

# Chapter 6 – CARB Enforcement Plan for Portside community

## I. INTRODUCTION

AB 617<sup>1</sup> requires that Community Emissions Reduction Programs (CERPs) include an enforcement plan to ensure that San Diego County Air Pollution Control District (Air District) and the California Air Resources Board (CARB) enforcement efforts support reducing emissions and improving air quality and public health in the Portside Environmental Justice Neighborhoods community. This enforcement plan reviews three years of stationary and mobile source enforcement data to assess local air quality issues within the Portside Environmental Justice Neighborhoods boundaries.

Enforcement responsibilities for mobile sources are shared between CARB and the Air District. The Air District and CARB staff may conduct inspections of stationary and mobile sources jointly in Portside Environmental Justice Neighborhoods. Details on mobile sources regulation enforced by the District are in section II. Mobile sources.

Historical mobile source enforcement data is shared with the Portside Environmental Justice Neighborhoods community in this plan to help identify and affirm enforcement strategies and address community concerns related to CARB enforcement programs. The primary function of enforcement is to ensure compliance with air pollution control regulations and to minimize local and regional impacts from air pollution. This section explains CARB's enforcement authority over mobile sources.

## II. MOBILE SOURCES

CARB is the primary authority responsible for developing and enforcing regulations to control emissions from portable and mobile sources and consumer products in California, except in cases where federal law preempts CARB's authority. Although CARB has authority to regulate emissions from these sources, it does not have authority to enforce where vehicles drive or park.

Beginning in 2014, CARB and the Air District entered into a Memorandum of Understanding (MOU) that allows the San Diego Air Pollution Control District to enforce portable and mobile sources regulations. The MOU was amended and current version started implementation in 2017. Per this agreement, inspections and enforcement for the following sources may be conducted by both CARB and Air District staff:

- Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (California Code of Regulations, title 13, section 2485) (Commercial Vehicle Idling Regulation)
- Regulation for In-Use Off-Road Diesel Vehicles (California Code of Regulations, title 13, sections 2449, 2449.1, 2449.2, and 2449.3) (In-Use Construction Equipment Regulation)
- Heavy Duty Diesel Smoke Emission Testing and Heavy-Duty Vehicle Emission Control

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<sup>1</sup> (California Health and Safety Code § 44391.2(c)(3))

System Inspection (California Code of Regulations, title 13, sections 2180 through 2184) (HDVIP and ECL)

- Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate (California Code of Regulations, title 13, section 2477) (Transport Refrigeration Regulation)
- Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks" (California Code of Regulations, title 13, section 2027) (Drayage Truck Regulation).
- Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools" (California Code of Regulations, title 13, section 2480) (School Bus Idling Regulation)
- Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use On-Road Diesel-Fueled Vehicles" (Title 13, California Code of Regulations, Section 2025) (Statewide Truck and Bus Regulation)

## CARB STATEWIDE ENFORCEMENT PROGRAMS FOR MOBILE SOURCES

CARB enforcement programs cover the vehicles we drive, the diesel engines that power our economy, consumer products that we purchase, and greenhouse gas (GHG) emissions from our industries and activities throughout the State. The goal of CARB enforcement programs is to achieve comprehensive compliance in every regulation the Board adopts. Through enforcement, CARB works to bring responsible parties into compliance, and in doing so, achieve a level playing field across industry so that no individual entity can benefit from non-compliance at the expense of another; and to deter industry from future violations.

CARB applies enforcement programs in accordance with the enforcement policy, which was updated in 2017. CARB uses data and inspections to identify potential non-compliance, and then investigates each case. Once a violation is identified, the responsible party is notified and the situation is evaluated. CARB works with the responsible party to achieve compliance and measure the relevant facts and circumstances of each case, relative to the eight factors set in law and described in CARB's enforcement policy, to determine an appropriate penalty. The case is settled when the responsible party has achieved compliance and paid an appropriate penalty. If the case cannot be settled, CARB legal staff refer the case to California's Attorney General for litigation.

Field inspectors are a critical component of CARB's enforcement program. The inspectors work across the state to inspect trucks and other equipment for compliance with CARB's regulations. CARB inspectors examine equipment at numerous locations throughout California, such as at California Highway Patrol (CHP) scale facilities, warehouses, fleet yards, construction sites, random roadside locations, truck stops, rest areas, ports, and rail yards.

