



*California Environmental Protection Agency*  
**Environmental Justice Compliance  
and Enforcement Working Group**  
**Fresno Initiative**  
**Report**





# Environmental Justice Compliance and Enforcement Working Group Fresno Initiative Report

*AIR RESOURCES BOARD  
WATER RESOURCES CONTROL BOARD  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
DEPARTMENT OF PESTICIDE REGULATION  
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT*

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# Acknowledgment

The following organizations and individuals are recognized for their valuable contributions to the Fresno Initiative.

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Fresno

WATER TOWER  
VISITOR  
CENTER

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*The Mission of CalEPA is to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality.*

# Executive Summary

In June 2013, the Secretary of the California Environmental Protection Agency (CalEPA) created an Environmental Justice Compliance and Enforcement Working Group to improve the agency's multi-media enforcement and environmental justice efforts. The Working Group consists of representatives from the CalEPA boards, departments and office, and local partner agencies that implement and enforce the federal, state, and local laws and regulations intended to protect public health and the environment. The primary objective of the Working Group is to coordinate compliance assistance and enforcement activities in the state's most disadvantaged communities, where multiple sources of pollution exist and residents are disproportionately vulnerable to the effects. The Working Group selected the City of Fresno and its surrounding unincorporated area for its first initiative, which took place in 2013 and 2014. The Working Group designed the Fresno initiative with the goal of reducing pollution and its impact on that community's population. This initiative featured three components:

- Community consultation to determine community concerns;
- Compliance assistance for regulated industries and businesses;
- Coordinated, multi-agency compliance inspections and enforcement activities designed to concurrently address environmental issues within the community.

## **Initiative highlights include:**

The overall compliance rate among facilities and industries was 87 percent.

- Solid waste facility inspections yielded a 100 percent compliance rate.
- ARB inspected 272 heavy-duty diesel vehicles and 44 locomotives for compliance with air pollution regulations and issued 46 citations.
- DTSC issued a \$4,000 penalty for inappropriate hazardous waste storage. Two other enforcement actions for hazardous waste violations are pending.

This report outlines the working group's activities for the Fresno initiative.



# Introduction

California was one of the first states in the nation to codify the concept of environmental justice. California law defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws.”<sup>1</sup>

Many California statutes that address environmental justice issues closely model policies and guidance developed by the federal government. The United States Environmental Protection Agency (U.S. EPA) defines fair treatment to mean that “no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.”<sup>2</sup>

Together, the definitions of environmental justice and fair treatment serve as guideposts to promote equity and fair treatment in areas more burdened and vulnerable to pollution. In 2002, the Legislature directed CalEPA to develop an agency-wide strategy for identifying gaps in existing programs, policies, or activities that may impede the achievement of environmental justice. To carry out this directive, CalEPA developed an Intra-Agency Environmental Justice Strategy in 2004. This strategy directs CalEPA to promote public participation, integrate environmental justice into its policies and actions, improve research and data collection, and encourage coordination and accountability. The CalEPA Working Group represents one component of the strategy to meet this charge by improving compliance with environmental laws within areas in most need of assistance.

## Working Group Creation

Currently, CalEPA and its boards and departments employ a variety of compliance and enforcement priorities and strategies. This decentralized compliance and enforcement structure stems from the various boards and departments’ focus on their respective media (air, water, toxics, solid waste, and pesticides).

While a single media focus is necessary to fulfill statutory mandates, multi-media compliance and enforcement opportunities exist to comprehensively address burdens within disproportionately impacted areas.

For example, focused, multi-media compliance activities can help to illuminate and prevent unknown biases. A National Law Journal study completed in 1992 found that U.S. EPA Resource Conservation and Recovery Act penalties were higher in white communities, and

### Participating Agencies

California Environmental Protection Agency (CalEPA)

Air Resources Board (ARB)

Department of Resources Recycling and Recovery (CalRecycle)

Department of Pesticide Regulation (DPR)

Department of Toxic Substances Control (DTSC)

Central Valley Regional Water Quality Control Board (Regional Board)

Fresno County Certified Unified Hazardous Materials Program (Fresno CUPA)

Fresno County Local Enforcement Agency

San Joaquin Valley Air Pollution Control District (Air District)

<sup>1</sup> California Gov. Code § 65040.12.

<sup>2</sup> [www.epa.gov/oecaerth/environmentaljustice/basics/ejbackground.html](http://www.epa.gov/oecaerth/environmentaljustice/basics/ejbackground.html)

that Superfund cleanup sites were treated (as opposed to contained) more often and dealt with faster in white communities.<sup>3</sup> Such practices exacerbate the effect of the disproportionate siting of facilities within disadvantaged communities. Studies have also shown a correlation between less state enforcement in an area (in the forms of fewer inspections and punitive actions taken) and lower incomes.<sup>4</sup>

To promote multi-media enforcement opportunities, in 2013, the Secretary of CalEPA issued a policy that established the Environmental Justice Compliance and Enforcement Working Group<sup>5</sup> (Working Group). The Working Group includes regulators of various media and comprises both state and local government agencies. The Working Group focuses compliance efforts in areas in most need of assistance. The Working Group’s focus on multi-media enforcement augments current media-specific compliance and enforcement programs, and increases visibility and communication in areas of the state in most need of assistance.

