

State of California
AIR RESOURCES BOARD

Resolution 99-37

November 18, 1999

Agenda Item No: 99-9-3

WHEREAS, AB 2937 (Brulte; Stats. 1996, Chapter 775; Health and Safety Code sections 39150-39153) directs the Air Resources Board (ARB) and the local and regional air pollution control and air quality management districts (hereinafter "districts" or "air districts") to adopt a regulation classifying those violations within their respective areas of enforcement jurisdiction which shall be considered "minor violations" and to implement a minor violations program;

WHEREAS, sections 39150(d) and (e) of the Health and Safety Code specify factors to consider in classifying violation as "minor" so that human health, safety, welfare, and the environment will not be jeopardized;

WHEREAS, sections 39151 and 39152 of the Health and Safety Code require the issuance of a Notice to Comply, or fix-it ticket, to the owner or operator of a facility when a minor violation is detected during the course of an inspection, as opposed to a Notice of Violation, which can result in the imposition of monetary penalties;

WHEREAS the ARB was directed by AB 2937 to prepare a report to the Legislature describing the efforts of the ARB and the air districts in implementing the minor violations program and the extent to which the programs are meeting the objectives of the legislation;

WHEREAS, the Board adopted a regulation defining minor violations and providing guidelines for issuing Notices to Comply in areas for which it has direct enforcement authority—motor vehicle fuels, consumer products, and cargo tank inspections—in April 1998, codified at 17 California Code of Regulations sections 60090 through 60094, and Board staff has been implementing that regulation;

WHEREAS, the ARB surveyed California air districts to determine compliance with AB 2937 and the degree to which its objectives have been achieved;

WHEREAS, based on the survey results, Board staff has prepared a report on the implementation of the legislation and the status of the ARB and district minor violations programs and has circulated the report for public comment;

WHEREAS, the Board finds that 26 of the 35 air districts have adopted and are implementing a regulation pertaining to minor violations that ensure that only violations that do not endanger human health, safety, welfare, or the environment are treated as "minor" and excused from monetary penalties;

WHEREAS, the Board also finds that most of the remaining nine districts are making progress towards a minor violations regulation;

WHEREAS, the Board further finds that the intent of the Legislature to provide a more efficient enforcement mechanism, faster compliance times, and to foster a productive and cooperative relationship between the ARB, the districts, and the regulated community while maintaining a high degree of protection of health and the environment is being advanced by development and implementation of the minor violations programs; and

WHEREAS, the Board also finds that safeguards in the ARB and district programs ensure that important enforcement objectives and compliance with federal requirements continue to be met.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the report to the Legislature entitled "Implementation of California's Minor Violation Program", dated November 18, 1999, and directs the Executive Officer to submit the report to the Legislature by January 1, 2000.

I hereby certify that the above is a true and correct copy of Resolution 99-37, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board