In addition, CARB has a Supplemental Environmental Project (SEP) Policy that allows community-based projects to be funded from a portion, up to 50 percent, of the penalties

received during settlement of enforcement actions. SEPs can improve public health, reduce pollution, increase environmental compliance, and bring public awareness to neighborhoods most burdened by environmental harm. CARB Enforcement policy can be accessed at <https://ww2.arb.ca.gov/resources/documents/supplemental-environmental-projects-policy>

### III. ENFORCEMENT PROGRAMS DESCRIPTIONS

#### Heavy-Duty Diesel Vehicle (HDDV) Program Descriptions

**Heavy-Duty Vehicle Inspection Program (HDVIP).** The HDVIP program requires inspection of heavy-duty trucks and buses for excessive smoke and tampering, and engine certification label compliance. Any heavy-duty vehicle traveling in California, including vehicles registered in other states and foreign countries may be tested. CARB inspection teams perform tests at border crossings, CHP weigh stations, fleet facilities, and randomly selected roadside locations. Owners of trucks and buses found in violation are subject to minimum penalties starting at \$300 per violation and up to \$1,000 a day.

**Off-Road Construction Equipment (Off-road regulation).** Construction equipment is a major contributor to air pollution, especially when large construction projects are adjacent to neighborhoods. To address this source of air pollution, CARB adopted the nation's first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. The off-road regulation requires off-road fleets to meet fleet average emission standards and be equipped with best available control technology (BACT).

**The Tractor-Trailer Greenhouse Gas Regulation (Smart Way).** This regulation requires 53-foot or longer dry van or refrigerated van trailers and the tractors that pull them on California highways to use certain equipment that the U.S. EPA Smart Way program has verified or designated to meet their efficiency standards and reduce fuel consumption.

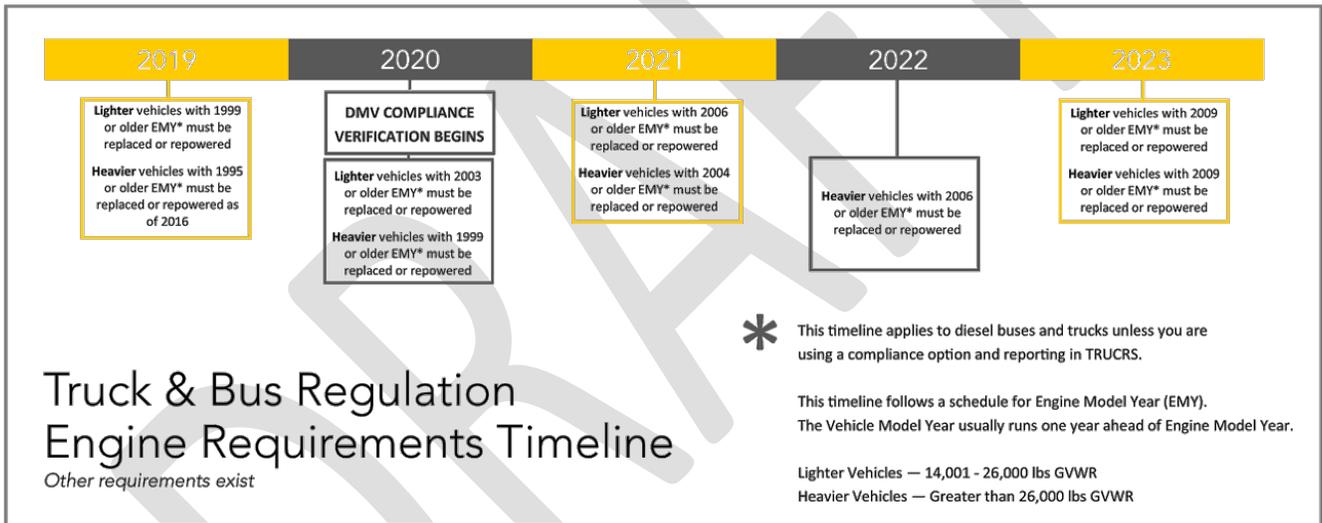
**Solid Waste Collection Vehicles (SWCVs).** The Solid Waste Collection Vehicle regulation required vehicle owners to upgrade solid waste collection vehicles by December 31, 2010. On January 24, 2019, the Board approved amendments that now require reporting for SWCVs with 2006 model year and older engines to avoid unnecessary registration delays at the California Department of Motor Vehicles (DMV) starting in 2020 due to Senate Bill 1 requirements. The approved amendments also added heavy diesel-fueled on-road single engine cranes to the regulation and became effective on July 1, 2019. These specialized cranes are required to phase-in 2010 or newer model year engines from 2019 to 2027.