## Study Area: Fresno

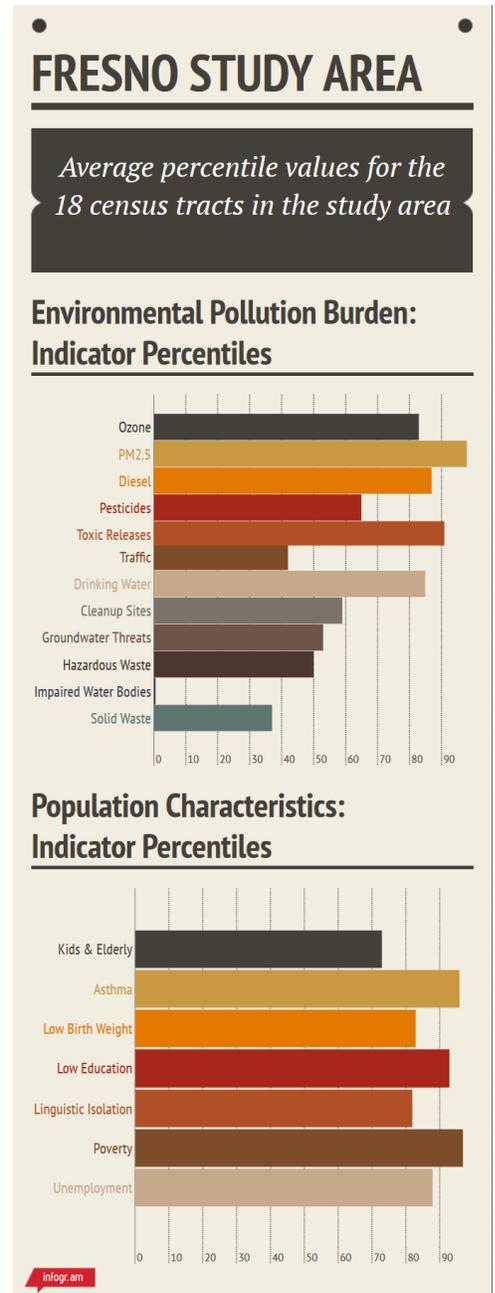
The Working Group initiated its first project in 2013 in the City and County of Fresno.

The Working Group considered information from the California Communities Environmental Health Screening Tool (CalEnviroScreen)<sup>6</sup> that provided the group with a broad snapshot of areas with high pollution burdens and vulnerability relative to other areas of the state. Working Group members discussed and aligned priorities and regulatory authority in these areas and reviewed existing community, local government, and philanthropic efforts that touch on both environmental protection and enforcement.

The Working Group selected an area that straddles an approximately four-mile wide area along Highway 99 that includes western parts of the City of Fresno as well as unincorporated areas of Fresno County. The area extends from Highway 180 for seven miles to the southeast. See Appendix A for a map of the project area.

The City of Fresno is located in central California within the San Joaquin Valley and is the county seat of Fresno County. It has a population of just over 500,000, making it the state’s most populous inland city. Though Fresno itself is a large urban area, the city’s economy is based primarily on the agricultural industry that surrounds it in the mostly rural San

Figure 1: Fresno Study Area



3 Lavelle, Marianne and Coyle, Marcia, “Unequal Protection: The Racial Divide in Environmental Law,” The National Law Journal, Sept. 21, 1992.

4 Konisky, David and Schario, Tyler, “Examining Environmental Justice in Facility-Level Regulatory Enforcement,” Social Science Quarterly, Sept. 2010 at 835-855; Konisky, David, “Inequities in Enforcement? Environmental Justice and Government Performance,” Journal of Policy Analysis and Management, Jan. 2009 at 102-121.

5 CalEPA Press Release, “CalEPA Creates New Environmental Justice Working Group,” June 28, 2013, available at [www.calepa.ca.gov/PressRoom/Releases/2013/](http://www.calepa.ca.gov/PressRoom/Releases/2013/)

6 The version of CalEnviroScreen utilized for project selection was CalEnviroScreen 1.1, available here. CalEnviroScreen 2.0 is the most recent update to the screening tool. For information regarding this update, please visit <http://oehha.ca.gov/ej/ces2.html>.

Joaquin Valley. Indeed, Fresno County leads the state in agricultural production value. Fresno's location makes it unique compared to many other large California cities as it faces air quality and pesticide issues not found in other large urban centers.

The Fresno metropolitan area has a diverse population of nearly one million (930,450), with the largest group being Latinos (50.3 percent), followed by Whites (32.7 percent) Asian Americans (9.4 percent), African Americans (4.8 percent), Native Americans (0.6 percent) and others (2 percent) as of the 2010 U.S. Census. Fresno County struggles with unemployment. According to the with a Bureau of Labor Statistics the area had a 13.5 percent unemployment rate as of February 2014.

The study area encompasses approximately 18 census tracts. All of the census tracts within the study area fall within the top five percent of the highest scoring census tracts according to CalEnviroScreen. CalEnviroScreen uses a science-based method for evaluating multiple pollution sources in a community while accounting for a community's socio-economic vulnerability. According to this method, the area stands out being in the top 98th percentile for environmental pollution burden (based on cumulative scoring of 12 indicators), and 97th percentile for population characteristics (based on cumulative scoring of 7 indicators). Each individual indicator percentile ranking is included in Figure 1.

Given its environmental and economic challenges and its diverse population, Fresno was a good choice for the Working Group's pilot initiative. The initiative complemented several other projects that seek to improve the well-being of Fresnans, including the IBM Smarter Cities Challenge<sup>7</sup> and the U.S. EPA Strong Cities, Strong Communities Initiative.<sup>8</sup>

## Initiative Goals and Results

The Working Group accomplished three goals:

- It consulted with local residents to ensure it was responding to issues raised by the community.
- It emphasized compliance assistance, which helps regulated entities learn about regulations and provides the community with the ability to recognize hazards.
- It inspected facilities and took actions to remedy any violations discovered.

