
CHAPTER 4:

ENFORCEMENT OVERVIEW AND HISTORY

Chapter 4: Enforcement Overview and History

Introduction

This chapter describes the enforcement history and overall approach to enforcement by South Coast Air Quality Management District (South Coast AQMD) and California Air Resources Board (CARB). In addition, the Community Emissions Reduction Plan (CERP) includes focused enforcement actions, which are described in Chapter 5: Actions to Reduce Community Air Pollution. Both CARB and South Coast AQMD regulate and enforce air pollution laws and have the authority to conduct inspections of air pollution sources, and issue violations that can lead to penalties.¹

An air pollution source can be a specific piece of equipment or a process, a business, a government agency, or any other entity that creates air pollution. CARB is primarily responsible for enforcement of trucks, buses, and other mobile sources, while South Coast AQMD is primarily responsible for enforcement relating to stationary sources (e.g., facilities).² Additionally, South Coast AQMD has jurisdiction over indirect sources, which are fixed locations that attract mobile sources such as a shopping center, warehouse, or port.

Chapter 4 Highlights

- From 2018 through 2021, in the South Los Angeles (SLA) area, CARB conducted over 300 inspections and addressed approximately 60 complaints; and South Coast AQMD conducted approximately 765 inspections and responded to approximately 3,034 complaints.
- Both CARB and South Coast AQMD have designed their programs to most effectively address sources within their respective jurisdictions.
- The enforcement approach for SLA utilizes specialized program structures, outreach efforts in the community, use of technology, and interagency partnerships which can lead to increased compliance and further emission reductions.

¹ More information about penalties will be provided in the Enforcement Appendix 4.

² In some cases, CARB may have agreements that give local air districts delegated authority to enforce a particular CARB rule. For example, South Coast AQMD has an agreement with CARB to be able to enforce CARB's greenhouse gas standards.

Table 4-1: South Coast AQMD Summary of Compliance Activities by Community Concern from 2018 through 2021³

Community Concern	# of Facilities	# of Inspections ⁴	# of Complaints ⁵	# of Notices of Violation (NOVs)	# of Notices to Comply (NCs)
Oil and Gas	19	41	80	13	11
Mobile Sources (Truck Idling)	N/A	0	17	0	0
General Industrial ⁶	353	413	50	153	168
Auto Body Shops	89	57	8	12	68
Metals	69	197	3	26	65

South Coast AQMD enforces CARB’s truck idling rule. **Table 4-1** describes South Coast AQMD’s compliance activities in SLA. For mobile sources, the focus of South Coast AQMD’s efforts within SLA has been to respond to idling complaints. While South Coast AQMD has not received a significant number of idling truck complaints in SLA, there were 17 complaints received between 2018 through 2021. While compliance with the idling rules tends to be high, all South Coast AQMD AB 617 Community Steering Committees (CSCs) consistently identify idling trucks as a source of air pollution concern within their community. Therefore, South Coast AQMD is committed to increasing enforcement efforts on idling trucks within these communities. In order to identify idling locations of concern, the CSC can help by sharing those locations with South Coast AQMD via telephone at 1-800-CUT-SMOG and by helping both South Coast AQMD and CARB with community outreach about CARB’s idling rules.

Complaints

Air pollution concerns received directly from community members by way of public complaints are a very important source of information for South Coast AQMD. All complaints are assigned to an inspector for investigation, with priority for ongoing issues that are impacting the public. **Table 4-2** provides a summary of the complaints received within SLA and the surrounding community.

³ For the purposes of this chapter, the timeframe of “2018 through 2021” includes January 1, 2018, through December 31, 2021.

⁴ These include staff-initiated inspections and surveillance, but not responses to facility notifications or complaints.

⁵ Complaints where the source was confirmed to be a community concern.