**Transport Refrigeration Unit (TRU).** TRUs are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including semi-trailers, truck vans, shipping containers, and rail cars. Because diesel particulate matter is an identified toxic air contaminant, CARB adopted an airborne toxic control measure (ATCM) for TRUs and TRU generator sets. CARB staff inspect TRUs to ensure that the units are meeting labeling and in-use performance standards identified in the TRU regulation.

**Drayage.** The Drayage Truck Regulation is part of CARB’s ongoing efforts to reduce particulate matter (PM) and oxides of nitrogen (NOx) emissions from diesel-fueled engines and improve air quality associated with goods movement. Heavy-duty vehicles that carry goods to or from a port or intermodal facility are required to be equipped with a 2007 or newer model year engine. This requirement becomes stricter in 2023, when drayage trucks are required to be equipped with a 2010 or newer model year engine, because drayage trucks will be required to meet the standards of the Statewide Truck and Bus regulation.

**Statewide Truck and Bus (STB).** The Statewide Truck and Bus regulation requires diesel trucks with a gross vehicle weight rating (GVWR) greater than 14,000 pounds that operate in California to install diesel particulate filters, or replace older engines with cleaner engine technology, on a schedule based on the model year of the engine and GVWR. The following timeline outlines the engine requirements HDDV must meet to be in compliance with the regulation.

Figure X-1 Truck and Bus Regulation Engine Requirements Timeline



**Idling.** Idling and opacity inspections are performed to ensure an HDDV is compliant with emission standards and is not violating CARB’s Idling regulation. Idling for more than five minutes is prohibited unless the HDDV is certified clean idle and the vehicle is more than 100 feet away from a school or restricted area (exceptions apply). Vehicle owners and drivers in violation are subject to minimum penalties starting at \$300 per violation and up to \$1000 per day.

More information on CARB’s Heavy-Duty Diesel Vehicle Programs is available at [arb.ca.gov/truckstop](http://arb.ca.gov/truckstop).

### Fuels Inspections

California’s reformulated gasoline requirements are designed to reduce emissions from evaporation and the burning of gasoline, and Low Carbon Fuel Standard (LCFS) requirements are designed to reduce greenhouse gas (GHG) emissions by reducing the carbon content of fossil fuels. To enforce these

programs, CARB staff conduct inspections and review reporting information. When CARB identifies a violation, staff pursue compliance through corrective action and through the issuance and settlement of Notice of Violations (NOV's).

## Vehicles and Engines

The New Vehicle/Engine Programs evaluate the emission control systems of new vehicles, engines, and evaporative emission control systems produced for California. When all emissions related requirements are met, CARB issues an Executive Order certifying the vehicle/engine/evaporative emission control system as compliant with California's emissions requirements. Vehicles and engines are not legal for sale in California until certified.

## CARB Marine Enforcement Program Descriptions

**Ocean Going Vessel (OGV) Fuels Regulation.** This regulation is intended to reduce particulate matter, diesel particulate matter, oxides of nitrogen, and sulfur oxide emissions from ocean-going vessels. Such vessels are required to switch to a low sulfur distillate fuel within 24 nautical miles of the California coast.

**At-Berth Regulation (Shore Power).** The purpose of the At-Berth Regulation is to reduce PM and NOx emissions from diesel auxiliary engines on container ships, passenger ships, and refrigerated-cargo ships while berthing at regulated California Ports.

**Cargo Handling Equipment (CHE).** The Mobile Cargo Handling Equipment Regulation was adopted in 2005 to reduce toxic and criteria emissions such as diesel PM and NOx to protect public health. As part of CARB's continuing efforts to reduce emissions of air pollution in California, CARB staff conduct compliance inspections of CHE used at ports and intermodal rail yards. Cargo handling equipment transfers goods or perform maintenance and repair activities and includes equipment such as yard trucks, rubber-tired gantry cranes, top handlers, side handlers, forklifts, and loaders. CARB staff also conduct smoke audits on CHE at regulated facilities to insure equipment is maintained to manufacturer specifications.