### Community Consultation

A central element of the Fresno initiative was to garner community input on the project design and identify priorities for community members. Community consultations took place in meetings with residents, business representatives, community leaders, nonprofit organizations, local public officials, and academic leaders.

The Working Group conducted a bus tour of the Fresno Project area. Group members noted substandard structures, solid waste refuse accumulation piles, and illegal dumping close to facilities within the project area.

### Community Consultation Spotlight

#### Responding to the Community

At community meetings during the Fresno initiative, community members noted diesel and school bus idling near Addams Elementary School. In response, the San Joaquin Air Pollution Control District conducted compliance assistance outreach efforts in the area surrounding the school to educate local businesses about the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Vehicle Idling. During the outreach effort, Air District staff spoke with 13 area businesses.

<sup>7</sup> For more information on IBM's selection of Fresno for the Smarter Cities Challenge, please visit [http://smartercitieschallenge.org/city\\_fresno\\_ca\\_usa.html](http://smartercitieschallenge.org/city_fresno_ca_usa.html)

<sup>8</sup> For more information regarding the U.S. EPA's Strong Cities, Strong Communities Initiative work in Fresno, please visit <http://www2.epa.gov/sanjoaquinvalley/fresno-strong-cities-strong-communities-initiative>

In September 2013, Working Group members led a community meeting to explain the goals of the initiative and solicit community concerns and ideas. Examples of issues raised by community leaders included chronic illegal dumping in the community and diesel truck or school bus idling near Addams Elementary School. The community also noted issues with unpermitted facilities and inappropriate land use practices. The input received during the community consultation phase was used to develop work plans for the participating agencies.

## Compliance Assistance Overview

One important goal of the Fresno initiative was to improve business practices to ensure compliance with environmental laws. In Fresno, small businesses are the economic backbone of the community. During the community consultation process, local stakeholders emphasized the need to provide small businesses with educational materials, targeted outreach, and trainings. These activities help increase the regulatory knowledge of local businesses, reducing the number of inadvertent violations while putting businesses on notice of potential penalties for violations.

Compliance Assistance Overview	
Total number of businesses provided with compliance assistance	73
Total number of people participating in compliance training	149

## What is a CUPA?

A CUPA is a local certified unified program agency that implements the six state unified programs for management of hazardous materials. The 83 CUPAs are part of environmental health or fire departments in cities and counties throughout the state. The six unified programs are:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank Program
- Aboveground Petroleum Storage Act
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements

## Department of Toxic Substances Control and Fresno CUPA

The Department of Toxic Substances Control (DTSC) and the Fresno County Certified Unified Hazardous Materials Program (Fresno CUPA) administered two sessions of California Compliance School, a partnership between DTSC and the California Community Colleges. These hazardous waste management classes promote techniques to reduce inadvertent releases and spills, ensure worker safety, heighten awareness of environmental laws, and reduce the likelihood of violations. DTSC also conducted a Spanish-language version of this class. DTSC and Fresno CUPA worked with the local Univision Channel station to promote the Spanish class.

## Air Resources Board

The Air Resources Board (ARB) provides extensive training and compliance assistance throughout California. Particulate matter in diesel exhaust contributes to smog and negatively impacts public health because it is toxic. As part of the Fresno initiative, ARB provided a Spanish-language class to instruct diesel truck owners on diesel engine requirements to reduce air emissions. These emissions requirements are an important component of the suite of measures to improve air quality in the San Joaquin Valley. In addition to educational outreach, ARB has put into place financial assistance programs to help the regulated community meet these requirements. In the Fresno area, 193 loans totaling \$16,539,945 were issued.

A key element of ARB's effort to reduce toxic diesel particulate matter emissions is the reduction of unnecessary idling. ARB adopted regulations limiting unnecessary idling of diesel trucks and actively enforces those regulations throughout the state, including at private truck stops and California Department of Transportation (Caltrans) rest areas in the San Joaquin Valley. To facilitate compliance, ARB staff has worked with Caltrans District 6 facilities management to place "No Idling" signs at each of Caltrans District 6 rest stops in Madera, Fresno, Tulare, Kings and Kern counties. Caltrans will post the signs over the coming months as facility crews conduct routine maintenance activities.



ARB inspectors conducting a diesel truck inspection

### San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (Air District), in response to community concerns, prioritized the area surrounding Addams Elementary School to promote anti-idling programs. The Air District distributed informational packets and discussed the anti-idling regulation with 13 businesses adjacent to the school.

### CalRecycle

CalRecycle provided two Beverage Container Recycling compliance training sessions, which were attended by a total of 65 participants. These trainings improve the effectiveness and reliability of recyclers by reducing incorrect payments and ensuring that the recyclers are open during required business hours. CalRecycle staff also visited 15 waste tire facilities and provided the businesses with compliance assistance information on tire program requirements. In November 2013, CalRecycle hosted a meeting for area waste tire enforcement program staff that was attended by 30 local inspectors and staff members

### Multi-Agency

On February 11, 2014, the Working Group partnered with the Governor's Office of Business and Economic Development (GOBiz) to present the first Business Academy for Regulatory Compliance. Presenters included staff from CalEPA, ARB, Fresno CUPA, the Air District, and GOBiz. More than 40 representatives from regulated businesses participated in the training, including representatives from environmental consulting, energy efficiency, recycling, auto parts, manufacturing, waste management, agri-business insurance, construction, waste water treatment, industrial refrigeration, almond processing and shipping, and power generation industries. Other participants included staff from other cities in the San Joaquin Valley, the Air District, and county economic development departments. The participants were from Kern, Tulare, Fresno, Tuolumne, Merced, Stanislaus, Alameda, Madera, and San Joaquin counties.

