties for violating air quality regulations. An investigation by the ARB showed that Adonis Transport failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards, and to properly affix emission control labels the engines of their fleet vehicles. The case highlight can be found [here](#).

Agco Corporation – In June 2010, AGCO Corporation paid \$77,000 to the California Air Pollution Fund for violation of H&SC sections 43151, and 43152. AGCO Corporation introduced and sold into commerce uncertified engines without an ARB executive order. The case highlight can be found [here](#).

Aqua Pool and Spa - In December 2010, Aqua Pool and Spa agreed to pay \$24,000 in penalties for failing to self-inspect their diesel trucks to assure the trucks met state smoke emission standards, and to properly affix emission control labels the engines of their fleet vehicles as they related to the PSIP and Emission Control Label Program (ECLP). The case highlight can be found [here](#).

Baxman Gravel Company, Inc. - In August 2010, Baxman Gravel Company, Inc. paid \$17,500 in penalties for violating air quality regulations. An investigation by the ARB showed that Baxman Gravel Company, Inc. failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Biagi Bros Trucking – In February, 2010, Biagi Bros. Trucking paid ARB \$14,400 in penalties for emissions violations during 2008 and 2009. An investigation by ARB showed Biagi Bros., based in Napa, California, failed to properly inspect their diesel-powered vehicles for excess emissions. The case highlight can be found [here](#).

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Bragg Investment Companies – In February 2010, Bragg Investment Companies paid \$31,500 in penalties for emissions violations during 2008. An ARB investigation showed Bragg Investment Companies, based in Long Beach, California, failed to properly inspect their diesel-powered vehicles for excess emissions. The case highlight can be found [here](#).

Carpentaria Motor Transport, Inc. - In April 2010, Carpentaria Motor Transport, Inc. paid \$11,500 in penalties. An investigation by the ARB showed that Carpentaria Motor Transport, Inc. failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Clean Harbors Environmental Services - In April 2010, Clean Harbors Environmental Services paid \$55,500 in penalties for violating air quality regulations. An investigation by the ARB showed that Clean Harbors Environmental Services failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Cummins Inc. - In March 2010, Cummins paid penalties in the amount of \$2.1 million in total to ARB, the USEPA, and the Department of Justice for violations of the Clean Air Act. An investigation by the agencies showed that Cummins Inc. had shipped diesel engines without exhaust after-treatment devices resulting in engines identified as having the incorrect after-treatment device installed. Cummins agreed to recall the non-conforming engines and install the correct after-treatment device. \$420,000 of the penalty amount went to the Air Pollution Control Fund. The case highlight can be found [here](#).

Cummins Emission Solutions and Johnson Matthey Inc. – In August 2010, Cummins Emission Solutions and Johnson Matthey Inc. paid \$110,000 in penalties for violating Title 13, CCR sections 2706 (j) and (q) of the Verification Procedure and VC section 27156 by installing incorrect labels on Johnson Matthey Inc. VDECS devices. Cummins Emission Solutions and Johnson Matthey Inc. also spent approximately \$132,000 in remediation by replacing all the incorrect labels with correct ones. The case highlight can be found [here](#).

Cummins West Inc. – In March 2010, Cummins West Inc. paid \$24,000 in penalties for violating California VC Section 27156 and Title 13 CCR sections 2706 (a) and (q) of the Verification Procedure by installing non-VDECS devices in California. Cummins West Inc. also agreed to corrective actions requiring replacement of non-VDECS with current VDECS. The case highlight can be found [here](#).

Diestel Turkey Ranch - In May 2010, Diestel Turkey Ranch, Sonora, CA paid \$10,500 in penalties for violating air quality regulations. An investigation by the ARB showed that Diestel Turkey Ranch failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Eastern Manufacturing, Inc. – In June 2010, ARB along with the OLA and the Office of

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the Attorney General for the State of California settled with Eastern Manufacturing, Inc. in the Los Angeles County Superior Court for \$2,000,000 for offering for sale and selling uncertified catalytic converters. The case highlight can be found [here](#).

Eaton Drilling Company, Inc. - In July, 2010, Eaton Drilling Company, Inc. paid \$20,000 in penalties for violating air quality regulations. An investigation by the ARB showed that Eaton Drilling Company, Inc., failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Fresh Express - In June 2010, Fresh Express paid \$37,425 in penalties for violating the TRU rule by failing to submit a report of the TRU activity at their facility by the required deadline. The case highlight can be found [here](#).

Fresh Link Logistics, Inc. - In July 2010, Fresh Link Logistics Inc. paid \$14,400 in penalties for violating the PSIP by not smoke testing their fleet of diesel vehicles. The case highlight can be found [here](#).

Gasparian, Inc. - In October 2010, Gasparian, Inc. paid \$10,000 in penalties for violating air quality regulations. An investigation by the ARB showed that Gasparian, Inc. failed to properly self-inspect their diesel trucks to insure the trucks met state smoke emission standards. Gasparian, Inc. also failed to comply with the SWCV rule by neglecting to install legally required emission-reduction devices by applicable compliance dates. The case highlight can be found [here](#).

Godoy Logistics LLC – In July 2010, Godoy Logistics LLC paid \$12,750 in penalties for violating the PSIP by not smoke testing diesel vehicles in its fleet and the TRU rule by not registering its TRUs with the ARB Equipment Registration (ARBER) system and not upgrading its TRU engines to meet the TRU in-use performance standards. The case highlight can be found [here](#).

Golden State Foods - In August 2010, Golden State Foods paid \$18,000 in penalties for violating the TRU rule by submitting incorrect data in the ARBER system. The case highlight can be found [here](#).

Golden State Lumber Inc. – In February 2010, Golden State Lumber, Inc. paid \$20,000 in penalties for violating air quality regulations by failing to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards, as they related to the PSIP. The case highlight can be found [here](#).