**Commercial Harbor Craft (CHC).** There are several types of harbor craft in California, including crew and supply boats, fishing vessels, ferries, excursion vessels, tug boats, barges, dredges, and other vessel types. The Commercial Harbor Craft Regulation was adopted in 2007 to reduce emissions of diesel particulate matter, oxides of nitrogen, and Reactive Organic Gases from diesel engines used on CHC operated in Regulated California Waters (within 24 nautical miles of the California coast).

## Consumer Products Programs Description

**Composite Wood Products.** CARB's ATCM to control formaldehyde emissions from composite wood specifically focuses on three products: hardwood plywood, particleboard, and medium density fiberboard. Investigators in the Composite Wood Products program purchase

samples of regulated products from outlets all over California. They inspect products and packaging for compliance with labeling requirements and send selected products to the laboratory for testing.

**Consumer Products.** Consumer products are chemically formulated products used by household and institutional consumers. Some examples are detergents, cleaning compounds; polishes, floor finishes; cosmetics and personal care products; home, lawn, and garden products; disinfectants and sanitizers; aerosol paints and automotive specialty products. Consumer products do not include other paint products, furniture coatings, or architectural coatings. Investigators in the Consumer Products program purchase samples of regulated consumer products from outlets all over California. They inspect product containers for compliance with registration and dating requirements and send selected products to the laboratory for testing.

## Complaints

Enforcement staff investigate tips about non-compliance and complaints about smoking vehicles and other sources of air pollution. Reporting potential violations of air quality requirements can provide important information for enforcement efforts. Although every complaint is followed-up on, it is important to note that not all complaints are actionable. This can be due to a lack of necessary information, such as a specific location, or contact information for CARB enforcement staff to obtain additional information. Public can submit complaints through CalEPA website <https://calepa.ca.gov/enforcement/complaints/>

## IV. CARB'S THREE-YEAR ENFORCEMENT HISTORY

CARB prepared a three-year retrospective review of enforcement activities in the Portside Environmental Justice Neighborhoods. The following sections contain a description of enforcement programs implemented in the community by CARB for years 2017 through 2019; this report includes compliance rate results for inspections conducted within a 0.5-mile buffer outside of the AB 617 Portside Environmental Justice Neighborhoods community boundary, specifically within 92113, 91950, and 92102 zip codes.

The inspection history includes several program inspections conducted in and around the Portside Environmental Justice Neighborhoods community. The maps shown in this section indicate the approximate locations and number of inspections conducted for mobile sources enforcement in the Portside Environmental Justice Neighborhoods Community in 2017, 2018 and 2019. The goal of the maps is to visually display the location of program inspections to help determine gaps in CARB enforcement activity as well as where enhanced enforcement is necessary to deter potential violators within the community.

CARB will work closely with the community steering committee to better determine areas of non-compliance within the Portside Environmental Justice Neighborhoods area. The high compliance rate observed in the three-year history may demonstrate the need for more targeted inspections to identify compliance issues.

## Heavy-Duty Diesel Vehicles

Over the last three years, CARB has conducted 559 inspections on Heavy-Duty Diesel Vehicles (HDDV) within Portside Environmental Justice Neighborhoods. Table X-1 represents a year-by-year breakdown of enforcement action for CARB HDDV programs in the community between 2017 and 2019 (inspections per year are program based and some occur concurrently).

These inspections occurred across six CARB HDDV enforcement programs. The programs not included in Table X-1 are enforced by San Diego Air Pollution Control District and reported in the section titled Mobile Source Inspections, or there are no records of enforcement actions within the Portside Environmental Justice Neighborhoods area.