The purpose of this training was to inform businesses within Fresno County and throughout the San Joaquin Valley about environmental laws that are applicable to local businesses while exploring the resources available to assist with compliance. The training focused on how GOBiz and the state ombudsman offices at CalEPA could assist businesses

### Compliance Assistance Spotlight

#### Green Team San Joaquin

CalEPA created a two-year pilot program with the Greater Stockton Chamber of Commerce, a nonprofit corporation that founded and operates the Green Team San Joaquin program. This program promotes collaboration between private businesses and municipal, county and state regulators, with goals that include decreasing the use of hazardous chemicals, reducing generation of hazardous waste, and improving compliance rates. In coordination with CalEPA, the Stockton Chamber of Commerce's Valley Green Team will work with the City and County of Fresno to replicate these efforts in Fresno, leveraging private resources to improve compliance and reduce the impact of pollution. ARB also is participating in the Green Team efforts, participating in meetings across the valley to talk about programs at ARB, such as the CoolCalifornia Small Business Toolkit and Small Business Award Program. (Available online at: [www.coolcalifornia.org](http://www.coolcalifornia.org))

with permitting and compliance with environmental laws. This training was designed specifically to provide regulated entities with the general framework of environmental laws, types of permits required for different business activities, and an explanation of the inspection process. The training also provided a forum for a dialogue between businesses and government regulators. Based on the success of this training event, the Stockton Chamber of Commerce requested an additional session of the training, which was held on August 20, 2014, in Stockton.

CalEPA conducted a one-day training program called Basic Inspector Academy for state and local environmental inspectors in the project area. The class provided tools for high-quality inspections and increased multi-media awareness to maximize inspection resources in the area.

## Compliance Inspections and Enforcement Overview

The final tenet of the Fresno initiative was compliance inspections and enforcement. Working Group members conducted multi-media review of permitted facilities and cleanup sites within the project area and performed searches for unpermitted activities. Some inspections led to the issuance of citations, and a few inspections will lead to formal enforcement actions. For a map of the facilities inspected, see Appendix B.

### Department of Toxic Substances Control

#### DTSC Inspection Highlights

**3 out of 7** inspections resulted in formal enforcement actions for Class I violations.

**\$4,000** in penalties were assessed, and two enforcement actions are pending.

**6 out of 7** contaminated sites were found to be in compliance with clean-up orders. The seventh was brought into compliance immediately.

DTSC inspected hazardous waste transporters, electronic waste handlers, and metal recyclers and assisted the Fresno CUPA with inspections of hazardous waste generators. DTSC also reviewed records of contaminated sites in the area and conducted visits to those sites. As part of their joint work, DTSC and the CUPA reviewed the initiative area and found no illegal, unregulated sites.

DTSC led joint inspections of three registered hazardous waste transporters, two electronic waste handlers, and two metal recyclers. The department took formal enforcement action against one transporter for storage of asbestos in covered containers longer than the allowed time of 10 days, imposing a \$4,000 penalty.

DTSC found minor violations at the other two hazardous waste transporters. In addition, DTSC identified violations at both metal recyclers and took soil samples. Follow-up enforcement and return-to-compliance work is ongoing for these sites. In addition, one of the electronic waste handler inspections revealed a minor labeling violation that the handler corrected at the time of the inspection.

DTSC assisted the Fresno CUPA with 14 facility inspections, providing sampling support and field screening tools to address possible contamination of heavy metals at some of the inspection sites. DTSC also assisted the Fresno CUPA with informing operators of hazardous waste generator requirements, identifying areas of concern, and conducting X-ray fluorescence (XRF) readings. As a result of these joint inspections, the Fresno CUPA found violations as described in the next section.

DTSC also reviewed a list of more than 60 contaminated sites undergoing remediation in the project area. It checked current records relating to 11 cleanup project sites and conducted site visits to seven sites to determine compliance with cleanup orders. DTSC found one of the seven sites to be out of compliance with cleanup orders; the site was returned to compliance immediately.

## Fresno CUPA

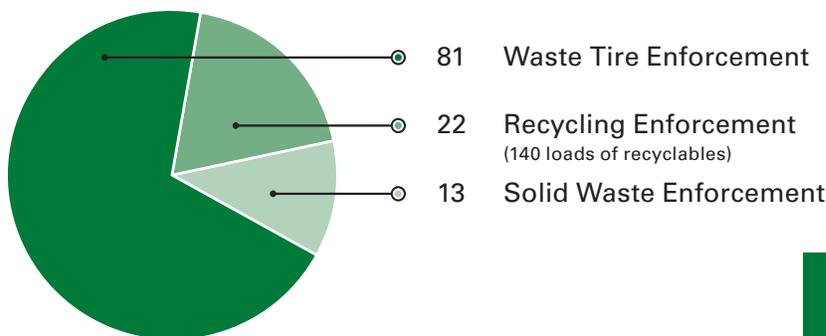
Fresno CUPA conducted 48 total facility inspections, including the 14 joint multi-media compliance inspections with DTSC. Inspectors conducted background and immediate-vicinity XRF readings, in addition to providing compliance assistance activities. These inspections enabled staff to process recent activity changes in hazardous waste generator categories and identify business owner changes and closed facilities.

