



January 21, 2016

Enhancing Diesel Program Enforcement

ENFORCEMENT DIVISION



Outline

- Overview of Enforcement Division (ED)
- Diesel Programs and Compliance Assessment
- ED's Actions in Response to April 2015 Sustainable Freight Strategy Discussion Document
- Improving Efficiency
- Conclusions



Enforcement Division

- We are 136 staff
 - Enforce more than 70 ARB programs
 - Provide compliance assistance
 - Support local air district enforcement programs
- Work in tandem with the Legal Office

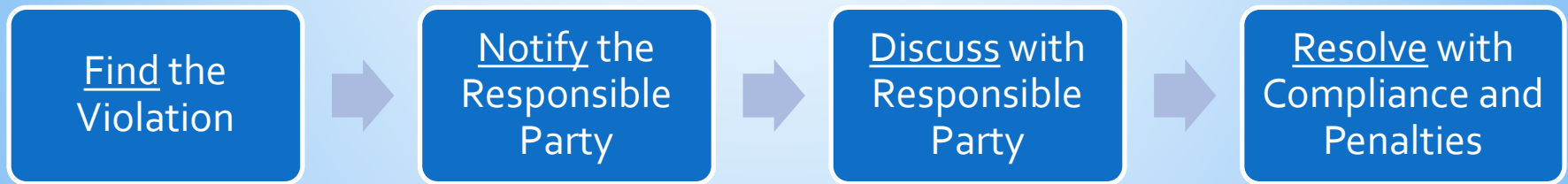


Enforcement Goal and Tools

COMPLIANCE



Case Resolution Process



- Violations are handled in consideration of relevant circumstances, including
 - Extent of harm
 - Nature and persistence of the violation
 - Compliance history
 - Preventive efforts
 - Innovative nature and magnitude of effort to comply
 - Efforts of violator to attain, or provide for, compliance
 - Cooperation during investigation
 - Financial burden



Diesel Programs Enforced

- Ships
 - Low sulfur fuel
 - Shore power
- Harbor Craft
- Cargo Handling Equipment (CHE)
- Locomotives
 - Idling (voluntary)
 - 1998 MOU
- Transportation Refrigeration Units (TRU)
 - Shipping Containers
 - Truck Trailers
- Trucks
 - Drayage
 - Truck and Bus
 - Idling restrictions
 - Engine labels
 - Periodic smoke inspection
 - Tractor-Trailer GHG



Compliance Assessment

Ships

- High compliance with ships using distillate fuels
- Beginning enforcement of shore power requirements

Trucks

- High compliance with drayage trucks at ports
- Improvement needed with drayage trucks at rail yards, and Truck and Bus Rule requirements overall

CHE

- High compliance with in-use standards
- Beginning enforcement of opacity standards

TRU

- High compliance at ports
- Improvement needed at distribution centers



Diesel Program Enforcement Challenges

- Regulations focus on end-users
 - Tens of thousands of regulated entities
 - Many not based in California
 - Many are small businesses
 - Fleets unfamiliar with new emissions technologies
 - Complex regulatory requirements
- Significant investments by end-users may be required to comply
- Achieving compliance requires evolution in enforcement strategies



Compliance Assistance and Outreach

- Universe of Activities
 - Diesel Hotline: 56,000 calls in 2015
 - Training and Webinars
 - Truck Stop Website (arb.ca.gov/truckstop)
 - Postcards, Flyers, Fact Sheets
 - Special Events throughout the State
 - Media and Information Outreach Campaign



Enforcement Responses to Sustainable Freight Strategy

- Expand enforcement presence
 - Developed partnerships and held media events
- Focus on freight hubs
 - Increased inspections in disadvantaged communities
- Increase efficiency of Truck and Bus Rule enforcement
 - Developed new approaches to improve processing
- Leverage technology
 - Developed prototype system to identify high emitters



Expanding Presence: Partnerships and Media

- Additional enforcement of Truck and Bus Rule by U.S. EPA, Region 9
- Held three media events in Los Angeles and the San Joaquin Valley
- Expanding outreach to disadvantaged communities and environmental justice task forces