Goldenvale Inc. – In April 2010, ARB along with the San Bernardino County Office of the District Attorney settled with Goldenvale Inc. for \$1,200,000 in restitution for the sale of uncertified OHRVs and on-road vehicles in California. The president and vice president were charged criminally, served jail time, and ordered to pay restitution. The case highlight can be found [here](#).

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Green Valley Transportation Corporation - In July 2010, Green Valley Transportation Corporation paid \$10,125 in penalties for violating air quality regulations. An investigation by the ARB showed that Green Valley Transportation Corp. failed to properly self-inspect their diesel trucks to insure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Hendrick Automotive Group – In July 2010, Hendrick Automotive Group paid \$12,500 to the APCF for violation of H&SC sections 43151 through 43153. Hendrick Automotive Group marketed and assisted in the sale of modified engines without receiving an ARB Executive Order. The case highlight can be found [here](#).

International Surfacing Systems - In May 2010, International Surfacing Systems, Modesto, California paid \$16,875 in penalties for violating air quality regulations. An investigation by the ARB showed that International Surfacing System failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Ironman Parts and Service - In February 2010, Ironman Parts and Services paid \$15,000 in penalties for failing to comply with the VDECS regulation by installing non-verified VDECS devices on truck engines. The case highlight can be found [here](#).

ISE Corporation – In June 2010, ISE Corporation paid \$50,000 to the APCF for violation of H&SC sections 43154 and 43212. ISE Corporation introduced and sold into commerce uncertified engines without an ARB Executive Order. The case highlight can be found [here](#).

Napa County Transportation and Planning Agency - In June 2010, NCTPA paid \$12,000 in penalties for violating the PSIP by not smoke testing their diesel fleet and the Fleet Rule for Transit Agencies – TFV Requirements, Title 13 CCR section 2032.2 (b)(1) for PM reductions. The case highlight can be found [here](#).

Nor-Cal Produce Inc. - In February 2010, Nor-Cal Produce Inc. paid \$32,550 in penalties for violating the TRU rule by failing to submit a one-time report for their TRUs at their facility. The case highlight can be found [here](#).

NST, Inc. Yuan Cheng – In November 2010, NST, Inc. Yuan Cheng paid \$250,000 in penalties for violation of H&SC section 43151, VC section 4463 as well as Business and Professions Code section 17500. NST, Inc. Yuan Cheng imported and offered for sale non-certified new motor vehicles into commerce. The case highlight can be found [here](#).

Odwalla Inc. - In September 2010, Odwalla Inc. paid \$20,625 in penalties for violating the PSIP by not smoke testing their fleet of diesel vehicles. The case highlight can be found [here](#).

O'Reilly Auto Parts – In August 2010, O'Reilly Auto Parts paid \$125,000 to the California Air Pollution Fund. O'Reilly Auto Parts sold catalytic converters no longer

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legal for sale due to a regulation change in January 1, 2009. The case highlight can be found [here](#).

Paragon Industries - In December 2010, Paragon Industries paid \$22,125 in penalties for violating air quality regulations. An investigation by the ARB showed that Paragon Industries failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards, and to properly affix emission control labels on the engines of their fleet vehicles. The case highlight can be found [here](#).

Pep Boys, Inc. – In April 2010, Pep Boys, Inc. paid \$170,000 to the California Air Pollution Fund for violation of H&SC 43150 through 43156. Pep Boys, Inc. sold several small all-terrain vehicles and 49-state only generators before issuance of an ARB Executive Order. The case highlight can be found [here](#).

Petersen-Dean Inc. - In December 2010, Petersen-Dean Inc. paid \$11,250 in penalties for violating air quality regulations by failing to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards as they related to the PSIP. The case highlight can be found [here](#).

Producers Dairy Foods Inc. – In September 2010, Producers Dairy Foods Inc. paid \$87,600 in penalties for violating the PSIP by not smoke testing diesel vehicles in its fleet and the TRU rule by not registering its TRUs with the ARB ARBER system and not upgrading its TRU engines to meet the TRU in-use performance standards. The case highlight can be found [here](#).

Randy's Trucking, Inc - In June 2010, Randy's Trucking, Inc. paid \$28,000 in penalties for violating air quality regulations. An investigation by the ARB showed that Randy's Trucking, Inc. failed to properly self-inspect their diesel trucks to assure the vehicles met state smoke emission standards. The case highlight can be found [here](#).

Rapid Harvest Company – In February 2010, Rapid Harvest Company paid \$16,500 for diesel emissions violations. An ARB investigation showed Rapid Harvest, based in Salinas, California, failed to properly inspect their diesel vehicles in 2005. The case highlight can be found [here](#).

RDO Equipment Co. - In January 2010, RDO Equipment Co. (RDO) paid \$15,000 in penalties. An investigation by the ARB showed that RDO failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Renick Cadillac/Suburu – In September 2010, Renick Cadillac/Suburu paid \$15,000 to the California Air Pollution Fund for violation of H&SC section 43150 through 43153. Renick Cadillac/Subaru sold Tomcar utility vehicles and certified them for on-road use that violates the above H&SC sections. The case highlight can be found [here](#).

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Rim of the World Unified School District - In May 2010, Rim of the World Unified School District paid \$25,875 in penalties for violating air quality regulations. An investigation by the ARB showed that Rim of the World Unified School District failed to properly self-inspect their diesel buses to assure the vehicles met state smoke emission standards. The case highlight can be found [here](#).

Robin America, Inc. – In August 2010, Robin America, Inc. paid \$204,000 to the California Air Pollution Fund for violations of H&SC. Robin America, Inc. introduced into commerce and sold generators without the required exhaust catalysts system. The case highlight can be found [here](#).