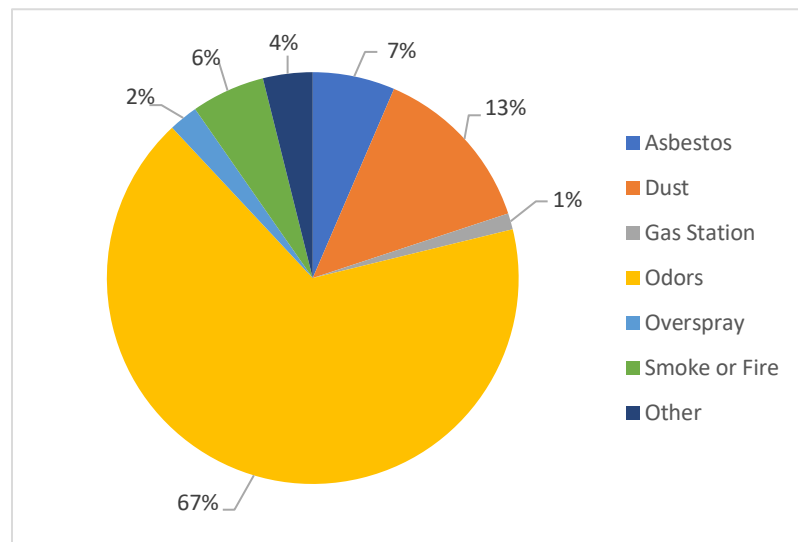
⁶ Includes inspections at Chemical, Dry Cleaners, Gas Stations, Manufacturing, Other Industrial, and Utility facilities.

Table 4-2: Summary of Complaints Received within SLA and the Surrounding Community⁷ from 2018 through 2021

Complaint Type	Number	Notice of Violation Issued	Notice to Comply Issued	Referred to Another Agency	No Enforcement Action Taken ⁸
Asbestos	229	7	49	4	169
Dust	477	28	32	5	412
Gas Station	45	0	2	7	36
Odors	2369	284	27	12	2046
Overspray	81	1	6	4	70
Smoke or Fire	205	15	4	1	185
Other	138	9	6	7	116
Total	3544	344	126	40	3034

The most common type of complaints, as **Figure 4-1** indicates, are odor complaints. Due to the fleeting nature of odors, inspectors may not always be able to verify an odor or detect a source; and while this can be a frustration for community members, staff urges members of the community to call in a complaint on each occurrence. This strengthens the investigation and increases the likelihood that a source will ultimately be identified.

Figure 4-1: Breakdown of SLA Complaints Received 2018 through 2021

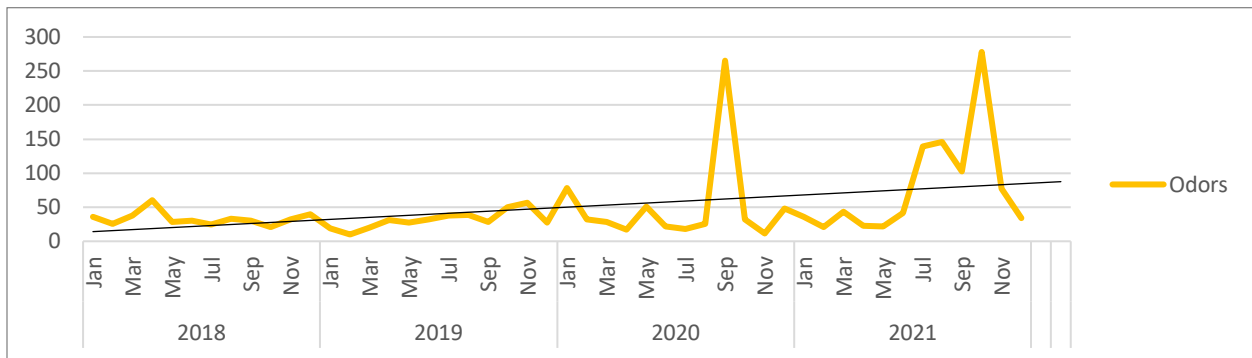


⁷ The complaint information is based on the following Zip Codes: 90003, 90037, 90059, 90061, 90062, 90222, 90011, 90262, 90007, 90008, 90018, 90089, 90044, 90016, 90305, 90047, 90221, 90002, 90043, 90220, 90015, 90001, 90248, 90056, 90021, 90303, 90247, 90230, and 90058.

⁸ “No Enforcement Action Taken” means that the complaint investigation has concluded but did not result in the issuance of a Notice of Violation or other formal enforcement action. For example, an alleged air pollution source may have been operating in compliance at the time of the inspection or the event underlying the complaint was no longer occurring.