Table X-1. Enforcement History of Heavy-Duty Vehicles  
in Portside Environmental Justice Neighborhoods

Program	2017					2018					2019				
	Inspections	Compliant Units	Emission violations	Non-Emission violations	Compliance Rate	Inspections	Compliant Units	Emission violations	Non-Emission violations	Compliance Rate	Inspections	Compliant Units	Emission violations	Non-Emission violations	Compliance Rate
Drayage	-	-	-	-	-	1	1	0	0	100%	-	-	-	-	-
HDVIP	56	56	0	0	100%	24	20	3	1	83%	24	16	4	4	67%
Off-Road	134	106	1	27	79%	12	9	0	3	75%	-	-	-	-	-
Smart Way	16	16	0	0	100%	-	-	-	-	-	-	-	-	-	-
TRU	20	9	10	1	50%	6	6	0	0	100%	-	-	-	-	-
Truck & Bus	70	49	21	0	70%	50	40	10	0	80%	8	6	2	0	86%
Idling (commercial)	125	125	0	0	100%	9	9	0	0	100%	-	-	-	-	-
Off-road construction vehicles	1	1	0	0	100%	3	3	0	0	100%	-	-	-	-	-
<b>Total</b>	<b>422</b>	<b>362</b>	<b>32</b>	<b>28</b>	<b>86%</b>	<b>105</b>	<b>88</b>	<b>13</b>	<b>4</b>	<b>91%</b>	<b>32</b>	<b>22</b>	<b>6</b>	<b>4</b>	<b>77%</b>

Figure X-2. CARB Heavy-Duty Vehicle Program inspection locations (2017-2019)



Preliminary analysis of Heavy-Duty Vehicle program inspections suggests that the compliance rate within the Portside Environmental Justice Neighborhoods community is high. For a breakdown of violations per CARB enforcement program see Table X-1. Enforcement History of Heavy-Duty Vehicles in the Portside Environmental Justice Neighborhoods, from 2017-2019. Overall, based on field inspections, Heavy-Duty Vehicle programs have more than a 75 percent compliance rate when averaged over a three-year period. For inspection locations reference see Figure X-2 CARB Heavy-Duty Vehicle Program inspection locations (2017-2019).

During the baseline three-year period, 87 citations were issued to Heavy-Duty Vehicles within the Portside Environmental Justice Neighborhoods community. Further breakdown of the citations data indicates that 51 citations were issued for emission violations and 36 citations were issued for non-emission violations. Note that the difference between emission and non-emission violations (citations) is that emission violations contribute to air pollution while non-emissions violations do not. An example of a non-emission violation would be a truck not complying with labeling requirements.

CARB is working to compile information on the resolution of violations issued in Portside Environmental Justice Neighborhoods and will provide this data to the community steering committee as it becomes available.

### Truck and Bus Regulation, Senate Bill 1

In response to the regulation, CARB began a streamlined enforcement process to increase outreach to owners of heavy-duty diesel trucks and buses, and provide an opportunity for vehicle owners to demonstrate compliance. Those with older vehicle models that could potentially be out of compliance were sent Notices of Non-Compliance (NC) and Notices of Violation (NOV) letters from 2018 through 2019. In the last quarter of 2019, CARB began sending warning letters to fleet owners who appeared to have vehicles that could potentially be out of compliance beginning January 1, 2020.

In 2018 and 2019, CARB identified 287 heavy-duty diesel vehicles in the Portside Environmental Justice Neighborhoods within the zip codes of the AB 617 community (91950, 92102, and 92113). CARB issued 215 warning letters and 72 NC and NOV letters to vehicles within the AB 617 community boundaries. Out of the 72 NCs or NOVs sent for vehicles, 17 units demonstrated compliance and 52 units were subject to registration holds by the DMV. The remaining three vehicles could be deactivated, no longer

owned by the fleet, have been sold out of state, be are owned by a different fleet in state, or determined to not subject to the regulation.

Table X-2. Summary of letters sent under SB1 (2018-2019) in the Portside Environmental Justice Neighborhoods

Type of Letter	Number of Letters Sent
Warning letters	215
NC and NOV letters	72
<b>Total</b>	<b>287</b>

Beginning in 2020, HDDV owners are required to show proof of compliance with the Truck and Bus Regulation to the DMV with their vehicle registrations, or their registration will be denied. Starting January 1, 2020, and continuing through December 31, 2023, trucks and buses that are not in compliance with the Truck and Bus regulation will be removed from the road via registration holds through the DMV, so that by the end of 2023, 100 percent of Trucks and Buses subject to the rule will be in compliance. The 215 vehicle owners who received warning letters are required to show proof of compliance, otherwise they will not receive 2020 registrations.

### Fuels Enforcement Program

In 2019, CARB conducted 167 fuel inspections in California, of which four gasoline samples were found to be non-compliant. There were no violations for diesel, ethanol or racing fuels. Overall, for the State of California, CARB determined a compliance rate of 98 percent in 2019.