Rosendin Electric, Inc. - In March 2010, Rosendin Electric, Inc. paid \$19,125 in penalties for violating air quality regulations. An investigation by the ARB showed that Rosendin Electric, Inc. failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards, and to properly affix emission control labels the engines of their fleet vehicles. The case highlight can be found [here](#).

San Jose Tallow Company - In June 2010, San Jose Tallow Company paid \$24,000 in penalties for violations as they related to the PSIP. The case highlight can be found [here](#).

SFO Shuttle Bus Company - In October 2010, SFO Shuttle Bus Company paid \$14,500 in penalties for violating air quality regulations. An investigation by the ARB showed that SFO Shuttle Bus Company failed to properly self-inspect their diesel vehicles to assure the vehicles met state smoke emission standards. The case highlight can be found [here](#).

Smart Refrigerated Transport, Inc. – In March 2010, SMART Refrigerated Transport, Inc. paid \$23,000 in penalties for violating air quality regulations. An investigation by the ARB showed that SMART Refrigerated Transport, Inc., failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Starving Students Inc. - In February 2010, Starving Students Inc. paid \$10,000 in penalties for violating the PSIP by failing to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Stidham Trucking, Inc. - In April 2010, Stidham Trucking, Inc. paid \$25,500 in penalties for violating air quality regulations. An investigation by the ARB showed that Stidham Trucking, Inc., failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Superior Grocers Inc. - In April 2010, Superior Grocers Inc. paid \$15,300 penalties for violating the TRU rule by failing to provide accurate registration information in ARBER system. The case highlight can be found [here](#).

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Tiffany Coachworks – In April 2010, January 2007, Tiffany Coachworks paid a penalty of \$50,000 for failing to certify their modified limousines in violation of Health and Safety Code Sections 43150 through 43156, and Vehicle Code Section 27156. The case highlight can be found [here](#).

Tom Bengard Ranch - In August 2010, Tom Bengard Ranch, Salinas, CA paid \$16,800 in penalties for violating air quality regulations. An investigation by the ARB showed that Tom Bengard Ranch, failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

US Air Conditioning Distributors LLC - In January 2010, US Air Conditioning Distributors paid \$19,500 in penalties. An investigation by the ARB showed that US Air Conditioning Distributors failed to properly self-inspect some of their diesel trucks to assure the trucks met state smoke emission standards. The case highlight can be found [here](#).

Valley Fruit and Produce Co. - In November 2010, Valley Fruit and Produce Co. paid \$18,750 in penalties for violating the TRU rule by not upgrading its TRU engines to meet the TRU in-use performance standards. The case highlight can be found [here](#).

Walker Mowers – In August 2010, Walker Mowers paid \$14,500 to the California Air Pollution Fund under the penalty provision of H&SC 43016. Walker Mowers self reported that they had sold lawn mowers not legal for sale in California. The case highlight can be found [here](#).

Consumer Products Cases

American Consumer Products LLC – In May 2010, American Consumer Products LLC (ACP) paid \$275,000 in penalties for having sold toilet/urinal care product containing para-dichlorobenzene at a large discount retail chain without notifying the chain of the sell-through period and for continuing to sell the products after the ban on selling the products became effective. In addition, the ACP imported hairspray from China that greatly exceeded the VOC limit of 55 percent for hairspray and contained large quantities of methanol which is a poison and an inhalation hazard. The company also imported non-compliant toilet/urinal care products, hair gel, hair mousse, and reed diffuser type air fresheners. The case highlight can be found [here](#).

A.P. Deauville – In December 2010, A.P. Deauville paid \$50,000 in penalties for having supplied Power Stick Deodorant Body Spray product that contained VOCs in excess of the 75 percent limit for Personal Fragrance Products to California. The product was reformulated. The case highlight can be found [here](#).

Armstrong World Industries – In October 2010, Armstrong World Industries, Inc. paid \$228,000 in penalties for selling non-compliant Bruce Hardwood and Laminate Floor Cleaner into California that exceeded the 4 percent by weight VOC limit for non-aerosol

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wood cleaner. The case highlight can be found [here](#).

Avon Products – In September 2010, AVON Products, Inc. paid \$12,300 in penalties for selling non-compliant Snowman Reed Diffusers which were subject to the 18 percent VOC limit and for failing to display a date code on these products. The case highlight can be found [here](#).

Blitz USA - In May 2010, Blitz USA paid \$90,000 in penalties for the sale of non-compliant portable fuel containers. The new owners of Blitz USA self-reported that they had manufactured non-compliant Blitz USA *Pull-N-Pour* portable fuel containers that displayed a date of manufacture that had been altered by employees back in 2001. The case highlight can be found [here](#).

BP Lubricants – In August 2010, BP Lubricants, USA Company paid \$40,000 in penalties for sales of its Castrol Metal Parts Cleaner aerosol product as an “engine degreaser” that did not meet the 35 percent VOC limit. The product had already been discontinued from production for other reasons. The case highlight can be found [here](#).

Carroll Company – In February 2010, Carroll Company paid \$11,000 in penalties for selling non-compliant Pro Pride Green Cleaner subject to the 4 percent by weight VOC limit for non-aerosol general purpose cleaners. The case highlight can be found [here](#).

Home Depot – In July 2010, Home Depot paid \$27,000 in penalties for having sold or supplied windshield washer fluid products that exceeded the one percent VOC limit set under Consumer Products Regulation for their product category. The case highlight can be found [here](#).

Lowe’s HIW, INC – In May 2010, Lowe’s HIW Inc. paid \$20,000 in penalties for having sold or supplied 1050 containers of windshield washer fluids that exceeded the one percent VOC limit set under Consumer Products Regulation for automotive windshield washer fluids sold in non-type A areas of California. The case highlight can be found [here](#).

Olympic Mountain – In September 2010, Olympic Mountain Products paid \$15,000 in penalties for selling fragrance diffusers into California that contained concentrations of VOCs exceeding the 18 percent limit set under Consumer Products Regulations for their product category. The case highlight can be found [here](#).