Odor complaints have trended upwards over the years, potentially due to increased outreach efforts by South Coast AQMD and increased awareness by community members. However, as **Figure 4-2** indicates, complaint totals are often impacted by large odor events such as the spill of mercaptan (an odorant used for natural gas) that took place in Gardena in September 2020⁹ and the Dominguez Channel Odor Event in October 2021.¹⁰

Figure 4-2: Odor Complaints by Month within SLA



An important part of AB 617 is increasing community awareness of the tools that are available. Reporting complaints to both South Coast AQMD and CARB enables members of the public to play an active role in addressing air pollution concerns in their community. Both agencies rely on community input for identifying additional locations and sources of concern. Listed below are the best ways to contact South Coast AQMD and CARB:

CARB
Mobile Sources & Idling Trucks

Online:
[About the Environmental Complaint System](#)

By Phone:
1(800)-END-SMOG
(1-800-363-7664)

South Coast AQMD
Facilities & Idling Trucks

Online:
[File an Online Complaint](#)

By Phone:
1(800)-CUT-SMOG
(1-800-288-7664)

⁹ For more information regarding South Coast AQMD’s investigation, please visit <https://www.aqmd.gov/docs/default-source/news-archive/2020/NOVs-for-chemical-spill-compton-sept11-2020.pdf>.

¹⁰ For more information regarding the South Coast AQMD’s investigation, please visit <http://www.aqmd.gov/docs/default-source/news-archive/2021/5novs-for-elevated-hydrogen-sulfide-levels-dec3-2021.pdf>.

When reporting air pollution complaints, it helps when you can share the Four W's:

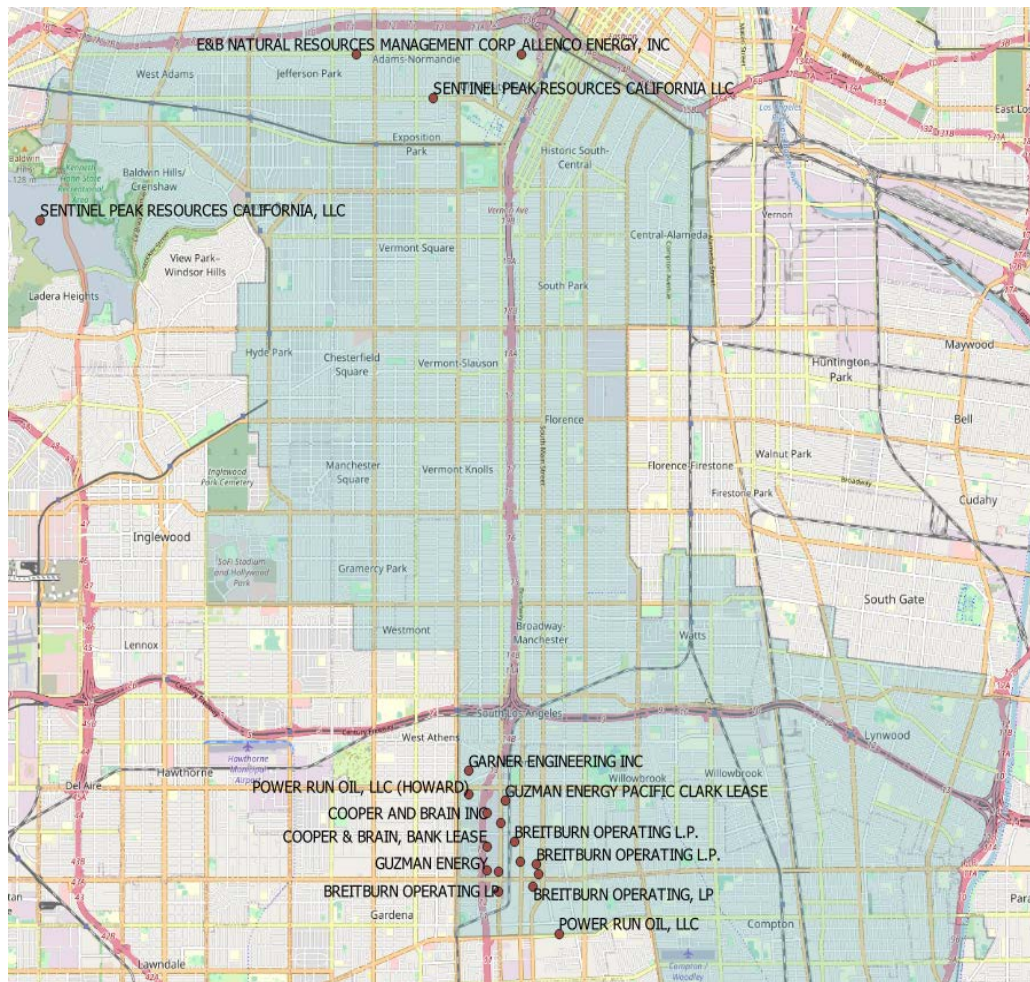
What	Where	When	Who
<ul style="list-style-type: none"> • What are you reporting? • Odor, smoke, burning, idling truck? 	<ul style="list-style-type: none"> • Where did it occur? • As specific of a location as possible 	<ul style="list-style-type: none"> • When did it occur? • Date/time, and is it ongoing? 	<ul style="list-style-type: none"> • Who caused it, if you know?