The Fresno CUPA found two Class I violations: one for waste determination and open hazardous waste containers, and one for failure to characterize a waste. Fresno CUPA also cited 27 minor violations, the most common of which were failure to submit or update Hazardous Materials Business Plan forms and improper labeling on hazardous waste containers. Fresno CUPA cited 15 Class II violations, including hazardous waste containers exceeding accumulation dates, no records or manifests, and failure to submit an Emergency Response/Contingency Plan. Fresno CUPA staff members worked with facilities to return to compliance, conducted re-inspections, drafted Notices of Violation, and completed applications for change of ownership and activities.

## CalRecycle

As part of the Fresno initiative, CalRecycle participated in more than 100 facility and site inspections in three program areas: Recycling Enforcement, Waste Tire Enforcement, and Solid Waste Facility Enforcement.

Figure 2: CalRecycle Inspections



### Beverage Container Recycling Enforcement

CalRecycle oversees the state's California Beverage Container Recycling Program. Beverage container recycling businesses accept eligible recyclable materials from the public and pay California Refund Value (CRV). CalRecycle inspected businesses that collect or process beverage containers and evaluated them for compliance with applicable regulations and certifications.

CalRecycle made 22 site visits, inspecting 140 loads of recyclables and associated claims for CRV reimbursement. Of the visited sites, 48 percent were found to be in compliance with requirements. Sites found to be out of compliance were issued warning notices of noncompliance. Follow-up inspections were conducted to ensure corrective action was

## Fresno CUPA Inspection Highlights

**48 inspections** of hazardous waste facilities were conducted.

**2 Class I** violations were found that required formal enforcement action.

**42 Class II** or Minor Violations were found. Fresno CUPA worked with facilities to return them to compliance.

## CalRecycle Inspection Highlights

**100%** of waste tire and solid waste facilities were found to be in substantial compliance.

**10 out of 22** recycling facility inspections resulted in formal enforcement actions.

**\$850** in fines were assessed from recycling facilities failing to correct previously noted violations.

**33%** of noncompliant recycling facilities returned to compliance within 30 days. CalRecycle continues to monitor all noncompliant facilities and pursue additional actions as necessary.

taken. Violations were noted for paying CRV on containers not covered by CRV legislation, failure to accept CRV containers, lack of proper signage, closure during required operation hours, acceptance of containers from a recycler that was not accompanied by a completed claim for CRV reimbursement, and failure to inspect materials before paying CRV.

CalRecycle assessed \$850 in fines for those businesses that failed to correct previously noted violations. By the end of the project, a third of the noncompliant sites were operating in compliance. CalRecycle staff will continue to monitor the noncompliant sites and pursue additional actions as needed to gain full compliance.

**Waste Tire Enforcement**

CalRecycle conducts the Waste Tire program in partnership with local Tire Enforcement Agency grantees. Each year, California generates more than 40 million reusable and waste tires, which must be properly disposed to prevent them from becoming environmental hazards. The City of Fresno and Fresno County are program grantees. The program focuses on compliance with California’s waste tire hauling, manifesting, and storage requirements. Working together, the staff of the three agencies completed 81 inspections and conducted seven surveys for potential unpermitted sites. All of the inspected sites were in substantial compliance. The only noncompliant site had more than the permitted number of tires, in violation of fire protection requirements. Inspectors re-inspected the site on a follow-up visit and found it to be in full compliance.

**Solid Waste Facility Enforcement**

The Fresno County Local Enforcement Agency was designated as the lead for solid waste facility inspections. Solid waste facilities include landfills, which if not properly regulated can lead to groundwater and air contamination. The Local Enforcement Agency inspected 10 solid waste facilities and visited three recycling centers. No violations of solid waste regulations or permit requirements were found at any of the facilities. The Local Enforcement Agency continues to conduct regular monthly inspections in its jurisdiction.

**Central Valley Regional Water Quality Control Board**

The Regional Board joined multi-media inspections, conducted individual inspections, conducted informal searches for unpermitted activities, and reviewed remediation sites undergoing cleanups.

Regional Board staff participated in 12 joint inspections, including six inspections of facilities with National Pollutant Discharge Elimination System storm water permits. Staff found minor to moderate deficiencies in housekeeping, material handling, and storage. Most violations were corrected immediately, and all other violations were corrected within 30 days.

**Regional Board Inspection Highlights**

**100%** of facilities inspected were found to be in substantial compliance, with all minor and moderate violations corrected within 30 days.

**2 out of 36** groundwater contamination sites reviewed required formal enforcement actions, and other corrective action for **5 sites** is underway.

Regional Board Joint Inspections	
Total number of inspections conducted	12
Percent of facilities in substantial compliance	100%*
*Three facilities had minor compliance issues corrected upon request.	

The Regional Board selected individual sites of interest for multi-media inspection or review based on the Regional Board’s knowledge of facilities that may have active or latent environmental issues that could affect surrounding communities. Staff identified one landfill/recycling center and one plume of polluted groundwater for interagency inspections. The multi-media inspections were led by the Regional Board, and no violations were discovered. Staff also conducted informal searches for unpermitted activities and found none.

The Regional Board oversees the cleanup of two types of groundwater contamination sites: those sites where a waste discharge has taken place, and those sites that have reported leaking underground petroleum storage tanks. Waste discharge can include the by-products of factories and cooling processes. These liquids can contain harmful chemicals that can contaminate the groundwater or surrounding land. Leaking underground petroleum storage tanks are a hazard to groundwater.

