

AIR RESOURCES BOARD

I. EXECUTIVE SUMMARY

ARB regulates a growing universe of sources in its fight for clean air in California. Cleaner fuels, gasoline dispensing vapor recovery systems, consumer products, on- and off-road vehicles and engines, and a host of air toxics are just a few areas of concern. While the sources of air pollution and the regulations to control these sources are numerous and diverse, common to each regulation is the basic principle that we cannot reach California's air quality goals unless everyone complies with the rules.

Ideally, businesses that are faced with new or tighter regulations comply voluntarily; and ARB offers education, outreach, incentive, and compliance assistance programs to help them. However, there are always a small percentage of businesses that do not comply with the law. This not only postpones achieving cleaner air but also punishes the complying companies by providing an unfair economic advantage to the violators. ARB enforcement staff inspects and investigates places and situations where non-compliance is most likely, as well as those areas where the violating emissions have the largest adverse impact on public health.

With each new regulation, the universe of inspection sites expands. In recent years, the Board's Enforcement Division has accommodated an increasing number of critical responsibilities in all areas of the state. The Enforcement Division inspects heavy-duty diesel vehicles for engine certification compliance, smoke emissions, and tampering. All diesel-powered trucks and buses operating in California, including those that cross the Mexican border, are subject to these inspections. In addition, Enforcement Division enforces the rules against specific fleets of diesel trucks such as Solid Waste Collection Vehicles, Transit Fleet and Public Agencies and Utility Vehicles. The Enforcement Division seeks out and intercepts imports of illegal vehicles, engines, and consumer products at the state's large marine ports such as those in Los Angeles, Long Beach, and Oakland. It also enforces regulations designed to keep diesel-powered commercial vehicles from idling more than 5 minutes and school buses and delivery vehicles from idling at all, near children's developing lungs. The Enforcement Division ensures that the lowest-polluting fuel is available for cars and trucks, and that the highest level of particle controls are installed on construction, public and utility, and trash hauling vehicles, and on urban/transit buses.

Recently added to these responsibilities is the challenge to reduce greenhouse gas emissions from both mobile and stationary sources under the requirements of California's landmark climate change legislation (AB 1493 of 2004 and AB 32, California's Global Warming Solutions Act, of 2006). Enforcement is a big job, but if California is to keep moving toward its goal of clean, healthful air, it is an absolute necessity.

A) Major Program Highlights

In 2008, the ARB's Enforcement Division resolved a total of 2,597 cases/citations and collected \$12 million in total penalties. This includes 2,473 mobile source cases/citations closed for over \$3.9 million, two stationary source cases closed for over \$6 million, 46 fuels/cargo tanks cases closed for nearly \$150,000, and 45 consumer products/portable fuel containers cases closed for over \$1.75 million. The following statistics provide more details on the achievements of the enforcement program:

- 74 cases of non-California certified vehicles sold in California closed for \$278,500
- Eight illegal motorcycle and off-highway recreational vehicle cases closed for over \$575,000
- Two illegal aftermarket performance parts cases closed for over \$44,000
- One On-Board Diagnostics case closed for \$250,000
- Enforcement of regulations regarding illegal imported products from Asia
- 145 diesel fleet and exhaust retrofit cases closed for over \$2.2 million
- Over 17,800 heavy-duty vehicles inspected for smoke emissions and tampering, with over 650 violations closed for over \$249,000
- Over 800 inspections of solid waste collection vehicles, with over 150 violations and over \$33,000 collected
- Over 100 inspections of public agency and utility company fleet vehicles, with over 15 violations cleared for over \$5,000 collected
- Over 17,000 heavy-duty vehicles inspected for engine certification labeling requirements, with over 1,100 violations and over \$216,000 collected
- Over 7,700 inspections for commercial vehicle and school bus idling conducted, resulting in over 300 violations settled for over \$84,600
- Over 4,000 inspections/compliance checks for Carl Moyer Program and Proposition 1B Goods Movement funding, with 27 violations
- Over 10,300 inspections in Environmental Justice areas conducted and over 1,300 violations documented
- Nine fuels cases for various violations closed for \$133,000
- Over 745 cargo tanks inspected for proper certification and leak decay with 36 cases closed for \$16,750
- Over 2,300 consumer product samples gathered during inspections, with 35 cases closed for over \$1.4 million
- Over 125 samples of portable fuel containers and spouts collected during inspections, with 10 cases closed for over \$350,000
- Over 864 million gallons of gasoline represented in sampling
- Over 334 million gallons of diesel fuel represented in sampling
- Over 16,260 inspections of on-road vehicles for off-road use only non-taxed red-dyed diesel fuel
- Over 2,020 inspections of locomotives conducted, 28 violations issued, and 32 violations closed for \$12,800
- Over 240 delinquent violations (multiple programs) closed for over \$162,800 collected
- Over 223 classes or multi-day training programs offered, representing over 11,300 student days of training
- Over 18,800 publications distributed, plus 131,600 web hits on handbooks alone
- Funded 99 Supplemental Environmental Projects (SEPs) totaling over \$2.6 million (SEPs are penalties in lieu of fines such as adding control equipment or providing training.)

B) What the Reported Data Tells Us

The reported data provides a measure of activity across all applicable enforcement programs at ARB. Due to the wide range of the regulations ARB enforces, each program generates a somewhat unique dataset and has its own measure of activity and performance.

C) How the Program Will Use This Information

This data helps division leadership measure enforcement activity levels, and look for ways to make effective use of limited resources. This information is especially helpful in the strategic planning and analysis arena, especially when new regulations are being proposed or implemented. It will also help ARB's enforcement management team to redirect staff to programs with low compliance rates and identify where additional resources and staff may be needed.

II. THE ARB'S ENFORCEMENT PROGRAM

A) Overview

The ARB coordinates California's efforts to reach and maintain the health-based air quality standards and to protect the public from exposure to toxic air contaminants. The agency has two broad mandates to accomplish this. One is overseeing the efforts of local air pollution control and air quality management districts to control air pollution caused by stationary source emissions. The other is directly regulating mobile sources – cars, motorcycles, trucks and buses, off-road vehicles and equipment, and the fuels that power them – and smaller but more numerous sources of air pollution, including consumer products, other types of mobile sources like lawn and garden equipment and utility engines, and, especially, any sources of toxic air pollutants. ARB sets and enforces engine requirements, fuel standards, and consumer products standards to limit emissions from these sources.

To carry out these responsibilities, ARB has undertaken a multifaceted program of planning, regulation development, and enforcement. This complex process weaves together air quality research, modeling and assessment, the development and adoption of regulations through a public process, 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 a level playing field for all participants. This report focuses on ARB's enforcement efforts -- direct enforcement, oversight of district enforcement programs, and facilitating 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 these violations can result in varying degrees of pollution, what remains constant in each is the unfair economic disadvantage suffered by those members of the industries that do comply. To address these varying degrees of violation and their effects on the state's health and economic welfare, the Enforcement Division of ARB has adopted as its mission statement:

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

Organizational Structure

The Enforcement Division is comprised of three branches and one section, each reporting to the division chief:

The **Mobile Source Enforcement Branch** (MSEB) enforces programs to reduce gaseous, particulate, and visible exhaust emissions from heavy-duty diesel and gasoline-powered commercial trucks and buses, passenger vehicles and other light-duty on-road vehicles, off-highway vehicles, non-road engines like lawn and garden equipment, and aftermarket parts for on- and off-road vehicles. MSEB staff investigates alleged violations of these programs and develops administrative, civil, and criminal cases against violators

The **Stationary Source Enforcement Branch** (SSEB) investigates and develops cases related to motor vehicle fuels and consumer products, provides oversight and assistance to local and regional air district enforcement of stationary source requirements, and provides investigative and surveillance services to assist in the development of air quality, toxic exposure, and multi-media cases.