Packaging Service Company – In August 2010, Packaging Service Company, Inc. paid \$13,000 for failing to certify four brands of “charcoal lighter materials”. The company had been previously cited for not including other brands on their certifications. The case highlight can be found [here](#).

Parfums de Coeur – In April 2010, Parfums de Coeur paid \$36,500 in penalties for supplying into California 98,644 four ounce units and 36,786 one ounce units of non-compliant Bod Man Deodorant Body Spray that exceeded the zero percent by weight

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VOC limits in the Antiperspirants and Deodorants regulation. The case highlight can be found [here](#).

Paslode – In September 2010, Paslode Construction Service and Parts Division, a subsidiary of Illinois Tool Works, Inc., paid \$70,000 in penalties for having supplied Paslode Degreaser Cleaner product that contained VOCs in excess of the 50 percent limit for General Purpose Degreasers to California. The product was reformulated and relabeled. The case highlight can be found [here](#).

Premier Brands – In December 2010, Premier Brands paid \$55,000 in penalties for selling non-compliant Blade Deodorant Body Spray in various fragrances into California that exceeded the zero percent by weight VOC limits in the Antiperspirants and Deodorants regulation. The case highlight can be found [here](#).

Pro's Choice – In March 2010, a Final Judgment and Permanent Injunction was issued by the Stanislaus County Superior Court in *People of the State of California v. Pro's Choice Beauty Care*. The litigation involved violations of the California Consumer Products regulations with 15 separate NOV issued to seven defendants involving diverted non-compliant hair care products. Pro's Choice obtained hair care products that were manufactured for sale in hair salons and resold the products to "mass market" retailers including Rite Aid, Ralphs, Long's, Walgreens, K-Mart, and Target, all of whom were defendants in this action. The defendants paid a total of \$1,250,000 in penalties, attorney's fees and costs to resolve this case. ARB received \$475,000 as part of the civil penalties and will be monitoring sales of hair care products by the defendants to ensure compliance with the terms of the Permanent Injunction. The case highlight can be found [here](#).

Remington Arms Company – In May 2010, Remington Arms Company paid \$40,000 in penalties for selling mislabeled Rem Oil gun lubricant product as a "multi-purpose lubricant" which did not meet the 50 percent by weight VOC limit. Remington Arms Company re-labeled their Rem Oil gun lubricant product to reflect its restricted use for firearms. The case highlight can be found [here](#).

Royal Oak – In October 2010, Royal Oak Enterprises, LLC paid \$12,000 in penalties for selling several uncertified "Charcoal Lighter Material" products. These products were manufactured by Royal Oak Enterprises, LLC, which failed to obtain an Executive Order from ARB prior to the products being offered for sale into California. The case highlight can be found [here](#).

Sears Holdings – In August 2010, Sears Holdings Management Corporation paid \$28,000 in penalties for violations of the charcoal lighter material requirements in the Consumer Products Regulations. Sears Holdings Management Corporation imported approximately 12,568 bags of the BBQ Pro Instant Light Charcoal (8-lb. bag) product from China that were not certified. The case highlight can be found [here](#).

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Seymour Manufacturing – In September 2010, Seymour Manufacturing Company paid \$16,000 in penalties for “Charcoal Lighter Material” violations in four Notices of Violation. Seymour failed to update the Executive Order to include brands it manufactured prior to the products being offered for sale into California. The case highlight can be found [here](#).

Ultrason Industries Limited – In April 2010, Ultrason Industries Limited paid \$20,000 in penalties for selling Doktor Doom Total Release Fogger insecticide foggers that did not comply with the 45 percent by weight VOC limit for insecticide foggers. The case highlight can be found [here](#).

Unilever/Conopco – In January 2010, Unilever/Conopco paid \$1.3 million in penalties for selling non-compliant Axe Deodorant Body Spray that exceeded the zero percent by weight VOC limits in the Antiperspirants and Deodorants regulation. After Unilever/Conopco was made aware of the violation, it took steps to correct the violation, mitigate the impacts, and ultimately reduce the emissions from this product. The case highlight can be found [here](#).

Vectra Enterprises, Inc. – In June 2010, Vectra Enterprises, Inc. paid a penalty of \$11,250 for selling non-compliant Vectra Spray in California that exceeded the VOC limit for footwear or leather care products (all other forms) and did not display the date of manufacture. The case highlight can be found [here](#).

Wurth USA – In October 2010, Wurth USA paid \$232,256 in penalties for having supplied Wurth saBesto HHS 2000 lubricant product that exceeded the 50 percent VOC limit for general purpose lubricants to California. During the course of the investigation Wurth disclosed an additional 42 consumer products that did not meet ARB’s VOC limits and prohibitions on the use of chlorinated TAC. The case highlight can be found [here](#).

Yankee Candle Company – In September 2010, Yankee Candle Company, Inc paid \$16,400 in penalties for selling and/or supplying non-compliant air fresheners. At least one production batch of Yankee Candle® Fragrance Room Sprays exceeded the 25 percent by weight VOC limit and Yankee Candle® Fragrance Fan Refills exceeded the 3 percent by weight VOC limit for Solid/Semisolid air freshener products. The case highlight can be found [here](#).

Fuels Cases

BP/Carson – In September 2010, BP/Carson paid \$19,000 in penalties for having shipped gasoline in violation of California reformulated gasoline regulations. On September 9, 2007, while shipping premium grade CARBOB from the refinery, BP added approximately 2,400 barrels of alkylate to the tender. BP shipped approximately 12 loads of uncertified fuel to 12 California service stations. The case highlight can be found [here](#).