CARB conducted a total of 47 fuels inspections in the Portside Environmental Justice Neighborhoods during the 2017-2019 period with an outcome of 100percent compliance rate. Portside Environmental Justice Neighborhoods benefits from the fuel inspections and audits that take place in the surrounding area as fuel is distributed to service stations in San Diego. Table X-3 provides detail on the inspections conducted per year and per fuel type in the Portside Environmental Justice Neighborhoods. See Figure X-3 for inspections spatial distribution in within AB 617 boundaries.

Table X-3. Enforcement History of Fuels Program Inspections in Portside Environmental Justice Neighborhoods

Fuel	2017			2018			2019		
	Inspections	Violations	Compliance Rate	Inspections	Violations	Compliance Rate	Inspections	Violations	Compliance Rate
Ethanol	-	-	-	2	0	100%	4	0	100%
Gas	20	0	100%	6	0	100%	11	0	100%
Diesel	3	0	100%	1	0	100%	2	0	100%
<b>Total</b>	<b>23</b>	<b>0</b>	<b>100%</b>	<b>7</b>	<b>0</b>	<b>100%</b>	<b>17</b>	<b>0</b>	<b>100%</b>

Figure X-3. CARB Fuels Program inspection locations (2017-2019)



## Vehicles and Engines

CARB is responsible for evaluating the emission control systems of new vehicles and engines, and evaporative emission control systems of engine-equipped devices. When CARB finds that the vehicle/engine/evaporative emission control system complies with all of California's emission standards and emissions-related requirements, the vehicle/engine/evaporative emission control system may operate in California.

CARB conducted 13 Vehicles and Engines inspections in the Portside Environmental Justice Neighborhoods during the 2017-2019 period. There is a high compliance rate above 95 percent average over the three-year period. Table X-4 provides detail on the inspections conducted per year and per program type in the Portside Environmental Justice Neighborhoods. See Figure X-4 for inspections spatial distribution in within AB 617 boundaries.

Table X-4. Enforcement History of Vehicles & Engines  
in Portside Environmental Justice Neighborhoods

Program	2017			2018			2019		
	Inspections	Violations	Compliance Rate	Inspections	Violations	Compliance Rate	Inspections	Violations	Compliance Rate
49 State	1	0	100%	1	0	100%	3	1	67%
Dealer and Fleet Tampering				1	0	100%	6	0	100%
R134A							1	0	100%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>100%</b>	<b>2</b>	<b>0</b>	<b>100%</b>	<b>10</b>	<b>1</b>	<b>90%</b>

Figure X-4. CARB Vehicles and engines inspection locations (2017-2019)



### Marine Enforcement

From 2017-2019 CARB staff performed at least 241 inspections for marine regulation enforcement in the Portside Environmental Justice Neighborhoods. Analysis of the enforcement data for inspection activities in the Portside Environmental Justice Neighborhoods suggests that there is a high compliance rate and an increase in the number of inspections conducted, see table X-5. Figure X-5 indicates the approximate location and number of inspections in the above-mentioned Marine program areas in the Portside Environmental Justice Neighborhoods Community from 2017-2019.

Table X-5. Marine Enforcement History (2017-2019)

Program	2017			2018			2019		
	Total Inspections/Audits	Compliance Rate	Violations	Total Inspections	Compliance Rate	Violations	Total Inspections	Compliance Rate	Violations
Cargo Handling Equipment	21	100%	0	3	100%	0			
Commercial Harbor Craft	7	100%	0	4	100%	0	12	100%	0
Ocean Going Vessels	7	100%	0	86	100%	0	95	98%	2
Shore Power	3*	100%	0	3	100%	0			
<b>Total</b>	<b>38</b>	<b>100%</b>	<b>0</b>	<b>96</b>	<b>100%</b>	<b>0</b>	<b>107</b>	<b>98%</b>	<b>2</b>

\*Shorepower are fleet audits. Each audit is a separate fleet making up multiple vessel visits throughout the year.