The **Training and Compliance Assistance Branch** (TCAB) provides training and materials to ARB staff, air districts, and industry for improving enforcement and promoting compliance.

The **Greenhouse Gas Enforcement Section (GHGES)** addresses the enforceability of regulations, especially those pursuant to Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. Staff provides input on enforcement-related issues to ARB staff developing climate change regulations. Work in several enforcement-related Western Climate Initiative committees, and Cal/EPA's Intergovernmental Market Enforcement Group is ongoing.

Finally, integral to the success of the enforcement program is the Enforcement Division's close working relationship with ARB's Office of Legal Affairs (OLA). Many of the cases are settled through an informal process in which division staff works directly with the violators. For cases that cannot be handled through this informal process, OLA attorneys work with the enforcement staff to negotiate settlements or prepare cases for referral for civil litigation or criminal prosecution to the California Office of the Attorney General, local district attorneys, or the United States Attorney's Office.

B) Enforcement Program Components

1) Mobile Source Enforcement Branch

California has long been a world leader in combating air pollution emitted from motor vehicles and other mobile sources. Because of the state's severe air quality problem, 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 heavy-duty diesel trucks, passenger cars, and motorcycles to jet skis, lawn mowers, and chain saws. Because of the complexity and diversity of its regulated universe, the Mobile Source Enforcement Branch is split into two broad enforcement program efforts: the general **Mobile Source Enforcement Program** and the **Heavy Duty Diesel Enforcement Program**.

Mobile Source Enforcement Program

The Mobile Source Enforcement Program is structured to ensure that on- and off-road vehicles and other applicable sources, such as small off-road engines and aftermarket parts, meet California's emission standards.

On-Road Program

49-State Vehicle Enforcement

This program includes passenger vehicles, trucks, and motorcycles. The cornerstone of this program is the requirement that each new on-road vehicle sold in California must meet ARB emissions standards. Manufacturers and dealers offering vehicles for sale that do not meet these standards are subject to penalties up to \$5,000 per violation and the vehicles are removed from the state. These violating vehicles are captured through random audits of dealers and manufacturers, manufacturer audit reports and self reporting, informants and Smog Check Program inspections of vehicles being registered from other states in California for the first time. Staff has also been working closely with custom motorcycle and limousine dealers and manufacturers to curb non-compliance in these industry sectors.

Limousine Enforcement

ARB has regulated on-road motor vehicles since 1966. An original equipment manufacturer (OEM) certifies a vehicle with ARB, based on specific gross vehicle weight, emissions equipment, horsepower, engine size and other criteria. When a limousine manufacturer, either of a brand new base-model chassis or a used vehicle chassis, changes the configuration of the originally certified vehicle, the vehicle is no longer certified for use in California. Violations of California law occur when the manufacturer/builder modifies the vehicle beyond the certified configuration, and then sells the vehicle to a California dealer or customer. To continue to operate in the state, the modifier or builder must certify the modified vehicles with ARB.

In 2008, enforcement resources were focused on limousine enforcement. Twelve enforcement cases were opened, with two closed in 2008. Two of the state's largest limousine manufacturers have begun the certification process.

MSES staff has done outreach through presentations at industry association meetings and through ongoing communication with the manufacturers and their Coach Builders' Association. In 2008, staff worked with the nation's largest industry publication and had an article published, explaining ARB requirements and the certification process to the limousine industry. These efforts were very successful, resulting in the manufacturers ceasing California sales of uncertified limousines and certifying the models that were not previously certified.

Motorcycle Enforcement

During 2008, staff continued enforcement of ARB's motorcycle regulations. Due to the focus on custom motorcycle builders' enforcement in 2006, this category was found to be generally in compliance in 2008, with the exception of one custom manufacturer that was supplying uncertified motorcycles to dealers in California. The 2008 focus turned toward the Asian import motorcycles coming into California without having been certified by ARB. The Motorcycle Industry Working Group, formed in 2006 to foster better government and industry relations and higher levels of compliance, continues on an as-needed basis.

Aftermarket Parts Outreach and Enforcement

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

ARB regulations prohibit the sale, advertising for sale, or installation of certified used catalytic converters beginning July 10, 2008. In 2008, staff focused enforcement efforts on manufacturers that were supplying uncertified catalytic converters to California dealers and suppliers. As a result, enforcement actions have been initiated against shops that install illegal catalysts and manufacturers that are supplying these converters, with approximately seven new cases opened in 2008.

The cost differential between a legal OEM catalyst and an illegal aftermarket catalyst can often be hundreds of dollars. This creates a huge inequity for repair facilities that follow the law and use only legal replacement parts. Our enforcement efforts are targeted at leveling the market for all repair facilities.

Street Racing Enforcement Assistance

During 2008, ARB staff conducted training seminars for California Highway Patrol (CHP) and local law enforcement agencies throughout California to assist in their efforts to eradicate street racing. Often the vehicles involved in these unlawful activities are equipped with illegal engine modifications and after-market parts, which significantly impact air quality. The training by ARB mobile source enforcement staff assists peace officers in writing solid tampering citations that will support resulting court cases.

As these types of modifications can cost thousands of dollars, citing the vehicle owners for tampering has proven to be a powerful deterrent, because the owner must show that the offending equipment has been removed, as well as pay the related penalties. In 2008, law enforcement personnel conducted hundreds of street racing strike force operations, resulting in the issuance of hundreds of citations. These enforcement actions have had a significant impact on reducing excessive emissions from these modified vehicles.

Off-Road Program

This program ensures that non-road vehicles and engines such as off-road motorcycles, all-terrain vehicles (ATVs)/off highway recreational vehicles (OHRVs), lawn and garden equipment, motorized scooters, generators, fork lifts, and construction equipment meet ARB certification requirements. Staff also supports the industry by assisting new manufacturers with the certification process.

Small Off-Road Engines (SOREs) & Off-Highway Recreational Vehicles (OHRVs)

SOREs and OHRVs continued to receive enforcement attention during 2008. Mobile source enforcement staff continued to expand their enforcement program to include illegal lawn mowers, trimmers, generators, scooters, and other SORE products, and a number of cases were opened and settled. In addition, staff supported the industry by assisting new manufacturers with the certification process. The cases in this category have decreased overall as a direct reflection of the aggressive enforcement in this area in the past. These engines and vehicles are increasingly being legally certified.

Staff also continued enforcement efforts to ensure that all off-road motorcycle manufacturers and dealers introduce and sell only products that meet California certification requirements. Staff continues to work cooperatively with industry to provide education that assists in industry's awareness and compliance with ARB laws and regulations.