Typically, videos and photos cannot be the basis for South Coast AQMD and CARB to take enforcement action, but they can be helpful to the investigation. Of course, please always make sure that you are being safe.

Oil and Gas Industry

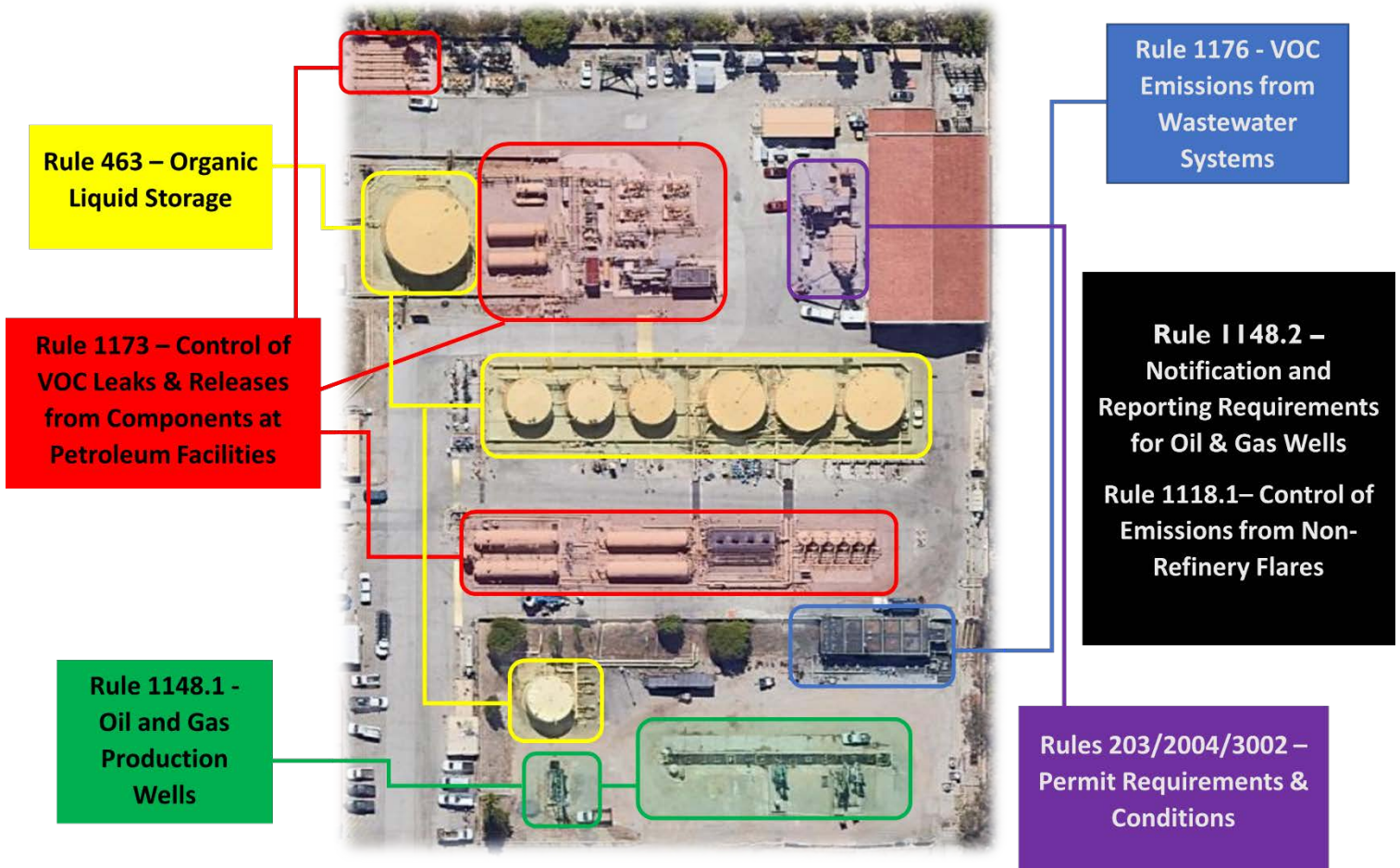
Oil and gas facilities extract crude oil from underground and may also store the oil on-site. These facilities generally have permits for oil extraction, storage tanks, and wastewater equipment.

