ROLE OF ENFORCEMENT IN CALIFORNIA

- California’s goal is to clean the air and protect the climate
- CARB regulations focus on
  - Attaining air quality standards
  - Protecting disadvantaged communities
  - Reducing greenhouse gas emissions
- Companies across California invest to meet requirements

*Enforcement focuses on ensuring compliance*
HOW DO WE ENSURE COMPLIANCE?

- Best programs use all of these approaches together to achieve comprehensive compliance

- Traditional enforcement relies on deterrence
PRESENTATION OUTLINE

- Enforcement Updates
  - Diesel Vehicles and Equipment
  - Ocean-Going Vessels
  - Product Certification Requirements

- Program Updates
  - Transparency
  - Supplemental Environmental Projects
  - Environmental Justice
  - Stationary Review and Enforcement
TRUCK AND BUS RULE

- Has become an example of compliance based approach across CARB
  - Extensive compliance assistance and awareness
  - Use of data to identify and assess compliance
  - Streamlined truck enforcement
  - Compliance demonstration required prior to truck registration in California.
STREAMLINED TRUCK ENFORCEMENT

- Two-year enforcement program
  - 23,673 registration holds placed
  - $5,239,578 in penalties collected
- CA registered heavy truck compliance rate increased from 77% to 88%
- Non-compliant trucks are no longer eligible for registration in California
OUT-OF-STATE TRUCKS

- Compliance rate similar for CA registered and trucks registered in other States
  - Lowest compliance rates in smallest fleets
- Staff inspections have a focus on weigh stations and border crossings
- Referrals to EPA resulted in 6 settlements resulting in $588,000 in penalties
EXPANDING ENFORCEMENT TECHNOLOGY

- Development of CARB’s Portable Emissions Acquisition System (PEAQS)
  - Automated license plate reader
  - Emissions measurements
  - Stationary and portable configurations
- First autonomous system installed in southern California
  - 10,000 heavy-duty diesel vehicles screened per month
- Building new enforcement procedures to leverage this technology
DIESEL EQUIPMENT ENFORCEMENT

- Transport Refrigeration Unit (TRU) Enforcement
  - Inspected approximately 2,000 units
  - Issued more than 900 citations
  - Program development moving forward

- In-Use Off Road Diesel Enforcement
  - Inspected approximately 4,300 units
  - Issued more than 450 citations
  - Complaint based enforcement
OCEAN-GOING VESSELS

- Two Regulations:
  - Ocean-Going Vessel Fuel Sulfur Regulation
    - High compliance rates
  - At-Berth (Shorepower) Regulation
    - Achieving goals and compliance rates improving
OCEAN-GOING VESSEL FUEL REQUIREMENTS

- Must use low sulfur distillate fuel within 24 NM of shore
- Sulfur limit compliance rate estimated at 99%
  - 6 NOVs issued; $172,500 in penalties assessed
- Evolving federal requirements introduce uncertainty
- Staff pursuing new enforcement technologies
  - Drones for remote compliance assessment
  - Analysis to distinguish low sulfur heavy fuel oil and distillate
AT-BERTH (SHOREPOWER) REQUIREMENTS

- Reporting every year in March
- In 2019, audited 38 fleets (3,900 visits)
- Industry achieved a 77% reduction in diesel engine use
  - Exceeded 70% reduction requirement for 2018
In 2018
- 2 fleets did not meet requirements and are under investigation
- 13 fleets relied on CARB advisory to comply
- 2019 audits underway
RESOLVING AT-BERTH NON-COMPLIANCE

- Staff settled two cases in 2019
- Both fleets made unsuccessful or insufficient investments resulting in failure to comply
- Both fleets now in compliance
- Penalty structure increased with violations, and with multiple years in violation
ENFORCING CERTIFICATION REQUIREMENTS

- CARB regulations establish product requirements
  - Chemical formulation
  - Emission control requirements
- Deterrence based enforcement for mature programs
- Requirements apply to
  - Consumer products, composite wood products
  - Vehicles, engines, and aftermarket parts
  - Fuels
PROTECTING CONSUMERS

- Staff inspect and test consumer products
- Penalties assessed for non-compliant products
- Notable cases
  - WM Barr – 81.7 excess tons VOC - $600,000
  - CY Flooring – excess formaldehyde emissions - $67,000
  - Molekule – ozone emissions from air cleaner - $149,000
ENFORCING ENGINE REQUIREMENTS