The potential impact of SORE and OHRV regulations is significant, potentially reducing smog-forming emissions by approximately 200 tons per day; therefore, aggressive enforcement of these regulations is critical to improving air quality. Enforcement staff continues to work with DMV and the California Department of Parks and Recreation to ensure proper registration and enforcement in the riding areas throughout California. This cooperative effort ensures that ARB will receive the anticipated reductions from this category.

Sandcar¹ Enforcement

In January 2007, the OHRV regulation pertaining to sandcars was amended by ARB. One of the amendments affected the way sandcars are required to be certified by ARB. Prior to January 2007, sandcars were regulated by Large Spark Ignition (LSI) regulations. In 2007, they were reclassified and included in the OHRV regulations.

In early 2008, MSES staff discovered that there are no Executive Orders (EOs) covering sandcars, nor had any sandcar manufacturers submitted an application for certification with ARB. There were, however, many sales of uncertified sandcars in California. These findings spurred an enforcement effort to ensure that the sandcar industry came into compliance with the current regulations.

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

Overall, the sandcar enforcement effort has been successful in bringing this industry into compliance with the new OHRV regulations and requirements. Over 37 cases are pending settlement. The program is ongoing and will continue through 2009, with the goal of certification and compliance throughout this industry.

Asian Import Market

During 2008, staff continued its efforts to reduce the incidence of illegal Asian import products (e.g. on- and off-road motorcycles and ATVs, personal watercraft, and lawn and garden equipment, etc.) coming into California through the major shipping ports. Staff is working with US EPA, US Immigration & Customs Enforcement, US Coast Guard, and Chinese governmental agencies to ensure that Asian import products coming into California fully comply with environmental regulations.

In 2008, ARB mobile source enforcement staff investigated a number of Asian import market cases and is pursuing administrative, civil, and criminal action against violators. The number of Asian imported off-road vehicles that have been legally certified emission compliant with the ARB has

¹ A sandcar is an off-road vehicle that is made and registered for off-road use and has to be certified by the ARB prior to importation, sale or use in CA. They can cost upwards of \$80K and use automobile engines. They are used like a dune buggy but look different and can go a lot faster.

increased dramatically from years passed. In 2005, for instance, there were only 19 Asian imported off-road vehicles certified emissions compliant. The certified vehicles grew to over 50 in 2006 and well over 100 in 2007 and 2008. This is a direct reflection of the success of the mobile source enforcement program in this area, and the ongoing outreach with Asian government environmental groups and academic representatives, mostly from China.

Late in 2008, Enforcement Division staff met with various representatives from different governmental and industry organizations in China to explain ARB's regulatory and enforcement programs and give tours of the ARB Haagen-Smit Laboratory to observe vehicle and engine emissions testing. This outreach and training is part of an ongoing program available to visiting Asian delegations, including members of universities, media, government and environmental groups, who are interested in California's air quality programs and how they can be adapted to Asia's needs. This outreach effort has resulted in a decrease in illegal imported Asian OHRVs and a doubling of the number of legally certified Asian products coming into California and the United States.

Marine Engine and Watercraft Enforcement

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

ARB staff vigorously enforced the SIME regulations in 2008 by inspecting marine vessels and engines at dealerships and boat shows. Staff continues to dialog with the National Marine Manufacturers Association, the Northern California Marine Association, and the Southern California Marine Association on various enforcement-related topics.

Heavy Duty Diesel Enforcement Program

The Heavy-Duty Diesel Enforcement Program inspects heavy-duty trucks and buses for excessive smoke emissions and tampering of emission control systems. Currently more than 440,000 heavy duty diesel vehicles are registered in California. Each of these heavy-duty vehicles, as well as an estimated one million heavy-duty vehicles registered in other states or foreign countries (i.e., Mexico or Canada), are subject to inspection and testing. Vehicles in fleets, such as transit buses, solid waste collection vehicles, delivery service vehicles and others are also required to comply with the ARB fleet rules. The fleet rules were adopted by the Board under the ARB Diesel Risk Reduction Plan (DRRP) and Goods Movement programs, which aim to reduce vehicle emissions through the installation of exhaust emission control devices such as diesel particulate filters, new engines, and vehicle replacement. Key program elements include:

Heavy Duty Vehicle Inspection Program

The roadside Heavy Duty Vehicle Inspection Program (HDVIP) is designed to reduce excessive visible smoke emitted from the exhaust of heavy duty diesel powered trucks and buses on California roads. Vehicles are tested at random roadside locations statewide, including Environmental Justice areas such as the maritime ports in Los Angeles, Long Beach and Oakland and the Mexican border crossings. Vehicles found with engine tampering or smoke emissions exceeding applicable standards are cited with penalties ranging from \$300 - \$1800 per violation and must be repaired within 45 days. The California Highway Patrol may impound the non-compliant vehicle and the Department of Motor Vehicles can block the registration.

Inspections for red-dyed diesel fuel (non-taxed diesel fuel designated for off-road use only) are also conducted in conjunction with the HDVIP. In 2008, staff conducted more than 16,250 red-dyed diesel fuel inspections and found 23 violations. These inspections are conducted as part of the HDVIP program. (See Stationary Source Enforcement Branch, Fuels Enforcement section for more details.)

Periodic Smoke Inspection Program

The Periodic Smoke Inspection Program (PSIP) requires fleets of two or more heavy duty diesel vehicles to test their trucks and buses annually for exhaust smoke opacity levels. The PSIP is a companion to the HDVIP, ARB's roadside enforcement program. Under the PSIP, penalties are assessed at \$500 per violation. Additionally, fleet owners are required to maintain their records for two years. ARB staff routinely selects fleets for audits and review their logs of smoke opacity test results to ensure that the program requirements are being fulfilled. PSIP is often enforced in conjunction with other diesel programs such as Solid Waste Collection Vehicle, Public Agency Utility, and Transit Vehicles/Urban Bus.

Solid Waste Collection Vehicle Program

The Solid Waste Collection Vehicle (SWCV) Program enforces an Air Toxic Control Measure (ATCM) adopted by the ARB under the DRRP. It applies to all diesel-fueled trucks in excess of 14,000 GVWR that collect solid waste for a fee – approximately 13,000 vehicles in California. It requires that solid waste collection vehicles be retrofitted, repowered or replaced according to a specified phase-in schedule. This will dramatically reduce the emissions of particulate matter from SWCVs over the phase-in period. Enforcement of this program is conducted in conjunction with HDVIP and PSIP as well as through roadside inspections at solid waste facilities. In 2008, 16 SWCV fleet cases were settled for over \$265,000.

Public Agency Utility (PAU) Enforcement

The Fleet Rule for Public Agencies and Utilities is ARB's effort to reduce both criteria pollutant emissions and exposure to toxic air contaminants from on-road heavy-duty diesel-fueled vehicles owned or operated by a municipality or utility. The regulation affects all diesel-fueled medium-heavy or heavy-heavy duty engine vehicles greater than 14,000 pounds gross vehicle weight. All engines operated by a municipality or utility are required to use the best available control technology (BACT). This can be achieved through the use of verified diesel emission control strategies, i.e. by installing certified particulate filters, by replacing older engines with ones that meet the 2008 engine exhaust emission standards, or by using alternative fuels. In 2008, over 103 vehicle inspections were conducted, 27 violations were documented, and over \$5,000 in fees were collected.