Figure X-5. Marine Inspection Locations



### Consumer Products

Consumer product inspections are an important regulatory tool to improve public health in the community. Consumer products, such as hairsprays, deodorants and flooring, are widely used, but can be sources of toxic air contaminants (TACs) and volatile organic compounds (VOC) that community members willingly bring into their homes. As these products are often used throughout the state of California, compliance in one location affects communities across the state. Table X-6 show data for Consumer Products enforcement activities conducted statewide over the three-year enforcement history used as baseline for this enforcement plan. A total of 1,883 inspections were conducted statewide, a high percentage of cases were found to be in compliance. There is no record of Consumer Products enforcement activities conducted within the Portside Environmental Justice Neighborhoods Community boundaries for the 2017-2019 period.

Table X-6. Consumer Products (Statewide) Enforcement History (2017-2019)

Program	2017				2018				2019			
	Inspections	Compliant	Non-compliant	Investigations	Inspections	Compliant	Non-compliant	Investigations	Inspections	Compliant	Non-compliant	Investigations
Aerosol Coatings	7	1	5	1	72	21	19	32	39	0	0	39
Antiperspirant/Deodorants	5	0	0	5	19	7	4	8	11	3	0	8
Composite Wood	80	59	10	11	11	0	1	10	29	0	0	29
Consumer Products	514	417	32	65	590	415	32	143	506	87	9	410
<b>Total</b>	<b>606</b>	<b>482</b>	<b>47</b>	<b>82</b>	<b>692</b>	<b>443</b>	<b>56</b>	<b>193</b>	<b>585</b>	<b>90</b>	<b>9</b>	<b>486</b>

### Settlements

This section presents an overview of settlement agreements reached between companies and CARB for violations to listed regulations in the Portside Environmental Justice Neighborhoods. In 2015, one company was found to be out of compliance with the requirements of the Cargo Handling Equipment Regulation and a settlement was reached in 2017. As a result of this settlement a total of \$118,125.00 was collected in fines due to the violation, from which \$59,063.00 went to the Air Pollution Control Fund,

and \$59,062.00 was allocated to fund the School Bus Diesel Emission Reduction SEP. For further details on these cases, please visit <https://ww2.arb.ca.gov/cemex-construction-materials-pacific-llc-case-settlement>

## Complaints

In 2019, CARB received three diesel complaints through CARB’s complaint reporting system for Truck & Bus regulations, and no actionable complaints through CalEPA reporting system within the Portside Environmental Justice Neighborhoods. CARB referred received complaints to the appropriate section in a timely manner.

To increase the effectiveness of the complaint program, CARB Enforcement has developed a training to offer to the communities further described in the Enforcement Goals and Strategies section. CARB has recently begun to track all complaints through the California Environmental Protection Agency Complaint Reporting system. This will allow CARB staff to better track complaints by community and to see the resolution of the complaint. Furthermore, this process will enhance CARB’s complaint response by encouraging better complaint referrals (e.g. referring complaints to the proper agency and/or identifying complaints that may require multiple agencies to be involved in their resolution).

## CARB Border Enforcement Activities

CARB conducts enforcement activities that include inspections for various programs and regulations in the border area. This is relevant to Portside Neighborhoods based on proximity to community boundaries, and truck routes that travel through freeways near the area. Table X-7 Enforcement Activities in San Diego Border Area show a list of regulations enforced and high compliance rates for the three-year period 2017-2019 within approximately 10 miles from the U.S. border with Mexico, Otay Mesa border cross. Details on inspections, enforcement activities and locations are available at <https://webmaps.arb.ca.gov/edvs/>

Table X-7 Enforcement Activities in San Diego Border Area

Program	Inspection locations	Inspections	In Compliance	Compliance
Heavy Duty Vehicles	114	3726	3227	87%
Fuels	3	59	59	100%
Consumer products	4	18	17	94%
Vehicles and engines	19	20	20	100%
Case settlements	8	10 cases	N/A	N/A

## V. CARB ENFORCEMENT POTENTIAL STRATEGIES

The Air District and CARB recognize that enhancing enforcement is a top priority for the Portside Environmental Justice Neighborhoods and intends to implement the following enforcement strategies, programs and policies in addition to the existing, ongoing enforcement activities to help improve air quality and penalize non-compliance in the Portside Environmental Justice Neighborhoods:

CARB acknowledges that the high compliance rates identified in the enforcement history may not necessarily reflect compliance across the community. In cases where enhanced enforcement activities uncover non-compliance issues, CARB's goal will be to achieve the same or higher compliance rates as observed in the three-year history.