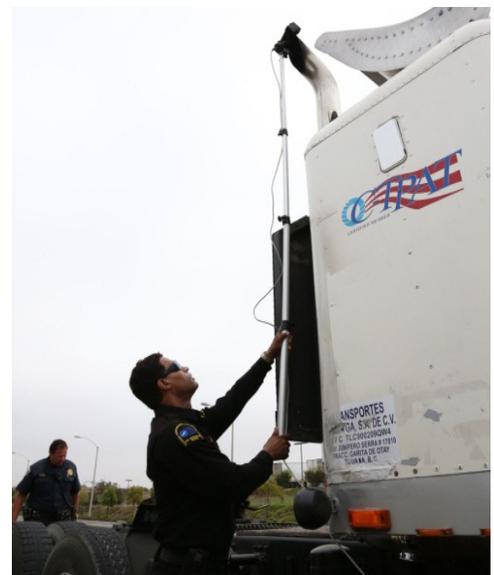
Regional Board Program	Leaking Underground Storage Tank Program	Cleanup Program
Number of contaminated sites reviewed	25	11
Percent of contaminated sites in compliance with orders and cleanup	80%	82%
Number of inspections resulting in formal enforcement action (tentative or likely)	0	2

Regional Board staff reviewed 11 cleanup program sites and issued a “No Further Action” letter to one site. Staff determined that all requested work at the site was complete and there were no longer threats to water quality, public health, or the environment. Two sites were found to be out of compliance with Regional Board orders and require enforcement action to bring them back into compliance.

Twenty-five leaking underground petroleum storage sites were identified for review. These sites, identified for closure or remediation under the Underground Storage Tank program, involve close collaboration with local and county agencies responsible for permitting and compliance. As a result of this review, the Regional Board is now working to reestablish the corrective action process on five sites. Twelve sites are in active assessment or remediation, seven are in the case closure process, and one case was closed during the initiative after staff determined that all requested work was complete.

### Air Resources Board

Diesel truck inspections are conducted to determine whether trucks are meeting California’s emission standards, which help improve air quality and public health by reducing toxic diesel particulate matter. During the Fresno initiative, ARB conducted 272 diesel truck inspections in Fresno and the surrounding areas resulting in 46 citations. Most of the citations were issued for emission control label violations or violations of transport refrigeration unit requirements.



Diesel truck inspections are conducted to determine whether trucks are meeting California’s truck emission standards.

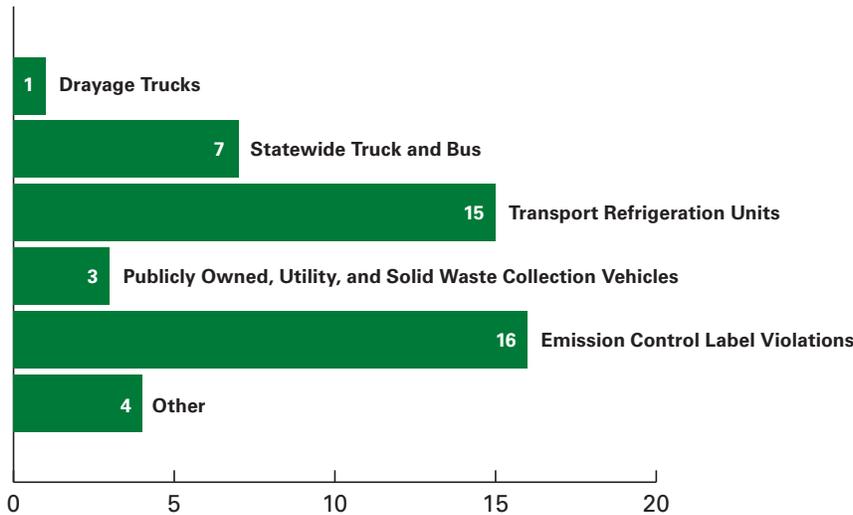
### Air Resources Board Inspection Highlights

**272** diesel truck inspections, resulting in **46** citations.

**100%** of rail yards inspected were found to be in compliance.

In addition, ARB enforcement staff conducted inspections of both the Union Pacific and BNSF Railway rail yards within the Fresno project area. ARB inspectors evaluated locomotives for compliance with the idling and visible emissions standards. Such inspections ensure locomotives are not needlessly releasing emissions into the air. ARB inspected 44 locomotives at the rail yards and found no idling or emission violations.

**Figure 2: Types of Citations Issued**



### San Joaquin Valley Air Pollution Control District

The Air District completed inspections at five facilities regulated under Title V of the Clean Air Act as major point sources of air pollution. Such facilities emit regulated pollutants that can cause poor air quality and health problems if not kept to safe levels. The inspections were conducted as part of the Air District’s regular inspection program, which handles more than 90,000 inspections per year. The five facilities inspected included a glass manufacturer, a fiberglass boat manufacturer, and an auto body spray coating operation. Two inspections revealed minor emission violations, and notices of violation were issued. In each case, the facility was able to abate the violation immediately at the time of the inspection.

**Air District Inspection Highlights**

**5 inspections**, were conducted resulting in **2 minor violations** that were corrected immediately.

### Department of Pesticide Regulation

DPR conducted six inspections at facilities where pesticides are manufactured, processed, and packaged. The facilities produce or repackage agricultural chemicals, disinfectants, or chlorine products used in the pool and spa industry. Minor paperwork or labeling issues were discovered and reported to the U.S. EPA for follow-up.