Transit Fleet Vehicle/Urban Bus (TFV/UB) Enforcement

The Fleet Rule for Transit Agencies is designed to reduce criteria and toxic emissions from urban buses and smaller transit vehicles above 8,500 lbs. gross vehicle weight with heavy-duty rated diesel engines. This is accomplished by requiring best available control technology (BACT) to be installed on the diesel engines of transit vehicles, or by adding vehicles that run on cleaner fuels to a fleet while phasing out older diesel vehicles. Each option is accomplished with a phased-in approach by reducing the percentage of emissions within a fleet by certain compliance deadlines specified in the regulation. In 2008, the Enforcement Division closed a total of 7 transit fleet/urban bus cases.

Engine Certification Label Program (AB 1009)

The Engine Certification Label Program (ECLP) requires that all on-road diesel powered trucks and buses operating in California use engines that are labeled as having been engineered and built to

federal exhaust emission certification standards. The ECLP also requires Mexican and Canadian diesel trucks and buses to be certified to equivalent standards by their respective governments. This program was adopted by urgent legislation in 2004 as a result of the June 2004 U.S. Supreme Court decision regarding truck emissions from the implementation of the North American Free Trade Agreement. Violations under this program carry penalties ranging from \$300 to \$500. The CHP may impound the non-compliant vehicle and/or the DMV can block the registration.

Idling Programs

This program ensures that school buses, transit buses, or other commercial heavy-duty vehicles are prohibited from idling for more than five minutes in any given area. Enforcement is concentrated around commercial areas conducive to truck activity, schools, truck stops, environmental justice areas and residential neighborhoods. Exemptions are provided for idling that is necessary for safety or operational purposes. Penalties start at \$300 per violation. To enhance program enforcement, Enforcement Division Training Section staff is training local air pollution control districts to enforce the prohibitions of this program.

Smoking Vehicle Complaint Program

Smoking vehicles can have a very significant effect on our air quality. A number of air districts, along with ARB, have implemented programs for contacting the owners of smoking vehicles. Under these programs, citizens report excessively smoking vehicles and the owners are sent notices asking that they check (and repair as needed) their vehicles. ARB's program generated a 20% compliance response rate in 2008.

Transport Refrigeration Unit (TRU) Rule

The Transport Refrigeration Unit (TRU) rule went into effect in December 2004. This regulation uses a phased approach to reduce the PM emissions from in-use diesel-powered TRU and TRU generator equipment used to power the electrically-driven refrigerated shipping containers and trailers that are operated in California. A one-time facility reporting requirement, which was due January 31, 2006, applies to all facilities in California with 20 or more loading dock doors that serve refrigerated areas where perishable goods are loaded or unloaded. Several TRU facilities were audited in 2008 and found to be in violation of this reporting requirement. Three violations were settled for over \$139,000 [this is combined penalty as part of PSIP cases]. Full enforcement of the TRU registration requirement will begin August 2009.

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

The Carl Moyer Program provides incentive grants to reduce emissions from heavy-duty diesel engines. The incentive grants offset the cost of replacing older, high-polluting engines with newer engines certified to more stringent emission standards. Proposition 1B provides funding to cut air pollution and health risks by upgrading diesel equipment that is used to move freight in California. Before these funds are released, Enforcement Division staff performs compliance checks on the vehicle's registered owner and the vehicle's identification number (VIN) to determine if there are any outstanding violations within the various enforcement programs. If an outstanding violation is found, the vehicle owner is required to provide proof of compliance and pay all civil penalties before the funds are released.

Focused Environmental Inspections in Environmental Justice Communities/Ports

ARB participates in an ongoing program of multi-agency vehicle inspections in mixed commercial/residential locations known as Environmental Justice (EJ) areas. Due to location, these

EJ areas are disproportionately impacted by emissions of oxides of nitrogen and particulate matter from diesel-powered trucks and buses. They include but are not limited to: the residential housing areas located near the seaports of Los Angeles, Long Beach, Port Hueneme, Oakland, and Stockton; the California/Mexico border ports of entry at Otay Mesa, Calexico, and Tecate; the railroad yards; the truck stops; and the travel routes with greater-than-normal traffic flow that are used by heavy-duty diesel-powered vehicles.

ARB staff coordinates with enforcement personnel from CHP, U.S. EPA, the United States Coast Guard, the US Immigration and Customs, the California Department of Toxic Substances Control, local law enforcement and hazardous materials agencies, the California Board of Equalization, the Internal Revenue Service, and others to examine the vehicles passing through these areas. In 2008, over 10,300 vehicle inspections were conducted in Environmental Justice areas and over 1,300 violations were documented.

Program Metrics

Program Component Resources

The Mobile Source Enforcement Branch employs one branch chief, four section managers, four field supervisors, 48 full-time staff, 14 students, and three retired annuitants.

Program Outputs

General Mobile Source Enforcement Programs ¹		Cases Closed ²	Penalties ³	
On-Road Vehicles (includes 49-state vehicles and limousines)		74	\$278,500	
Motorcycles/OHRVs		8	\$575,400	
After-Market Parts		2	\$44,750	
On-Board Diagnostics (OBD)		1 ⁴	\$250,000	
Diesel Fleet Enforcement Programs ^{1,5}		Cases Closed ²	Penalties ³	
PSIP, SWCV, PAU, TFV/UB, TRU, VDECS		145	\$2,205,357	
Diesel Field Inspection Programs		Inspections	Citations/NOVs Closed	Penalties
Heavy Duty Vehicle Inspection		17,822	653	\$249,805
Solid Waste Collection Vehicles (SWCV)		862	160	\$33,600
Public Agency Utility Vehicles (PAU)		103	15	\$5,100
Engine Certification Label (AB1009)		17,512	1105	\$212,475 ⁶
Commercial Vehicle Idling		7,687	307	\$84,325
School Bus Idling		35	3	\$300
Carl Moyer Program & Prop 1B Goods Movement		4,152 ⁷	27 violations ⁸	N/A
Environmental Justice ⁹		10,301	1,357 violations ⁸	N/A
TOTAL – All Mobile Source Programs ¹⁰		58,474	2,473	\$3,939,612

1. Violations are uncovered through random audits of dealers and manufacturers, fleets, referrals, informants, tips, and complaints rather than through a structured inspection schedule.

2. Includes cases/citations pending from previous years.

3. Includes SEPs.

4. This case was investigated and handled by ARB's Mobile Source Control Division and OLA. On-Board Diagnostics (OBD) is a vehicle system that monitors virtually every component that can affect emission performance. Each component is checked by a diagnostic routine in the vehicle's on-board computer system to verify that it is functioning properly. If a problem or malfunction is detected, the OBD system alerts the driver through a warning light on the vehicle's instrument panel and stores information about the malfunction so that a repair technician can accurately find and fix the problem.

5. Cases may include fleet violations for Periodic Smoke Inspection Program (PSIP), Solid Waste Collection Vehicles (SWCV), Public and Utility Vehicles (PAU), Transit Fleet Vehicles/Urban Buses (TFV/UB), Transport Refrigeration Units (TRU), and Verified Diesel Emission Control Systems (VDECS). A fleet case is closed after a company is audited/reviewed and found not to be in violation or for those companies found in violation the case is closed when all actions against a company are completed (i.e. penalties paid, settlement agreement signed, court action finalized, etc.).