CARB staff will also work closely with the community steering committee, the Air District, and other agencies (e.g. City of San Diego, Port of San Diego, etc.) to address gaps in the enforcement of mobile sources and seek opportunities to close these gaps.

To support achieving these goals, CARB is committed to enhancing enforcement activities within Portside Environmental Justice Neighborhoods by utilizing the following tools:

- An assessment of the enforcement history data
- Targeting areas that may require additional enforcement with guidance from the community steering committee

CARB will utilize current regulations and enforcement programs across all sources CARB regulates to target areas of non-compliance within the Portside Environmental Justice Neighborhoods community. In addition, CARB and Air District staff will use the above-referenced tools to continue coordination on enforcement of mobile source rules and regulations in and around the community. This coordination is in part due to CARB and the Air District's MOU and the District's Mobile Source Compliance Plan, which lays out a comprehensive strategy for enforcement of specific regulations. CARB and San Diego Air Pollution Control District will explore opportunities to expand the use of MOUs to enforce additional regulations.

Listed below are CARB's enforcement strategies to help improve air quality and enhance enforcement in the Portside Environmental Justice Neighborhoods:

1. Coordinate and conduct inspections of stationary sources with Air District staff  
CARB will coordinate with Air District staff and will select, based on the community steering committee input, stationary sources for joint inspections. CARB is also committed to assisting Air District staff with compliance inspections of unpermitted sources identified by the community steering committee.
2. Achieve compliance with the Truck and Bus Regulation via Senate Bill 1  
In April 2017, the Governor signed Senate Bill 1 (SB 1) into law, which included a provision that, beginning in 2020, a vehicle must demonstrate compliance with the STB regulation before it can be registered with the Department of Motor Vehicles (DMV). In 2020, DMV started vehicle registration denial for non-compliant units based on information provided by CARB for the HDVs model year.
3. Provide Annual Report of Enforcement Activities

CARB's Enforcement Division will provide an annual report to the community steering committee to summarize CARB's enforcement activities within the community and update strategies as required.

4. Coordinate with other agencies  
CARB will seek opportunities to coordinate with other agencies with enforcement authority in Portside Environmental Justice Neighborhoods, including but not limited to the City and San Diego and Port of San Diego.
5. Enhance CARB's Data Management Practices  
CARB is committed to enhancing the quality of enforcement data for the Portside Environmental Justice Neighborhoods community. Moving forward, CARB will maintain the location of enforcement activity and received complaints to provide the community steering committee with the most accurate data available. CARB has recently launched a visualization tool that makes CARB enforcement data more transparent and available. CARB's visualization tool provides access to community specific enforcement data and is publically available online by visiting <https://webmaps.arb.ca.gov/edvs/>.
6. Provide in-person community specific training  
CARB will develop and offer training opportunities to the Portside Environmental Justice Neighborhoods community. Information will cover topics like the fundamentals of enforcement, how the enforcement process works, instructions on filing a thorough complaint, and what to expect from the enforcement process after filing a complaint. Through this program, community members will be able to better support CARB or air district enforcement processes. CARB will also develop online trainings in the future.
7. Update enforcement strategies as applicable  
CARB staff are committed to updating enforcement strategies as requested by the community steering committee, if those strategies are enforceable by CARB staff or if CARB can reasonably accommodate the request.

#### Figures

- X-1 Truck and Bus Regulation Engine Requirements Timeline
- X-2 CARB Heavy-Duty Vehicle Program inspection locations (2017-2019)
- X-3 CARB Fuels Program inspection locations (2017-2019)
- X-4 Figure X-4. CARB Vehicles and engines inspection locations (2017-2019)
- X-5 Figure X-5. Marine Inspection Locations

#### Tables

- X-1 Enforcement History of Heavy-Duty Vehicles in Portside Environmental Justice Neighborhoods
- X-2 Summary of letters sent under SB1 (2018-2019) in the Portside Environmental Justice

Neighborhoods X-3 Enforcement History of Fuels Program Inspections in Portside Environmental Justice Neighborhoods

X-4 Enforcement History of Vehicles & Engines in Portside Environmental Justice Neighborhoods

X-5 Marine Enforcement History (2017-2019)

X-6 Consumer Products (Statewide) Enforcement History (2017-2019)

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