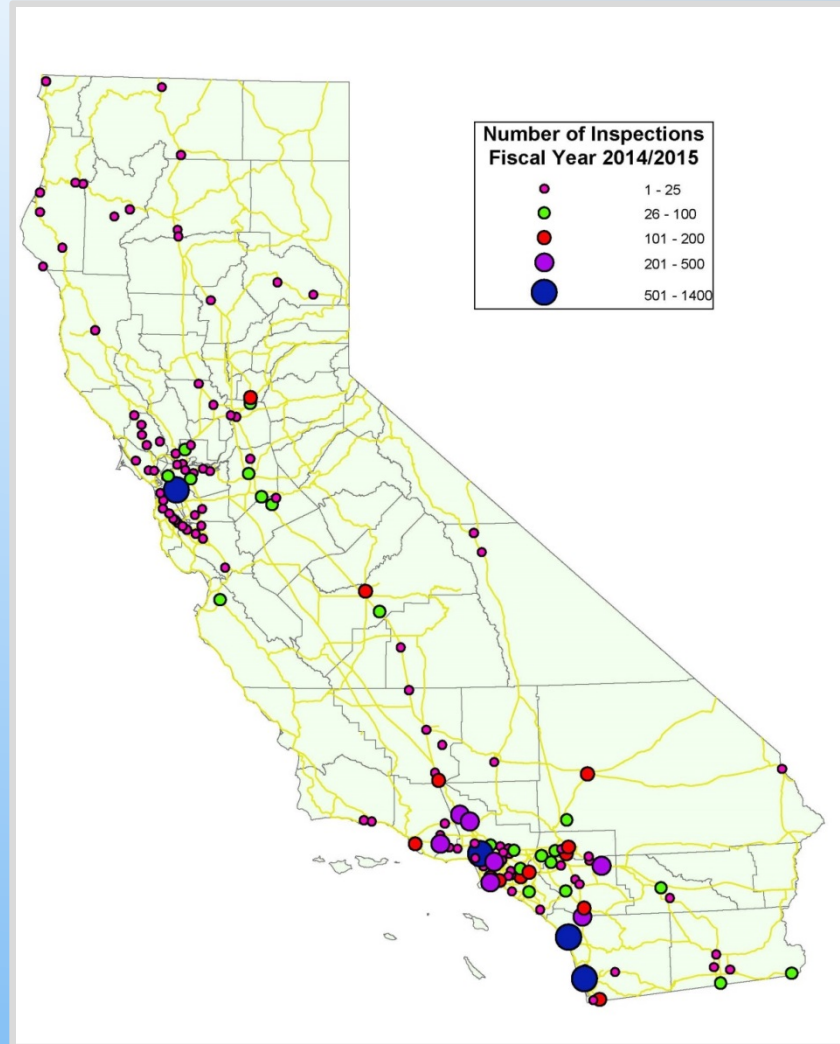
Building Partnerships with Disadvantaged Communities

- Assigned ED staff liaisons statewide
 - Environmental justice task forces
 - Identifying Violations in Affected Neighborhoods (IVAN) Networks
- Goals
 - Understand and address community concerns
 - Report back to community on actions and results