6. AB1009 penalties became effective on February 15, 2008.

7. Inspections for these programs involve audits of various databases.

8. Not included in Cases/Citations/NOVs TOTAL.

9. Data reflects inspection activities for multiple programs.

10. Includes all MSEB cases, citations and NOV's closed in 2008. Cases may involve multiple violations.

Program Outcomes

Compliance rates for MSEB programs where these rates can be calculated are listed in the table below:

Program	Compliance Rate
Heavy Duty Vehicle Inspection	98%
Solid Waste Collection Vehicles	83%
Public Agency Utility (PAU) Enforcement	74%
Engine Certification Label (AB1009)	92%
Commercial Vehicle Idling	93%
School Bus Idling	91%

Data Characteristics

This program maintains activities-based databases, which contain all relevant information about an inspection/citation. Data is organized into reports that help investigators identify multiple related parties, and gives management an easy way to manage workload.

As the Mobile Source program has grown over time, its database requirements have increased as well. In order to continue to provide management with the tools needed to navigate the program's complex dataset, a new database system is being developed. This new system will create new performance-tracking capabilities such as comparison with past years activity, real time compliance rate tracking, and case status.

2) Stationary Source Enforcement Branch

The Board's Stationary Source Enforcement Branch is responsible for: 1) enforcing regulations for motor vehicle fuels, cargo tank vapor recovery certification, and consumer products; 2) conducting special and joint investigations of cross-media environmental cases (i.e., cases involving multiple environmental areas such as air, water, toxic wastes, regular waste, or pesticides); and 3) conducting inspection, investigation, and compliance functions in conjunction with the 35 local and regional air districts and for overseeing air district enforcement programs

Stationary sources contribute substantially to emissions of criteria and toxic pollutants. Between one-quarter and one-half of the ozone-forming pollutants emitted are from stationary sources. The nature of stationary source pollution is that it may be identifiable as from a specific, or "point" source, such as a factory, or from a class of, or "area" sources, which individually emit small quantities of pollutants but which collectively emit significant emissions, such as consumer products.

Major areas of recent program growth include a number of new diesel risk reduction and goods movement regulations. These new programs areas have been shared more or less equally between the Mobile Source Enforcement Branch and the Stationary Source Enforcement Branch.

Stationary Source Enforcement Branch programs include:

Fuels Enforcement

The Fuels Enforcement Program regulates the composition of motor vehicle fuels and verifies compliance with motor vehicle fuels regulations, including California Reformulated Gasoline regulations and California diesel fuel regulations. Enforcement of this program includes: inspection of motor vehicle fuels facilities which produce, import and retail California gasoline and diesel fuel; reviewing company records of predictive models, certified fuel formulations, and fuels distributors; development and resolution of motor vehicle fuels cases; and outreach and assistance to the public and the regulated community in the form of training seminars, individual company meetings, and instructive web pages.

Red-Dyed Diesel Fuel Enforcement

Diesel fuel that is to be used solely for off-road equipment is dyed red to indicate that it is exempt from motor vehicle fuel taxes that apply to on-road vehicle fuels. Using red-dyed diesel fuel to power vehicles on roads and highways is illegal. The Internal Revenue Service estimates that about one billion dollars is lost from the national tax revenue each year due to the illegal use of non-taxed diesel fuel by on-road vehicles. The Board of Equalization (BOE) contracts with ARB to conduct field inspections to detect and deter the illegal use of non-taxed diesel fuel and to conduct laboratory tests on samples obtained by ARB inspectors to confirm the presence of dye in the fuel. These field inspections are incorporated with other regularly scheduled HDVIP roadside inspections. ARB also conducts special investigations on companies suspected of illegally using red-dyed diesel fuel. The inspection information and test results are forwarded to BOE for prosecution.

Cargo Tank Vapor Recovery Enforcement

The Cargo Tank Vapor Recovery Program is responsible for enforcing regulations to reduce Volatile Organic Compound (VOC) emissions from gasoline cargo tanks. Vapor recovery systems on cargo tanks are designed to capture the emissions produced during the transportation and delivery of gasoline. Cargo Tank enforcement staff conduct statewide random inspections of cargo tanks at terminals and loading racks. This program is also responsible for administering the annual certification compliance test program that includes: reviewing applications for compliance with the annual leak rate requirements; certifying over 5,000 cargo tanks per year; maintaining a database of ARB certified testers; and conducting inspections of ARB-certified testers to ensure that leak tests are being properly completed.

Consumer Products Enforcement

The Consumer Products program ensures that consumer products and aerosol coatings comply with the state standards in the California Consumer Products Regulations. These regulations restrict VOC emissions from over 115 consumer product categories and 36 categories of aerosol coatings. These products include aerosol cooking sprays, shaving cream, automotive waxes, hairspray, deodorants, lawn and garden insecticides, aerosol coatings (spray paints) and glass cleaners, to name a few. The regulated universe includes over 100,000 retail outlets, thousands of different products, and hundreds of consumer products manufacturers.

Portable Fuel Containers Enforcement

The Consumer Products section also ensures that portable fuel containers sold in California comply with the performance standards and certification requirements established in the statewide regulations. These regulations limit emissions from the evaporation, permeation, and spillage of fuels. These products are typically small, reusable cans with spouts that are used to store, transport,

and dispense gasoline and diesel fuel in to lawn maintenance equipment and vehicles. Program staff collects samples of spill-proof containers and spouts for testing, investigates the sale of non-complying products, and settles cases where violations are found. On January 1, 2009 the U.S. Environmental Protection Agency implemented national regulations that replicated ARB's portable fuel containers regulations. Staff anticipates that the number of violations related to non-compliant portable fuel containers will be reduced significantly in the coming years given the standardization of the state and federal regulations.

Stationary Source, Rail Yard, and Marine Investigations, Inspections, and Surveillance

This program: 1) conducts special and joint investigations of cross-media environmental cases (i.e., cases involving multiple environmental areas such as air, water, toxic wastes, regular waste, or pesticides); 2) works under a Memorandum of Understanding with Cal/EPA to provide the investigative services necessary to fulfill Cal/EPA's statutory enforcement responsibilities; and 3) provides enforcement assistance (inspections, investigations, and case preparation) to local air districts and other local and regional environmental agencies. The following program areas are included:

- Environmental Task Force Program: Staff participates in various task force meetings throughout the state. Investigative information is shared with prosecutors, law enforcement, and regulatory partners at federal, state, and local levels. Investigations are coordinated and staff work cooperatively with various sister agencies to maximize the effectiveness of limited resources.
- Surveillance Program: Staff offers surveillance services in support of various environmental investigations. A portion of this program is supported through a cooperative agreement with CIWMB. Capabilities include remote automated monitoring with video and still cameras, time lapse, motion sensing, and infrared technologies.
- ARB/Railroad Statewide Agreement: This program is also known as the "Railroad MOU." Each year, ARB staff inspects over 2000 locomotives at railyard facilities to verify compliance with standards governing locomotive idling, visible emissions, and diesel fuel standards.
- Portable Equipment Registration Program (PERP): Staff assists local districts with inspection of portable equipment units, help identify unpermitted units, and verify compliance with the Portable Engine ATCM.
- Ocean Going Vessel Program: A number of new regulations have been adopted, or will be implemented soon. These include regulations governing fuel for main and auxiliary engines, shipboard incinerators, shore power, and vessel speed reduction. Staff boards vessels to conduct physical inspections, collect fuel samples, and audit required records.
- Harbor and Marina Program: New regulations have been adopted, or will be implemented soon. These include regulations governing marine diesel fuel standards and harbor craft engine requirements. Staff collects diesel fuel samples at fuel docks, board vessels to conduct physical inspections, collect fuel samples from vessels, and audit required records.
- Asbestos NESHAP Program: Staff reviews and investigates demolition/renovation notifications in the 19 non-delegated air districts.