Figure 4-3: Map of Oil and Gas Facilities with Active South Coast AQMD Permits



Oil wells are inspected by South Coast AQMD’s Energy Team. The Energy Team enforces the applicable regulations (**Figure 4-4**) using specialized equipment such as Optical Gas Imaging cameras, Toxic Vapor Analyzers, and other air sampling equipment. Inspections of these sites focus on identifying fugitive volatile organic compound (VOC) emissions, and when detected inspectors take enforcement action, if appropriate. For example, the majority of the NOV’s referred to in **Table 4-1** were issued for violations of the emissions standards set forth in Rule 1173. Please see **Figure 4-3** and **Figure 4-4** for locations of these facilities and the South Coast AQMD rules that apply to them. While the majority of South Coast AQMD’s authority at these facilities is focused on criteria pollutants and toxics, the agency also actively enforces CARB’s methane regulations.

Figure 4-4: Rules Applicable to Oil and Gas Sites



General Industrial

General Industrial is a broad category which covers community concerns that do not fit neatly into other categories identified by the CSC. **Figure 4-5** and **Figure 4-6** provide an overview of facilities within this air quality priority. General Industrial facilities have permitted equipment based on the particular process(es) at issue, such as storage tanks, baghouses, boilers, and heaters.

Generally, inspections of these facilities would be conducted by South Coast AQMD’s Industrial, Commercial, and Government Operations Team; however, specialized teams may conduct inspections for certain sources, such as gas stations.

Figure 4-5: Breakdown of Number of General Industrial Facilities with SLA

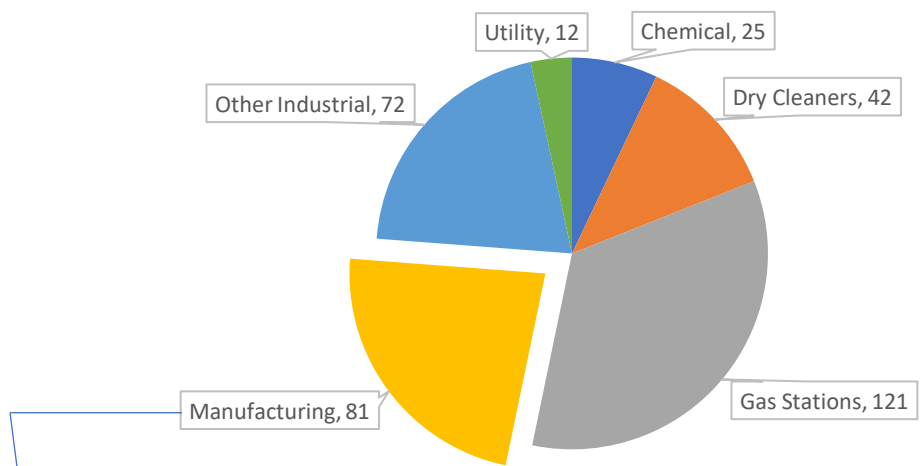
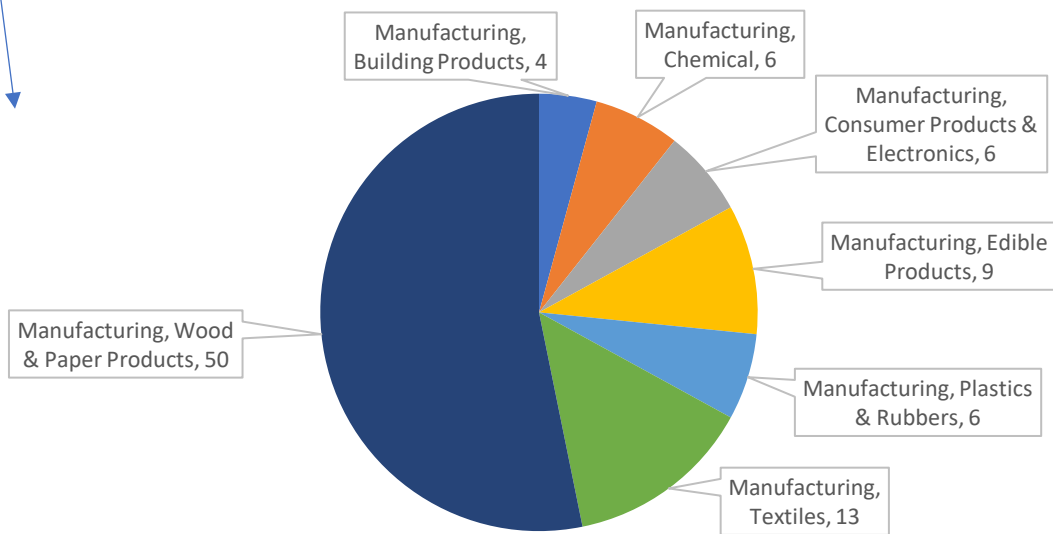