DPR also conducted inspections at 14 pesticide retailers, including agricultural chemical dealers, a garden supply store, a grocery store, a restaurant supply store, and several small corner markets. During the inspections, DPR staff discovered one violation: a pesticide product that was not registered for sale in California. The retailer immediately removed the product from

**DPR Inspection Highlights**

**6** inspections of pesticide producing facilities were conducted, and minor violations were reported to U.S. EPA for follow-up.

**1 out of 14** pesticide retailer inspections required formal enforcement.

**9** local markets were surveyed for pesticide residue on produce.

the store. DPR issued a Pesticide Statutes Violation Notice to the retailer and will follow up with the out-of-state manufacturer to assure compliance with California law.

Program	DPR
Number of inspections conducted	20
Number of inspections resulting in formal enforcement (tentative or likely)	1
Percent of inspected facilities with violations that returned to compliance in 30 days	100%

In addition, DPR's Enforcement Branch surveyed nine local markets in Fresno to determine which of those markets sell produce, the amount of produce sold and the wholesale distributor responsible for supplying the produce. The survey identified seven markets selling produce and five wholesale distributors supplying that produce. After an additional survey of the five wholesalers, DPR found that some of the produce had previously carried low-level illegal pesticide residues. This produce was located and removed from the supply chain.

# Conclusion

Identifying communities that are most vulnerable and most burdened by multiple pollution sources, and prioritizing them for compliance activities, are important steps toward achieving greater environmental and health benefits in California. The Working Group selected Fresno, an area that disproportionately experiences pollution burden and vulnerabilities, for a pilot initiative focused on community involvement through outreach and compliance assistance, as well as inspections of regulated facilities. An initial outreach meeting with local community members was essential to the development of the initiative because it aided in defining priorities and provided a forum to increase awareness of the role of environmental regulators in the community.

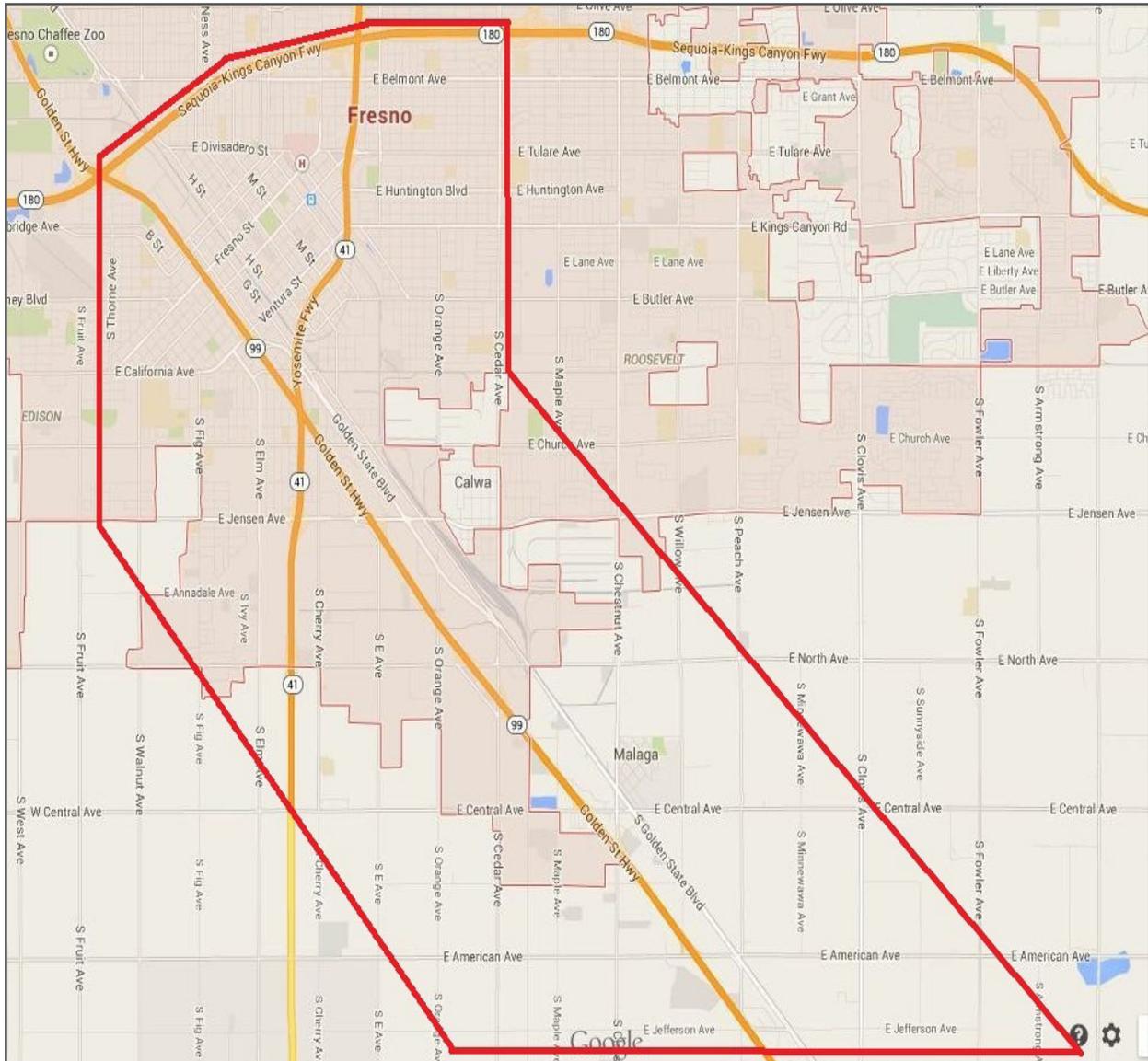
Overall, the Fresno initiative revealed a fairly high level of compliance. For the violations that were discovered, staff coupled enforcement actions with compliance assistance efforts, which enabled them to bring facilities into compliance quickly and efficiently. These efforts appear to have increased awareness, enabling local businesses to be better equipped to avoid violations in the future.