District Oversight and Assistance

Stationary Source Enforcement Branch staff also oversees a collection of mandatory programs and activities that provide oversight of the local and regional air districts:

- Variance Program: Staff reviews all district hearing board orders for compliance with Health and Safety Code requirements. Staff reviewed 482 orders and addressed over 388 issues in 2008.
- Air Facility System: Staff collects, inputs, and conducts quality assurance on data received from 26 of the 35 air districts for federally required compliance, permitting, and violation status of major sources. Staff reviewed 98 compliance reports and 260 high priority violator reports and addressed 95 issues.
- Complaint Investigations and Hotline: Staff responds to statewide complaints and inquiries about air pollution initiated by citizens and other agencies. These complaints and inquiries are investigated and/or referred to the appropriate agencies. Staff received and responded to 1059 complaints and inquiries in 2008.
- Continuous Emissions Monitoring Program: Staff gathers and analyzes data from emission monitoring devices required by air districts at stationary sources. Staff received and entered 2,976 continuous emissions monitoring reports in 2008.
- Rule Review: Staff reviews air district rules for enforceability, compliance with state laws, clarity and accuracy. Staff reviewed 234 rules in 2008. Staff has also actively participated in the rule-making process at ARB.
- Burn Issues: Staff investigates and responds to the complaints and inquiries specific to agricultural and other open burning. Staff addressed 44 burn issues in 2008.

Program MetricsProgram Resources

The Stationary Source Enforcement Branch employs one branch chief, four section managers, 38 full-time staff, 10 students, and one retired annuitant.

Program Outputs**Programs Involving Case Development by ARB SSEB Staff**

Program	Activity	Settled/Closed Cases ¹	Penalties ²
Fuels Enforcement	2,140 (samples collected)	9	\$133,000
Cargo Tanks	749 (cargo tanks inspected)	36	\$16,750
Consumer Products	2,325 (samples collected)	35	\$1,450,650
Portable Fuel Containers	126 (samples collected)	10	\$352,000
Stationary Source	42 (inspections)	2	\$6,075,000
Railroad MOU	2,035 (inspections)	32	\$12,800

1. Cases may involve multiple violations.

2. May include early compliance costs.

Programs Requiring Field Inspections by ARB SSEB Staff

Program	Inspections
Red-Dyed Diesel ¹	16,260
Portable Equipment (PERP)	103
Ship Incinerator, Auxiliary Engine	51
Marine Diesel Fuel	40
Asbestos Demolition/Renovation	54 ²

1. This program is administered under a contract with the State Board of Equalization.
2. Includes inspections and complaint investigations.

Program Outcomes

By enforcing clear and consistent standards through inspections and investigations, the Stationary Source Enforcement Branch is able to deter violators and thereby ensure a more level playing field for all regulated parties. The potential for undiscovered violations may affect the estimated compliance rates. The Consumer Products and Portable Fuel Container programs do not calculate compliance rates due to the targeted focus of the sampling programs (new categories, revised limits, or similar violations) and the limited analysis capacity relative to the number of regulated products. Compliance rates are also not calculated for many investigations and inspection programs due to the unique nature of each stationary source investigation and case.

Program	Compliance Rate
Cargo Tank Vapor Recovery	89.1%
Fuels Enforcement	99.1%
Railroad MOU	97.8%
Marine Diesel Fuel	100%

Data Characteristics

The Fuels Enforcement program maintains a database of over 3000 predictive models from producers and importers of California gasoline annually. The Fuels Certification Program maintains a list of ARB annually certified distributors of California gasoline that is accessible on the Enforcement Program web pages. The Cargo Tank Vapor Recovery program maintains a database of over 5000 ARB-certified testers annually.

The Consumer Products Enforcement program maintains a database, which contains pertinent information on every collected sample, including sample descriptions, purchase locations, manufacturer information, and laboratory test results. Data is organized into reports that help investigators quickly identify multiple related non-compliant samples, and gives management an easy way to manage the workload.

The Stationary Source Enforcement program maintains databases and generates reports in the following program areas: 1) Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP); 2) Complaint Hotline; 3) Variance Program; 4) Air Facility System (AFS); and 5) Continuous Emissions Monitoring (CEM) Program. Monthly and quarterly reports are generated in the AFS program. Ad hoc reports may be generated from most databases.

3) Training and Compliance Assistance Programs

Program Description

The Training and Compliance Assistance programs provide comprehensive education to further the professional development of environmental specialists. These programs focus on two key elements: training and compliance assistance. The nationally recognized and award-winning training courses encourage communication and networking between environmental personnel, with the goal of achieving emission reductions and solving compliance problems through professionalism and teamwork. The courses cover pollution history, the procedures required to properly evaluate emissions, the analysis of industrial processes, theory and application of emission controls, and waste stream reduction. They focus on maintaining compliance with applicable laws and regulations. Staff conducts and administers these courses throughout the state.

In August 2008, Compliance Training introduced state of the art technology with webcasting. Classes were simultaneously conducted via live classroom and the World Wide Web. This technology allows trainees to decrease travel time, expenses, and their “carbon footprint”, while reaching people throughout the United States and several foreign countries.

The Compliance Assistance Program develops and makes available, both on the internet and in print, a variety of practical, rule-specific publications that describe source processes and emission control equipment, clarify rule requirements, identify compliance issues, and promote self-regulation. Available publications include technical manuals on CD, self-inspection handbooks and job aids, and pamphlets. The technical manual CDs are primary references used in many of the training courses and provide in-depth, source-specific information for inspectors and facility environmental specialists. The handbooks and pamphlets explain source-specific regulatory and compliance programs in everyday terms. These brief, colorful, self-help resources serve as outreach and compliance assistance to the industry and are routinely used and distributed by local air districts to assist businesses in their jurisdiction.

Program Metrics

Program Resources

The Training and Compliance Assistance Branch administers these programs. The branch consists of one branch chief, two managers, 16 staff, three retired annuitants, and three students.

Program Outputs

In 2008, staff provided a total of 223 classes or multi-day training courses, representing 11,338 student days of training. Staff distributed 18,868 copies of publications. The distribution was as follows: 3,972 technical manuals (including interactive and archival CDs), 11,823 handbooks, and 3,073 pamphlets. In addition, there were nearly 131,700 hits on the Handbooks external webpage. The tables below give a breakdown of the courses taught and the top five publications distributed in 2008.