Figure 4-6: Breakdown of General Industrial Manufacturing Category within SLA



Since this category can contain a variety of facility types, CSC input provided on this topic will be crucial in prioritizing South Coast AQMD inspections. The numbers and rules cited for NOVs within this category vary widely and may not be indicative that a particular industry is “better” or “worse” than another, since the rules and permit conditions that apply may be different. Therefore, the CSC input on this topic will give community level insight to focus enforcement efforts within this category.

Metals

Metal facilities are those which work with or process metals. They can have permits for plating, coating, melting, or other metal working processes (**Figure 4-7**).

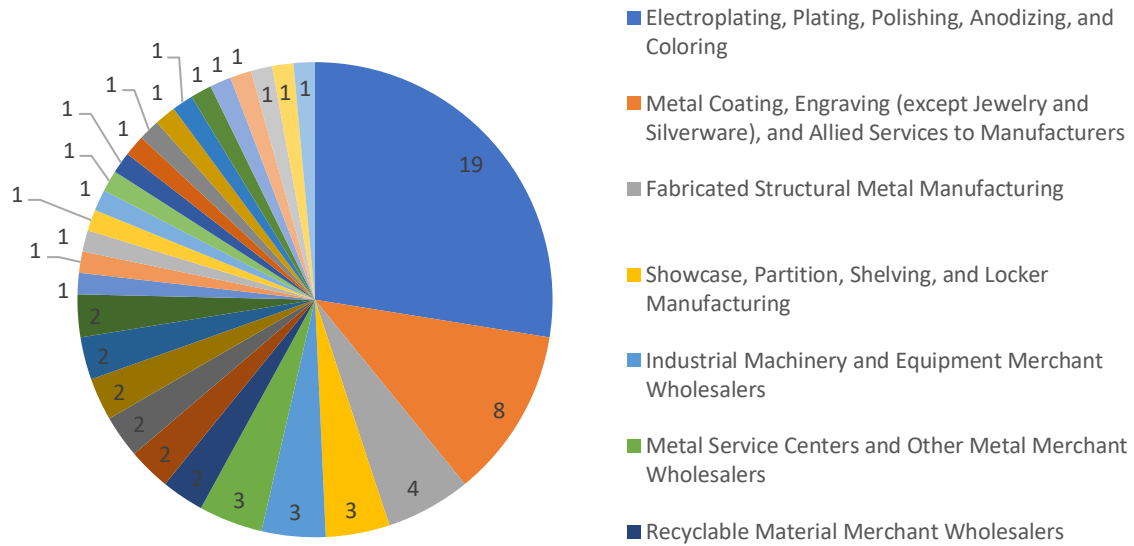
These facilities are mainly inspected by two South Coast AQMD teams, depending on the source type: Industrial, Commercial, and Government Operations and Toxics and Waste Management.

Figure 4-8 showcases the current distribution of metal processing facility types within the community. This distribution helps to inform the CSC on the sources within their community and enables the CSC to prioritize efforts towards those sources which are of greatest concern to them and to other members of the community.

Figure 4-7: Pouring Molten Metal into Molds



Figure 4-8: Distribution of Metals Facility Types within SLA1¹¹



When considering priorities, it is important to consider that South Coast AQMD prioritizes inspections using various criteria, including the type of pollutants potentially emitted by a facility. For example, chrome plating facilities are generally inspected once per quarter, due to the higher risk that emissions of hexavalent chromium can pose. The full list of facilities and their categories will be listed in Appendix 4.