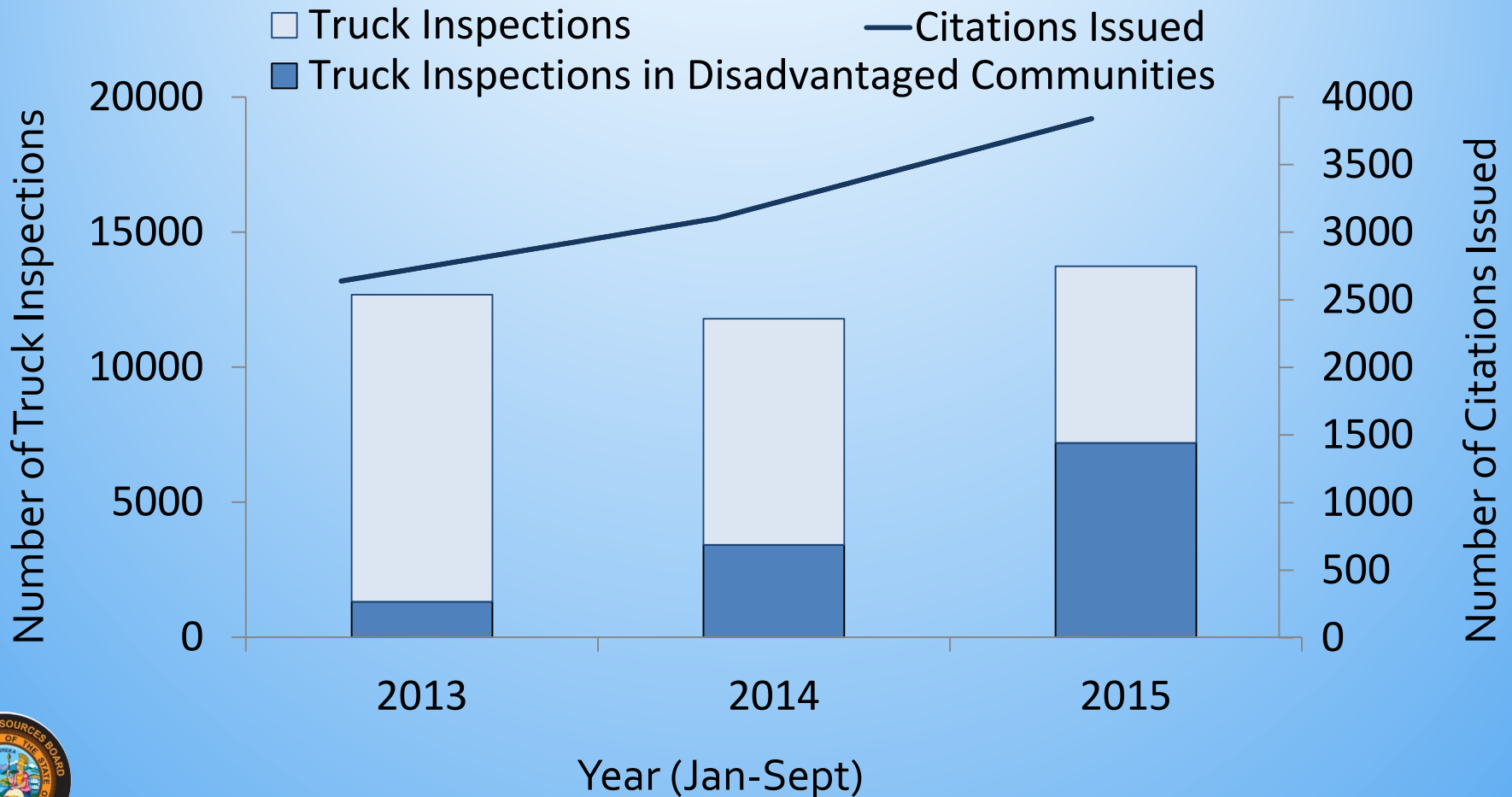


Focus on Freight Hubs: Field Enforcement

- Ports
- Rail Yards
- Distribution Centers
- Major freight corridors
- Random Roadside Locations
- Disadvantaged Communities



Enforcement Statistics: Truck Inspections



Enforcement Inspections at Ports and Railyards

- 3,799 inspections*, all in disadvantaged communities
- 98% compliance rate overall at ports
- Higher noncompliance with
 - Drayage trucks at railyards
 - Ships using low sulfur fuel oil to meet fuel requirements
- Additional focus on
 - Shorepower requirements
 - Cargo handling equipment – opacity standards

* (January – September 2015)



Enforcement Statistics: Diesel Truck Fleet Investigations

Highlights in 2015

Total Open Cases	Total Closed Cases (Jan-Sept)	Total Penalties Collected (Jan-Sept)	Total Vehicles Brought into Compliance (Jan-Sept)
372	253	\$2,888,995	2,784

- Average time to close a case is 12 months



Improving Enforcement Efficiency: Truck and Bus

Goal – increase throughput to bring more fleets into compliance

- Streamlined citations processing
- New “smart audit” approach
- Focus on brokers who hire/dispatch trucks
- Streamlined processing for medium and small fleets



Streamlined Citations Processing

- Old approach
 - Focused on bringing a cited truck owner's fleet into compliance with Truck and Bus Rule
 - Led to extended processing time
- New approach
 - Cited truck must be brought into compliance
 - Citations integrated into "smart audit" approach
 - Results in quicker processing time



Smart Audit Approach

- Citations and Complaints
- High Emitters
- ARB Compliance Databases
- Safety Inspection Databases
- Motor Carrier Permits
- DMV Registrations



Fleet Prioritization

- Number of vehicles
- Degree of noncompliance
- Number of citations
- Location



Investigations



Smart Audit Benefits

- Quantifies Truck and Bus Rule compliance
- Reduces fleet investigation time
 - Can query a fleet to identify all registered vehicles
- Focuses investigative resources on fleets most likely to be noncompliant



Broker Focus

- Motor carriers and brokers must only hire compliant vehicles, and maintain records
- Noncompliant brokers and carriers identified through field inspections
- Benefits
 - One investigation impacts many fleets
 - Enforcement sends message through industry
- Investigations underway



Streamlined Audits for Small and Medium Fleets

- New streamlined approaches for qualifying fleets
 - Reduce processing time
 - Balance time to comply and penalties with economic hardship
 - Small business training required
 - Provide a final opportunity for compliance
 - Registration holds placed if requirements not met



Leverage Technology

- Leverage ARB funded studies
- Goal to identify trucks and ships with high emissions
- High emitting trucks are cited under tampering authority, and investigated
- High emitting ships can be cited for violation of fuel requirements
- Developing advanced detection systems to identify high emitting trucks during inspections



Looking Forward to 2016

- Assessing compliance rates for each enforced program
- Increasing emphasis on less compliant programs
- Developing innovative solutions
 - Partnerships
 - Media strategies
 - Regulatory support and design
 - Leveraging Technology
- Supplemental Environmental Projects



Conclusions

- Regulations are predicated on effective enforcement
- Diesel programs pose enforcement challenges
- Enforcement approaches are evolving