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BP/Thrifty Service Station – In September 2010, BP/Thrifty paid \$32,000 in penalties for having sold/supplied gasoline in violation of California reformulated gasoline regulations. On June 14, 2007, an analysis of the premium grade gasoline revealed a Reid vapor pressure of 7.60 pounds per square inch (psi) and 7.57 psi both of which exceeded the State standard. The case highlight can be found [here](#).

Paramount – In September 2010, Paramount Refinery paid \$25,000 in penalties for having produced gasoline in violation of California reformulated gasoline regulations. In August 2008, Paramount refinery produced gasoline with 5.80 psi which exceeded the limit specified in its Predictive Model. In September 2008, Paramount produced gasoline with a Reid vapor pressure result of 5.77 psi which again exceeded the PM limit specified. The case highlight can be found [here](#).

Strategic Environmental Investigations Cases

Jumbo Shipping, Kahn Scheepvaart B.V. – In October 2010, Jumbo Shipping, Kahn Scheepvaart B.V. paid \$55,500 in penalties to the California Air Pollution Control Fund for violating air quality regulations. The Jumbo Shipping, Kahn Scheepvaart B.V. vessel, *Daniella*, failed to properly switchover its main engines from Heavy Fuel Oil over to Low-Sulfur Distillate Fuel before entering into regulated California waters. The case highlight can be found [here](#).

Parsec Inc. – In May 2010, Parsec Incorporated paid \$21,750 in penalties for violating regulations governing cargo handling equipment by importing vehicles that did not meet emission standards. The settlement included \$16,312.50 paid to the California Air Pollution Control Fund and \$5,437.50 paid to the Peralta Community College District for distribution to participating CCDET colleges. The case highlight can be found [here](#).

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Appendix C **Mobile Source Enforcement** **Program and Inspection Activities – 2010**

Table C-1 - Administrative Hearings¹

Cases	6
Pending	3
Closed²	5
Settled	3

¹HDVIP/ECLP Program

²Includes cases from previous year

Table C-2 - Carl Moyer Program and Proposition 1B Goods Movement Emission Reduction Program - Compliance Checks

Carl Moyer Compliance Checks¹		2010
<u>Registered Owners/VINs Processed</u>		638
<u>Outstanding Violations</u>		9

<u>Proposition 1B Compliance Checks*</u>		2010
<u>Registered Owners/VINs Processed</u>		3,792
<u>Outstanding Violations</u>		247

¹Checks include querying numerous databases: HEVI, SWCV, ECLP, CVI, and SBI.

Table C-3 - Certificate of Non-Compliance (49-State Vehicle) Program

Certificates Received	699
Certificates Reviewed	110
Cases Opened	12
Cases Closed¹	48
Penalties Collected	\$54,450

¹Includes cases from previous year.

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Table C-4 - Commercial Idling Enforcement and Complaint Program

Inspections	6,456
Violations	887
Non-Compliance Rate	14%
Violations Closed	763
Penalties Collected	\$196,237
Complaints Received	50
Advisory Letters Sent	50
Responses Received	17
Response Rate	34%

Table C-5 - Emission Control Label Enforcement¹

Inspections	13,274
Violations	825
Non-Compliance Rate	6%
Violations Closed	739
Penalties Collected	\$190,399

¹Includes citations from previous years.

Table C-6 - Environmental Justice Inspections¹

Inspection days	335
Inspections	10,012
Violations	2,171
Non-Compliance Rate	22%

¹The data reflects multiple programs. Inspections are conducted major supply ports in Los Angeles, Oakland, San Bernardino and other EJ Areas within California.

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Table C-7 - Heavy-Duty Diesel Vehicle Inspection Program

Inspections	14,784
Violations	111
Non Compliance Rate	1%
Appeals Received/Closed ¹	6/6
Violations Closed¹	152
Penalties Collected	\$28,700

¹Includes violations pending from previous years.

Table C-8 - Heavy-Duty Diesel Delinquent Violations/Collections

Trucks Held under VC 27159 by CHP ¹	41
Judgments Obtained under H&SC 44011.6	134
CADMV VC 4755 Registration Holds ²	646
Delinquent Violations Closed	573
Delinquent Penalties Collected	\$231,895

¹ If an HDVIP citation is in delinquent status and the vehicle is encountered during a roadside inspection, under VC 27159, CHP can hold the truck until payment is received.

² For all programs.

Table C-9 - Drayage Truck Program: Inspections and Notices of Violation

Inspections	3,094
Violations	356
Non-Compliance Rate	12%
Violations Closed	90
Penalties Collected	\$66,150

Table C-10 - In-Use Off-Road Diesel Vehicle Program: Inspections and Notices of Violation

Inspections	76
Violations	17
Non-Compliance Rate ¹	22%
Violations Closed	10
Penalties Collected	\$4,800

¹ Limited sample size – not statistically representative of fleet's overall compliance rate.

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Table C-11 - Public Agency Utility Enforcement

Inspections	7
Violations	2
Non-Compliance Rate	29%
Violations Closed	2
Penalties Collected	\$900

¹ Limited sample size – not statistically representative of fleet's overall compliance rate.

Table C-12 - Smoking Vehicle Complaint Program

Notices Sent	674
Responses Received	171
Response Rate¹	25%

¹ Responses are considered any repair receipts, smog checks, phone calls and written follow-ups, as well as junked or unidentified vehicle notices received by ARB staff.

Table C-13 - Solid Waste Collection Vehicle Program

Inspections	91
Violations	9
Non-Compliance Rate ¹	10%
Violations Closed	24
Penalties Collected	\$1,200

¹ Limited sample size – not statistically representative of fleet's overall compliance rate.