- Engines that fail certification release excess emissions
- Notable cases
  - Kohler – voluntarily disclosed illegal software; $6M penalty
    - $1.8M project providing solar-powered battery back-up generators for low income consumers
  - Fiat Powertrain – incorrect reporting and undisclosed product modifications; $6.4M penalty
    - $2M SEP pays for school filtration projects
ENFORCING VEHICLE REQUIREMENTS

- Vehicles must be certified
- Notable cases
  - Winnebago – sold 115 uncertified RVs; $269,000
  - Sun Buggie – operated 11 uncertified sand cars; $55,000
AFTER-MARKET PARTS ENFORCEMENT

- Vehicles and engines cannot be modified with uncertified parts
- CARB enforces against all points of supply chain
- Notable cases
  - CNS Motors - $154,300
  - TPS Motorsports - $11,750
FUELS ENFORCEMENT

- Fuels must meet specifications to promote clean-burning, low ozone formation and lower carbon content
- Notable cases
  - Phillips 66 - 8 violations; $150,000
  - Tesoro - 7 violations in 2017; $133,000
    - 7 violations in 2018; $119,000
  - Clean Energy - misreported carbon intensity in LCFS pathway over 5 years
    - Agreed to incentivize 20 low NOx RNG trucks and pay a $100,000 penalty
OUTLINE

- Enforcement Updates
  - Diesel Vehicles and Equipment
  - Ocean-Going Vessels
  - Product Certification Requirements

- Program Updates
  - Transparency
  - Supplemental Environmental Projects
  - Environmental Justice
  - Stationary Review and Enforcement
COMMITMENT TO TRANSPARENCY

- Enforcement policy updated through public process
  - Process for updating maximum penalties
  - Process for enforcing Renewable Portfolio Standard

- Updated Enforcement Data Visualization System
  https://webmaps.arb.ca.gov/edvs/

- Updated range of penalties assessed by program in enforcement report
SUPPLEMENTAL ENVIRONMENTAL PROJECTS

- SEPs targeted at helping to mitigate environmental injustice
- CARB program focuses on community proposed, supported programs
  - Applicants submit projects
  - CARB reviews and approves projects for listing
  - Violators select projects for funding
SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEP)

- In 2019, CARB approved 26 projects eligible for funding and violators funded 18 projects with $6M in penalties.
- Notable SEPs
  - School filtration projects
  - Kids Making Sense
SCHOOL FILTRATION PROJECTS

- 70 schools funded since SEP program started in 2017
- HEPA filtration systems installed in air ducts or stand alone systems
- Proven to reduce indoor particulate concentrations in schools up to 90%
PURSUING ENVIRONMENTAL JUSTICE

- More than 60% of total inspections in or benefitting disadvantaged communities
- Developed enforcement plans with districts as part of the Community Emission Reduction Plan
- Participated in CalEPA enforcement initiative in Stockton
  - Inspections and enforcement
  - Air monitoring coordination
- Work to address odors in Vallejo & Oakland
EQUIPMENT REGISTRATION PROGRAMS

- Enforcement registration programs are revenue neutral
  - Cargo tanks and portable equipment
- Initiated development of compliance assistance program for gasoline cargo tanks
- Implemented compliance deadlines for portable equipment
- Coordinated public safety power shutoffs

CARB
PUBLIC SAFETY POWER SHUTOFFS (PSPS)

- To mitigate wildfires, utilities curtail power
- Results in operation of emergency generators
- Emissions equivalent to 29,000 heavy-duty trucks for a month
- CARB issued guidance and enforcement advisories on legal backup generation
- Working to encourage use of cleaner technologies
- Information at: https://ww2.arb.ca.gov/our-work/programs/emergency-backup-generators
STATIONARY SOURCE PROGRAMS EVOLVING

- Program provides training
  - Visual emissions evaluation
  - Enforcement fundamentals, stationary sources and controls
- Expanding enforcement and tracking district enforcement of CARB requirements
- Review programs under development
  - Expanding reviews of district permitting and enforcement
  - Increasing requests for hearing board training
  - Working to improve response to community complaints
CONCLUSION

- CARB enforcement efforts were effective in 2019
  - 3,570 enforcement actions
  - $24.4 million dollars in penalties assessed
  - 26,000 inspections – 60% in disadvantaged communities
  - 3,000 citations issued
  - Increased compliance rates in several programs
  - Inspection results and locations are publicly available
  - $6M in penalties directed at projects benefitting disadvantaged communities
  - Stationary programs expanding and evolving
Available online at:

https://ww2.arb.ca.gov/resources/documents/enforcement-reports