Courses and Attendance for 2008

Classes and Programs	# of Courses	Student-Days
Introductory Air Quality Courses (100 Series)	64	3,831
Source-Specific Air Quality Courses (200 Series)	55	1330
Specialized Air Quality Courses (300 Series)	24	545
Advanced Air Quality Courses (400 Series)	5	163
Totals	148	5869

Top Five Hardcopy Materials Distributed In 2008

Rank	CDs	Handbooks	Pamphlets
1	Fugitive Dust	Visible Emissions Evaluation	Asbestos-Containing Rock & Soil for Homeowners and Renters
2	Continuous Emissions Monitoring Systems	Naturally-Occurring Asbestos	Limits on Diesel-Fueled Commercial Motor Vehicle Idling
3	VOC Control Devices/Scrubbers	Asbestos Demolition & Renovation	Cleaners and Degreasers Used in Automotive Maintenance & Repair
4	Boilers	Fugitive Dust	Transport Refrigeration Units #1 Overview (English)
5	Aggregate Plants	Wood Burning	Stationary Internal Combustion Engines

Program Outcomes

All courses are very well received and in high demand. Each course is planned, updated, and scheduled annually to meet the specific needs of most local agencies in the state. In addition, many special training courses are requested by other agencies and industries annually, and are provided as resources allow.

Current efforts include the development of web-based training courses in order to provide better coverage to local agencies in remote areas that may not be able to travel to our scheduled training courses.

Data Characteristics

This program maintains a student database comprised of over 21,000 registered students, as well as a website where training classes and publications are posted. Students can register for classes online and can easily download any handbook or pamphlet. Technical manual CDs are distributed by request and most are available for download.

4) Greenhouse Gas Enforcement Program

Program Description

In 2008, the primary focus of the GHG Enforcement Section was providing input on how to write enforceable regulations, particularly those written pursuant to AB 32, the California Global Warming Solutions Act of 2006.

Program Metrics

Program Resources

This section includes one manager, one staff air pollution specialist and four air pollution specialists.

Program Outputs

GHG Enforcement staff worked on the following regulations:

- Mandatory GHG Emissions Reporting;
- Reduction of Hydrofluorocarbon (HFC) Emissions from Do-it-Yourself Motor Vehicle Air Conditioning Servicing;
- Landfill Methane Control;
- Sulfur Hexafluoride (SF6) Reduction in Non-Semiconductor Applications;
- Tire Inflation Program;
- Heavy-Duty Vehicle GHG Emission Reduction Measure;
- Drayage Truck Regulation;
- Reduction of Fluorinated Gases from Semi-Conductor Operations;
- Low Carbon Fuel Standard;
- Reduction of High Global Warming Potential (GWP) compounds in Consumer Products;
- High GWP GHGs Tracking and Leak Limits; and
- Cool Cars Measure

In 2008, the GHG Enforcement Section developed and provided in-house training on how to write clear, concise and enforceable regulations. This four-hour class focused on word choice and interpretation from an enforcement perspective. Seven sessions were provided to ARB staff in 2008. Staff worked with regulation writers from other ARB divisions to analyze proposed regulations, provided comments for improving regulatory language, offered enforcement strategies and options, and provided estimates on resources needed to enforce each new regulation.

In addition, staff also began working with several enforcement-related Western Climate Initiative (WCI) committees² and is involved in Cal/EPA's Intergovernmental Market Enforcement Group (IMEG). Members of the IMEG include Cal/EPA enforcement officials, the state Attorney General's office, the California Energy Commission, and the ARB's Office of Climate Change, among others.

² The WCI, founded in February 2007, is a collaboration of seven U.S. Governors and four Canadian Premiers working together to promote environmental sustainability and economic growth by the reduction of greenhouse gas emissions. Specifically, the WCI calls for the reduction of emissions by 15 percent below 2005 levels by the year 2020.

Direct regulatory enforcement activities will begin for the GHGES when AB 32 regulations are implemented, beginning with ARB's Mandatory Reporting Regulation in 2009.

C. ENFORCEMENT PROGRAM DATA CHARACTERISTICS

Covered under each Program Component.

D. ENFORCEMENT PROGRAM LIMITATIONS

Enforcement programs are necessarily limited by available resources including staff and budget constraints. In addition, the complexity and dissimilarity between programs and the rapid pace of regulatory development create a unique challenge for management.

One major limitation the ARB enforcement program has is a unified case tracking system. Given the growth of air regulatory programs in recent years; especially in the general mobile sources, diesel exhaust risk reduction and green house gas program sectors, staff has had to use their legacy case tracking systems that do not effectively manage this significant additional case load. Staff is in the process of implementing new unified case tracking systems that will effectively handle this additional case load and allow for cross checking of companies under regulation and their compliance histories. These new case tracking databases will be deployed over the next three years in modules.

However, the ARB enforcement program makes the most out of every hour of staff time through extensive cross training and exposure to the regulatory development process. Enforcement program management and staff are constantly "plugged in" and provide input to the creation and revision of ARB regulations. New training courses and cross-training between programs keeps staff up to date with the various program areas, and allow management to target resources to where they are most needed. Additionally, the ARB enforcement staff work closely with allied agencies at the local, state, and federal levels to maximize its enforcement resources. For example, the ARB has entered into agreements with local air districts to enforce various programs such as vehicle idling and has worked with the California Highway Patrol and other law enforcement agencies to train them on ARB programs so they can engage in enforcement to the extent their resources allow.

E. ENFORCEMENT PROGRAM PROGRESS ON KEY INITIATIVES

Case Tracking System Development

As casework has grown more complex, often involving multiple violations by overlapping entities across several program areas, Enforcement Division management approved the creation of a case tracking system. This system will help investigative staff integrate their investigations into a broader operational context, and help senior management and legal staff better understand and pursue habitual violators. Multiple case tracking components have been under development. During 2008, the Heavy-Duty Diesel Enforcement case tracking component was developed in a beta version and is currently undergoing testing to work out any problems. It is anticipated that this system will be ready for full deployment in 2009.

Regulatory Development, Assistance, and Review

GHG Section and other ARB Enforcement Division staff worked with regulation writers from other ARB divisions to analyze proposed regulations. We provided comments for improving regulatory language, offered enforcement strategies and options, and provided estimates on

resources needed to enforce each new regulation. The Section also developed an in-house training class on how to write clear, concise and enforceable regulations. See B) 4) Greenhouse Gas Enforcement Program for more details.