Table C-14 - TRU Program – Truck/Trailers: Inspections and Notices of Violation

Inspections	6,119
Violations	2,318
Non-Compliance Rate	38%
Violations Closed	789
Penalties Collected	\$733,993

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Table C-15 - TRU Program – TRU Gensets: Inspections and Notices of Violation

Inspections	2,105
Violations	5
Non-Compliance Rate	0.24%
Violations Closed	3
Penalties Collected	\$3,000

Table C-16 - Diesel Fleet Closed Cases Summary: Combined HDDDES On-Road, Off-Road and Goods Movement Programs

Type of Case	Total Cases SETTLED	Total Cases CLOSED (NFA, Compliant, Settled)	Total Penalties Collected ¹
Drayage Truck	0	2	\$0
Emission Control Label ²	0	0	\$1,250
Off-Road Diesel Vehicle	1	7	\$5,850
Periodic Smoke Inspection Program	89	181	\$857,080
Public Agency/Utility ³	0	0	\$0
Solid Waste Collection Vehicle	10	20	\$52,720
Transit Fleet Vehicle	2	3	\$1,250
Transport Refrigeration Unit	19	26	\$228,275
Urban Bus	1	1	\$1,875
Verified Diesel Emission Control System	3	8	\$152,000
TOTAL	125	248	\$1,300,300

¹ The amounts shown in "Total Penalties Collected" are calculated according to the penalties collected per Enforcement Program ("Type of Case") and do not correlate directly with the number of cases settled ("Total Cases Settled"). Some cases are combined with others, but counted as only 1 case with penalty amounts applied to several different Enforcement Programs.

Example: An enforcement case is pursued and settled primarily as SWCV; therefore, it is counted as 1 'SWCV' case in the "Total Cases Settled", yet it has penalties that are applied to several different enforcement programs (SWCV, PSIP, ECLP, and VDECS). In this example you would see one settled case (SWCV) and Penalties collected under four different "Types of Case" (SWCV, PSIP, ECLP and VDECS). This is the reason why you may see penalty amounts listed for a "Type of Case" but show no 'Closed' cases for that venue.

² These penalties reflect ECLP violations found in other cases like PSIP, SWCV, etc.

³ No cases closed in 2010 but numerous cases are under development.

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Table C-17 - 2010 Mobile Source Enforcement Actions*

I. 2010 Mobile Source Enforcement Totals: Compilation of II & III

Enforcement Actions Closed	Penalties
3,517	\$9,517,967

II. General Mobile Source Programs

Mobile Source Programs	Cases Closed	Penalties
Aftermarket Parts	6	\$2,134,500
Cars and Motorcycles ¹	19	\$526,327
Certificates of Non-Compliance	48	\$54,450
Compression Ignition (diesel)	2	\$2,177,000
Large Spark Ignited	3	\$15,000
Off-highway Recreational Vehicle	24	\$1,451,268
Small Off-Road Engine	16	\$398,348
Tampering (Used Cars)	6	\$3,500
Total	124	\$6,760,393

¹ Motorcycles account for 2 of these 19 cases and \$7,777 of the \$526,327.

III. In-Use Diesel Programs

A. Diesel Fleet Programs (see Table C-16)	Cases Closed	Penalties
	248	\$1,300,300
B. Diesel Field Inspections	Citations and Violations Closed	Penalties
Commercial Vehicle Idling	763	\$196,237
Drayage	90	\$66,150
Emission Control Label	739	\$190,399
Heavy-Duty Vehicle Inspection Program	152	\$28,700
Delinquent Citation Collections	573	\$231,895
In-Use Off-Road	10	\$4,800
Public Agency/Utility	2	\$900
Solid Waste Collection Vehicle	24	\$1,200
Transport Refrigeration Unit	792	\$736,993
Total	3,145	\$1,457,274
TOTAL A & B above	3,393	\$2,757,574

* Many of these enforcement actions are joint ED/MSCD/MSOD/SSD/OLA enforcement actions.

Appendix D
Fuels and Consumer Products Enforcement
Inspection Activities – 2010

Table D-1 - Consumer Products Inspections and Samples

Samples Obtained	2,256
Lab Results Received	2,297
Alleged Violations	778
Violations	45

Table D-2 - Portable Fuel Containers and Spouts

Samples Obtained	51
Alleged Violations	21
Violations	4

Table D-3 - Cargo Tank Vapor Recovery Certification

Cargo Tanks Inspected	1,141
Cargo Tanks Tested	540
Cargo Tanks Certified	5,519
Pressure Violations (nitrogen test)	96
Uncertified Equipment Violations	4
Liquid Leak Violations	2
Annual Tests Observed	67

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Table D-4 - Motor Fuel Inspection Summary

Samples	2,679
Analyses	17,460
Reid vapor pressure	1,895
Lead	7
Sulfur (gasoline and diesel fuel)	2,065
Oxygen	1,704
MTBE, Ethanol	1,710
Benzene	1,835
Total aromatics	1,835
Olefin	1,848
Distillation, T50	1,754
Distillation, T90	1,754
Aromatic HC (diesel fuel)	479
PAH (diesel fuel)	479
Nitrogen (diesel fuel)	123

Table D-5 - Gallons Represented in Sampling

Gasoline	1,629,806,875
Diesel	379,404,311

Table D-6 - BOE Dyed Diesel Program¹

Inspections	11,855
Violations	10

¹ARB works under a reimbursable services contract for the Board of Equalization for this program and conducts these inspections concurrent with HDVIP roadside inspections.