In carrying out the initiative, the Working Group found well-planned, multi-media inspections are an effective tool to achieve compliance with public health and environmental laws. The cooperative work with other state, regional, and local agencies helped individual inspectors gain a broader perspective of environmental regulation and develop best practices. A concentrated inspection schedule with many sites located in close proximity and within a defined time frame resulted in savings in staff time and travel costs. Some businesses expressed appreciation for the efficiencies achieved by multi-media inspections. Refinement of scheduling and criteria for carrying out joint site visits and inspections will help make this aspect of future projects even more effective.

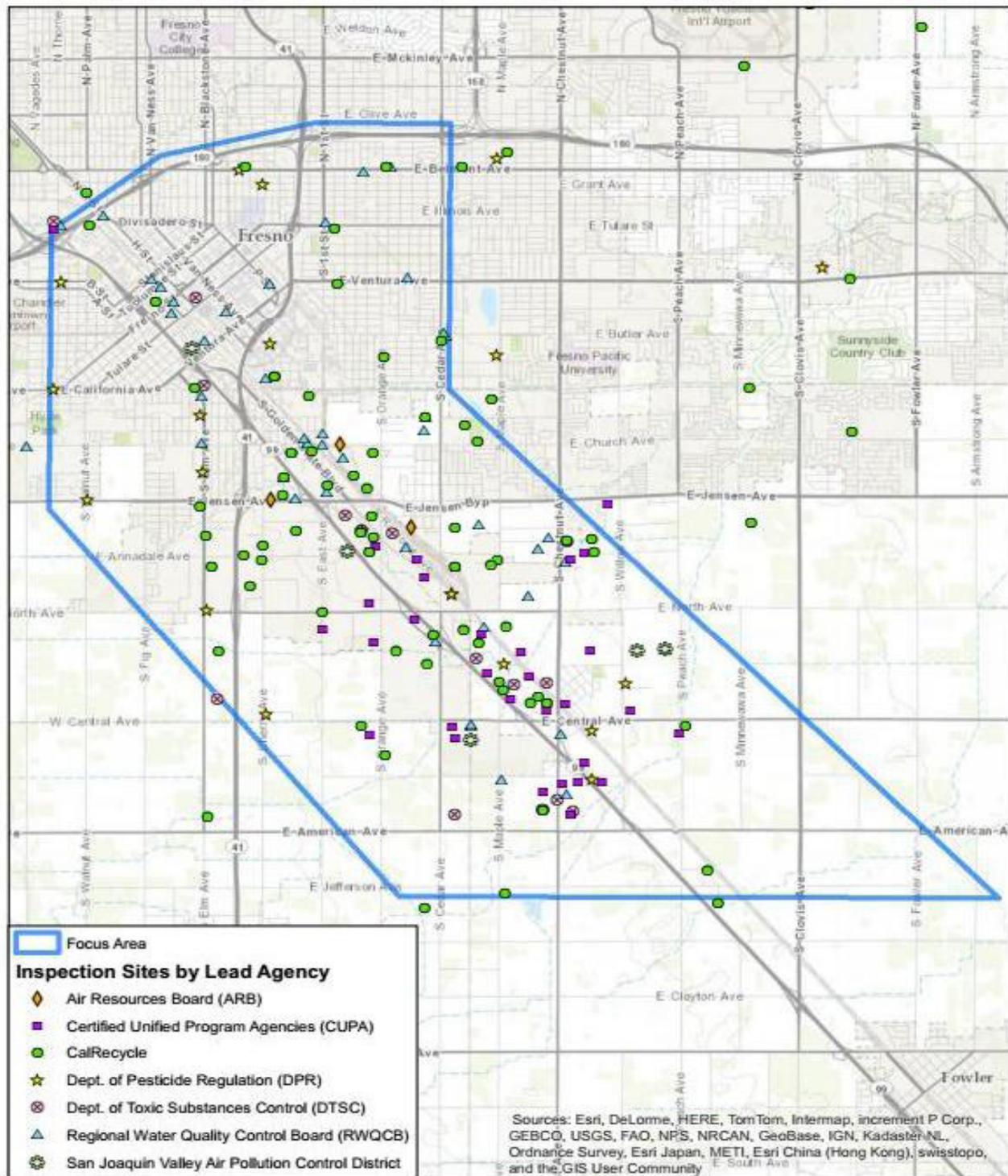
Many businesses noted that finding and applying the appropriate compliance information can be challenging and welcomed the one-on-one interaction with a knowledgeable inspector. Single-media inspections are expected to continue to be the mainstay enforcement tool for delivering such information, which is often very technical. Conducting joint, multi-media inspections with other agencies, however, creates opportunities to provide comprehensive compliance assistance information to regulated entities, leading to improved environmental and public health conditions in the community.

As the Working Group's pilot project, the Fresno initiative will guide further targeted compliance and enforcement efforts in disadvantaged communities with the greatest need. The Working Group is presently working to identify the environmental justice community that will be the focus of its next initiative.

# Appendix A: Primary Focus Area



# Appendix B: Inspection Sites by Lead Agency



Base map provided by ESRI  
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