III. WHAT ARE WE GOING TO DO: FUTURE DIRECTIONS

Case Tracking System Development

Development and implementation of components of this system will continue through 2009 and into 2010. In 2009, the rollout of the following components is expected:

- Cargo Tank Reporting and Tracking (on-line)
- Citation Tracking
- Low Carbon Fuel Standard Reporting
- Mobile Source Enforcement Case Tracking
- Consumer Products Case Tracking

Regulatory Development, Assistance, and Review

In addition to the Regulatory Development, Assistance, and Review functions discussed and underway, the GHG Section will be tracking the following measures and sectors in 2009:

- Fee Regulation
- Cap and Trade
- Western Climate Initiative (WCI) Offsets Committee
- WCI Reporting Committee
- Electricity Sector

Diesel Risk Reduction/Goods Movement Program

In addition to enforcement of existing diesel program regulations (see above), a number of additional regulations associated with the Diesel Risk Reduction and Goods Movement Programs will become effective in 2009. Some of these new requirements increase the stringency of existing regulatory programs. The Enforcement Division is strategizing as to how to deploy existing staff resources to enforce these ever-increasing mandates. Programs with new compliance actions required in 2009 are as follows:

- Fleet Rule for Transit Agencies (Urban Bus)
- Spark-Ignition Marine Regulation
- Off-Road Large Spark-Ignited Engine Regulation
- In-Use Off-Road Diesel Vehicles
- Cleaner Fuel for Ship Main and Auxiliary Engines and Boilers
- TRU Operator Reports and Reporting
- Cargo Handling Equipment and Ports and Intermodal Facilities
- Harbor Craft
- Port Drayage Trucks
- Public Agencies and Utilities Fleet Rule
- Solid Waste Collection Vehicles Rule

Webcasting training will be significantly increased to reach a wider audience and reduce the overall carbon footprint associated with travel by students and training staff.

Other Planned Enforcement Activities

- **Composite Wood Products Program:**
The Composite Wood Products ATCM reduces public exposure to formaldehyde by setting strict standards for composite wood products and any finished goods containing them destined for use in California. The Enforcement Division will conduct physical inspections, collect wood samples, and audit required records to verify compliance with formaldehyde emission standards and labeling requirements.
- **Development of enforcement and auditing procedures for the new GHG Mandatory Reporting and Fee Regulation programs.**
- **After-Market Critical Emission Control Parts for On-Highway Motorcycles:**
Manufacturers, distributors, and dealers/retailers must obtain ARB approvals/exemptions to sale aftermarket on-highway motorcycle exhaust systems. These regulations were passed by the Board in 2009.
- **After-Market On-Board Diagnostics II (OBD II) catalyst enforcement:**
On January 1, 2009, new regulations became effective that require all aftermarket catalysts sold in California to meet more stringent performance and durability standards. All aftermarket catalysts now sold in California must have an Executive Order issued pursuant to these new regulations. The older style (OBD I) catalysts are no longer legal for sale or installation in California. Since the cost of the newer, more effective catalysts is higher, we anticipate a large increase in non-compliant catalyst sales.
- **2007 Amendments to the California Reformulated Gasoline Regulations:**
In August, 2008 the Board adopted new procedures for certifying alternative formulations of California reformulated gasoline. These new procedures will replace the older procedures on December 31, 2009. The Enforcement Division will conduct regular inspections to verify compliance with the new procedures.
- **Enhanced Vapor Recovery:**
EVR regulations adopted by the Board in March 2000 require approximately 11,000 service stations to upgrade equipment to reduce gasoline vapor emissions by April 1, 2009. The new Phase II systems will reduce gasoline vapor emissions that contribute to ozone formation to protect public health and meet California clean air attainment requirements. The Enforcement Division will continue to work with districts to enforce the new requirements.

Training and Compliance Assistance

Training and Compliance assistance and will be an integral component of the enforcement efforts for the following programs:

- Off-Road Large Spark-Ignited Engine Regulation
- In-Use Off-Road Diesel Vehicles
- TRU Operator Reports
- Public Agencies and Utilities Fleet Rule
- Solid Waste Collection Vehicles Rule
- AB 233: Verification & Audit Program
- Diesel Idling Regulation

- Enhanced Vapor Recovery
- In-Station Diagnostics
- Off-Highway Vehicle Anti-Tampering:
In 2009, MSES staff will be focusing on a program similar to the street-racing enforcement assistance, but for off-road vehicles. Training will be offered to California Department of Parks and Recreation officers and DMV investigators to help them identify tampered off-road vehicles and assist them with writing comprehensive tampering citations.

Environmental Justice

Staff will continue to participate in agency enforcement efforts in Environmental Justice (EJ) communities. This will involve vehicle inspections for compliance with ARB emissions requirements as well as collaboration on multi-media pollution issues. Staff will participate in Cal/EPA coordinated community “toxic tours” and “community workshops”. They will work with community members to address specific air pollution concerns and enlist the assistance of the local air districts, as applicable. Considerable focus will be directed at air emissions from ports and distribution centers in the EJ communities.

IV. APPENDICES

Any discussion about compliance rates contained in this report should be used for comparative purposes within the specified program area only. Since each regulation has its own specific and unique requirements, each program uses an enforcement approach that is tailored to those requirements. Therefore, any compliance rate comparison between programs would be highly qualified and of limited value.

More comprehensive information relating to inspection statistics, case dispositions, and local air district enforcement activities is included in our "2008 ARB Annual Report of Enforcement Activities," available both online and in print. For more information, please visit our Enforcement Report web page <http://www.arb.ca.gov/enf/reports/reports.htm>

Please note that it is the ARB’s practice to keep confidential the names of those entities involved in pending enforcement actions. Specific case settlement summaries can be viewed at ARB’s Enforcement Program web site <http://www.arb.ca.gov/enf/casesett/casesett.htm>.

For more information on the Enforcement Division or its programs, please contact James R. Ryden, Chief, at (916) 322-7061 or jryden@arb.ca.gov.

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LIST OF ACRONYMS

Acronym	Full Name
AB	Assembly Bill
AFS	Air Facility System
ARB	Air Resources Board
ATCM	Air Toxic Control Measure
ATV	All-Terrain Vehicles
BACT	Best Available Control Technology
BOE	Board of Equalization
CARB	California Air Resources Board
CEM	Continuous Emission Monitoring
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
DMV	Department of Motor Vehicles
DRRP	Diesel Risk Reduction Plan
ECLP	Engine Certification Label Program
EJ	Environmental Justice
EO	Executive Order
EPA	Environmental Protection Agency
EVR	Enhanced Vapor Recovery
GHG	Greenhouse Gases
GWP	Global Warming Potential
HDD	Heavy Duty Diesel
HDVIP	Heavy Duty Vehicle Inspection Program
HFC	Hydrofluorocarbon
LSI	Large Spark Ignition
IMEG	Intergovernmental Market Enforcement Group
MSEB	Mobile Source Enforcement Branch
NESHAP	National Emissions Standards for Hazardous Air Pollutants
OBD I	Onboard Diagnostics I
OBD II	Onboard Diagnostics II
OEM	Original Equipment Manufacturer
OHRV	Off-Highway Recreational Vehicle
OLA	Office of Legal Affairs
PAU	Public Agency Utility
PERP	Portable Equipment Registration Program
PSIP	Periodic Smoke Inspection Program
SEMA	Specialty Equipment Manufacturers Association
SEP	Supplemental Environmental Project
SF6	Sulfur Hexafluoride
SIME	Spark-Ignition Marine Engine
SORE	Small Off-Road Engine

SSEB	Stationary Source Enforcement Branch
SWCV	Solid Waste Collection Vehicle
TCAB	Training and Compliance Assistance Branch
TRU	Transport Refrigeration Unit
UB	Urban Bus
U.S. EPA	United States Environmental Protection agency
VDECS	Verified Diesel Emission Control System
VIN	Vehicle Identification Number
VOC	Volatile Organic Compound
WCI	Western Climate Initiative

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