Appendix E
Stationary Source Enforcement and
Air District Oversight Activity – 2010

Table E-1 - Hotline Complaint Activities

Total Complaints and Inquiries Received	933
- Stationary Source Complaints to Districts	148
- Vapor Recovery Complaints to Districts	77
- Questions Answered by Enforcement	28
- Referred to Other ARB Divisions	63
- Referred to Other Agencies	613
Air District Investigation Reports Reviewed	152
Online Cal EPA Online Complaints	312

Table E-2 - Variance Activity

Variances Reviewed	496
Notices Reviewed	370
Variances Questioned	67
Variances Returned	0
Issues Addressed	78
Workshops Conducted	1

Table E-3 - Air Facility System Compliance Data

Reports Received and Reviewed	75
Reports Entered	54
Issues Addressed	224
Reports Sent to Air Districts	170

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Table E-4 - Air Facility System High Priority Violators

Reports Received	60
Reports Entered	36
Issues Addressed	331
Reports Sent to Districts	233

Table E-5 - Continuous Emissions Monitoring Program Activity

Reports Received and Entered	547
NO _x	173
SO ₂	18
H ₂ S	33
CO	159
Opacity	100
CO ₂	3
NH ₃	7
PM	3

Table E-6 - Air District Rule Review

Rules Received	182
Rules Reviewed	174
Rules with Formal Comments	2

Table E-7 – Complaint Investigations and U.S. EPA CEM Reporting

Investigations/Inspections	0
Requests for Assistance	3
Special Projects completed	6
Hotline Complaint Follow-up Investigations	4
CEM 105 Grant Reports Received from Sources	140
CEM 105 Reports sent to U. S. EPA	222

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Table E-8a: SEIES 2010 Cases and Investigations

TYPE OF ACTIVITY	TOTAL
Total SEIES Settlement Amounts¹	\$120,950
Continuing Investigations	6
New Investigations	15
SEIES Cases Closed	17
Cases Referred for Investigation	18
Cases Referred for Prosecution	13
Continuing Prosecution	16
Case Settlement/Prosecution	8
Investigative Assistance to Local Air District	1
Continuing Surveillance	6
New Surveillance	13
Surveillance Closed	10
Task Force Meetings Attended	47
Special Projects	4

Table E-8b: SEIES 2010 Inspection Summary

INSPECTION PROGRAM ¹	TOTAL
Stationary Source Inspections (non-PERP)	5
Portable Equipment Inspections	66
Railroad Locomotive Inspections	2,694
Rail Facilities Inspected (twice yearly)	32
Other Railroad Inspections	13
Railroad Violations	24
Railroad Notice to Complies Issued	28
Ocean-going Vessel Fuel Inspections	313
Ocean-going Vessel Violations	18
Harbor Craft Inspections	210
Fuel Dock/Marina Fuel Inspections	29
Cargo Handling Equipment Inspections	328
Cargo Handling Equipment Violations	2
Asbestos Inspections	84
Asbestos Complaint Investigations	5
Asbestos Violations	8
Composite Wood Inspections	218

¹ Information about Drayage Truck and TRU inspections conducted by SEIES are included with those reported by the Mobile Source Program

Appendix F
Compliance Training and Assistance Programs - 2010

Table F-1 - All Programs and Attendance

Classes and Programs	Number of Courses	Total Students
Uniform Air Quality Training Program 100 Series (California) (4 days)	5	95
Air Academy (Online)	---	156
100 Series Courses	45	2,308
200 Series (California)	84	1,242
300/400 Series (California)	23	963
400 Series (Staff Development Training)	6	228
500 Series (California)	87	1,791
California Totals	250	6,783
National Program	61	1,435
Webcast	26	611
Overall Totals	337	8,829

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Table F-2 - 500 Series Courses

<u>Course #</u>	<u>Title</u>	<u>Participants</u>
501	Stationary Diesel ATCM	68
502	Portable Equipment ATCM	412
504	In-Use Off-Road	27
507	Transport Refrigeration Units	5
511	Diesel Exhaust After-treatment Devices	598
512	Diesel Vehicle Regulation Overview	570
513	Drayage Truck ATCM	36
515	Maintenance Worker Reg. Overview	26
516	Diesel Exhaust After-treat. Maintenance	49
	Total	1,791

Table F-3 - California Attendance Totals (In-State Training)

January 1, 2010 to December 31, 2010	Students Taught in CA	6,783
	Courses	250
	Webcast Capable Courses	26
	Webcast Students	611
	Average Webcast Students per Course	22

Table F-4 - Top Five Hardcopy Materials Distributed 2010

Rank	Technical Manual CDs	Handbooks	Pamphlets
1	Fugitive Dust Control	Wood Burning	Asbestos-Containing Rock and Soil: Homeowner Enhanced Vapor Recovery Program HDD Vehicle Inspection Program Training and Compliance Assistance Program
2	Chrome Plating and Anodizing Operations	Vapor Recovery Calendars	California Council on Diesel Education and Technology TRUs ATCM #2
3	Asbestos Demolition and Renovation	In-Station Diagnostics Booklet	Cleaners and Degreasers Used in Automotive Repair
4	Vapor Recovery	Agricultural Burning (English)	Composite Wood Products ATCM Periodic Self Inspection Program
5	Compilation CD- Technical Manuals (pdf) California version	Forest Management Burning	Stationary Internal Combustion Engines

Table F-5 - Top Five Webpage Views Total 2010

Rank	Technical Manuals (pdf or interactive)	Handbooks	Pamphlets
1	Continuous Emission Monitors	Wood Burning	Enhanced Vapor Recovery Program
2	Stationary Source Control Devices	Automotive Refinishing (English)	Asbestos-Containing Rock and Soil: Homeowner
3	Ambient Air Monitoring	Fugitive Dust Control	Training and Compliance Assistance Program
4	Gas Turbines	Visible Emissions Evaluation	Stationary Internal Combustion Engines
5	Boilers	Chrome Plating and Anodizing Operations	Commercial HDD Vehicle Idling Emission Reduction Program

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Appendix G **Enforcement Division Contacts and Other Information**

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

Division Contacts:		
Chief , Enforcement Division	James R. Ryden	(916) 324-7346
Division Secretary	Barbara Gregson	(916) 322-6033
Enforcement Database Coordinator	Reggie Guanlao	(916) 445-2815
	Cindy Stover	(916) 322-0988
	Richelle Bishop	(916) 323-1696
Division Administrative Coordinator	Elizabeth Walker	(916) 322-2659
Division FAX (Sacramento - HD Diesel Program)	-	(916) 322-8274
Division FAX (Sacramento - General Enforcement)	-	(916) 445-5745
Division FAX (El Monte - HD Diesel Program)	-	(626) 450-6170
Division FAX (El Monte - MS Enforcement Program)	-	(626) 350-6431
Mobile Source Enforcement Contacts:		
Chief , Mobile Source Enforcement Branch	Paul E. Jacobs	(916) 322-7061
Environmental Justice and Enforcement Division Special Projects	Michelle Shultz Wood	(626) 459-4338
Manager , Mobile Source Enforcement Section	Gregory Binder	(626) 575-6843
Motorcycle Enforcement	Kerry Albert	(916) 323-2946
Marine and Personal Watercraft Enforcement	Erin Blanton	(916) 323-8420
OHRV, SORE, Aftermarket Parts Enforcement	Lisa Zarubick	(626) 350-6403
Hybrid, Diesel, Aftermarket Parts Enforcement	Martina Diaz	(626) 350-6576
Catalytic Converters, Aftermarket Parts Enforcement	Tony Zeng	(626) 350-6505
Manager , HDD Enforcement Section – Off-Road Programs	Manfred Ochsner	(626) 350-6532
Drayage Truck Enforcement North	Eric Bissinger	(916) 445-7602
Drayage Truck Enforcement South	Xiangyi Li	(626) 350-6506
TRU Enforcement South	Aldo Chaney	(626) 350-6577
TRU Enforcement North	Brad Penick	(916) 445-0799
VDECS Enforcement	Chris Patno	(626) 450-6173
VDECS Enforcement	Tajinder Gill	(626) 459-4304
Off-Road Construction Equipment	Eric Brown	(916) 323-0166
TRU Enforcement Statewide	Eusene (Claire) Kim Yi	(626) 350-6421
Manager , HDD Enforcement Section – On-Road Programs	Les Simonson	(916) 322-6905

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Periodic Smoke Inspection Program	Dave Gray	(916) 327-9473
Transit Fleets/Urban Bus Fleets	Ann Stacy	(916) 324-7658
Solid Waste Collection Vehicles	Steve Binning	(916) 323-0724
Smart Way Technologies	Cathi Slaminski	(916) 323-1513
Public Agency Utility Rule and Large Spark Ignition Engines	Randy Rhondeau	(916) 323-0162
Truck and Bus Rule and CCDET Liaison	Wendy Maienknecht	(916) 445-0235
Manager , HDD Enforcement Section – Field Operations and Citation Administration	Nancy O'Connor	(916) 322-8325
Field Supervisor – Northern California	Shaliendra Pratab	(916) 445-2049
Field Supervisor – Southern California	Ching Yang	(626) 350-6422
Field Supervisor – Border	Damacio Arevalos	(626) 350-6449
Collections Administration and HDVIP Appeals	Renae Hankins	(916) 322-2654
Citation Administration	Amy Ng	(916) 322-8275
Citation Administration	Hortencia Mora	(626) 350-6950
Citation Administration	Gretchen Ratliff	(626) 350-6561
Citation Administration and ATCM NOV Appeals	Kristin Garcia	(626) 350-6554
Stationary Source Enforcement Contacts:		
Chief , Stationary Source Enforcement Branch	Mark Stover	(916) 322-2056
Manager , Fuels Enforcement Section	Steve Brisby	(916) 322-1210
Manager , Greenhouse Gas Enforcement	Judy Lewis	(916) 322-1879
Manager , Consumer Products Enforcement Section	Steve Giorgi	(916) 322-6965
CaRFG/Diesel Regulations Enforcement	Dickman Lum	(916) 327-1520
Cargo Tank Enforcement Program	Brad Cole	(916) 322-3951
Cargo Tank Certification Program	Juli Sawaya	(916) 322-3034
Enforcement Program Web Pages	Mary Rose Sullivan	(916) 327-1523
Fuel Inspections	Fred Schmidt	(916) 327-1522
Manager, Strategic Environmental Investigations and Enforcement Section	R.C. Smith	(916) 445-1295
Manager, Stationary Source Enforcement Section	Warren Hawkins	(916) 323-8417
Air Facility System Full Compliance Evaluation Air Facility System High Priority Violations	John McCormack	(916) 324-8020
Agricultural Burning Program	Ed Virgin	(916) 322-5866
Asbestos NESHAP Program	Ahmad Najjar Nestor Castillo	(916) 322-6036 (916) 322-0749
Complaint Hotline Program	Verna Ruiz	(800) 952-5588
Continuous Emission Monitoring Program	Simeon Okoroike	(916) 327-3529
Variance Workshops	Vickie McGrath	(916) 324-7343
Variance Program	Ed Virgin	(916) 322-5866

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Training and Compliance Assistance Contacts:		
Chief , Training and Compliance Assistance Branch	Vacant	
Branch Registrar, Training and Compliance Assistance	Danielle Chambers	(916) 324-2352
Manager , Compliance Training Section	Ben Sehgal	(916) 323-8412
Manager , Compliance Assistance Section	Mark Tavianini	(916) 327-0632
CAP Publications	Mark Tavianini	(916) 327-0632
Other Contacts:		
ARB OLA	Ellen M. Peter, Chief Counsel	(916) 322-2884
ARB Complaint Investigations	Simeon Okoroike	(916) 327-3529
ARB Statewide Complaint Hotline		(800) 952-5588
ARB Statewide Vehicle Complaint Hotline	(800)END-SMOG	(800) 363-7664
ARB ED Spanish Speaking Assistance	Hector Pelayo	(626) 575-6779
	Hortencia Mora	(626) 350-6590
Special Investigations/Collections	Jay Zincke	(916) 323-1608
Webmasters	Wendy Maienknecht	(916) 445-0235
	Mary Rose Sullivan	(916) 327-1523

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