Auto Body Shops

Auto Body Shops are facilities that conduct automotive repair and refinishing (**Figure 4-9**). These facilities are inspected by South Coast AQMD’s Industrial, Commercial, and Governmental Operations team. Within the SLA community boundary, South Coast AQMD identified approximately 90 facilities with permitted automotive-type paint spray booths, 60 percent of which were inspected within the last five years. As to the violations cited in **Table 4-1**, the majority of violations issued to auto body shops are for: (1) operating a paint spray

Figure 4-9: Application of Automotive Coating Inside a Paint Spray Booth



¹¹ A full breakdown of other categories not listed in this figure will be provided in Appendix 4.

booth without a valid permit and (2) storing or using noncompliant coatings or solvents on-site.

These facilities use VOC-containing paints and solvents, and their permit conditions generally set a limit on usage of these materials. However, concerns from members of the community are often focused on odors which are not directly addressed by South Coast AQMD rules and permit conditions for these facilities. The primary regulatory approach to take enforcement action on odors from an auto body shop is through Rule 402.¹² Therefore, receiving complaints from community members about particular auto body shops causing odor issues is crucial in addressing these concerns.

Mobile Sources

CARB is primarily responsible for enforcement of air quality regulations relating to trucks, buses, and other mobile sources, while South Coast AQMD is primarily responsible for enforcement relating to stationary sources (e.g., facilities). Therefore, the focus of South Coast AQMD’s efforts around mobile sources within SLA has been to enforce CARB’s truck idling regulation and respond to idling complaints.

Figure 4-10: Distribution of Complaints by CSC Identified Concern within SLA

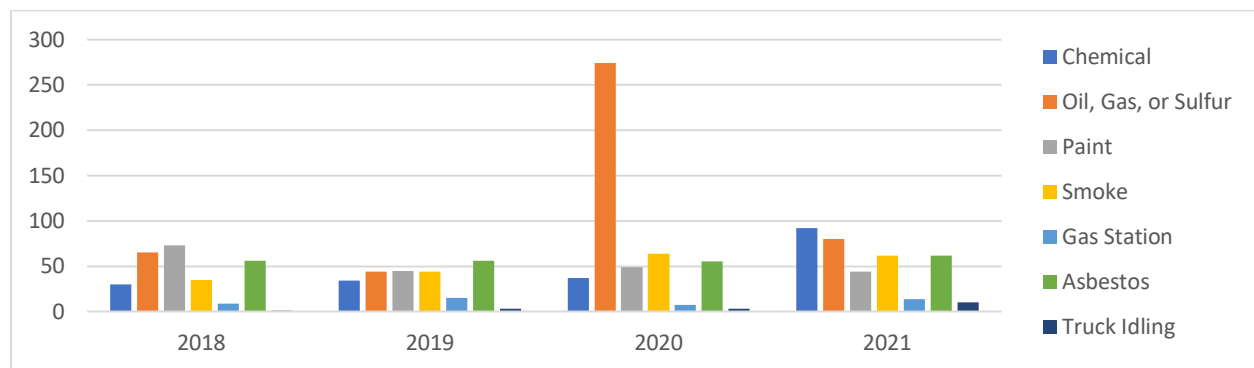


Figure 4-10 above, shows the number of complaints received from 2018 through 2021; the complaints are categorized by complaint type which were CSC-identified areas of concern. Further, as **Figure 4-10** shows above, while South Coast AQMD has not received a significant number of idling truck complaints, the CSC has identified idling trucks as a significant source of air pollution within their community. Therefore, South Coast AQMD is committed to increasing enforcement efforts on idling trucks within the community, which involves enforcing CARB’s diesel truck idling



¹² South Coast AQMD, Rule 402 – Nuisance, <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

regulation.¹³ This effort will require CSC input on locations with idling concerns as well as outreach to the community via South Coast AQMD's complaint response program.

CARB Enforcement Activity in South Los Angeles

CARB has authority to reduce emissions of air pollutants ranging from criteria air pollutants, like smog-forming oxides of nitrogen (NOx) and VOCs, to toxic air contaminants, like diesel particulate matter and greenhouse gases (e.g., methane). CARB is charged with enforcing its regulations applicable to mobile sources, consumer products, and other area-wide categories, fuels, and climate programs. CARB is also charged with overseeing the implementation of local air district permit and enforcement programs implementing requirements that apply to stationary industrial pollutant sources. In addition, CARB has direct enforcement authority over climate programs, many of which impact stationary sources directly or indirectly.

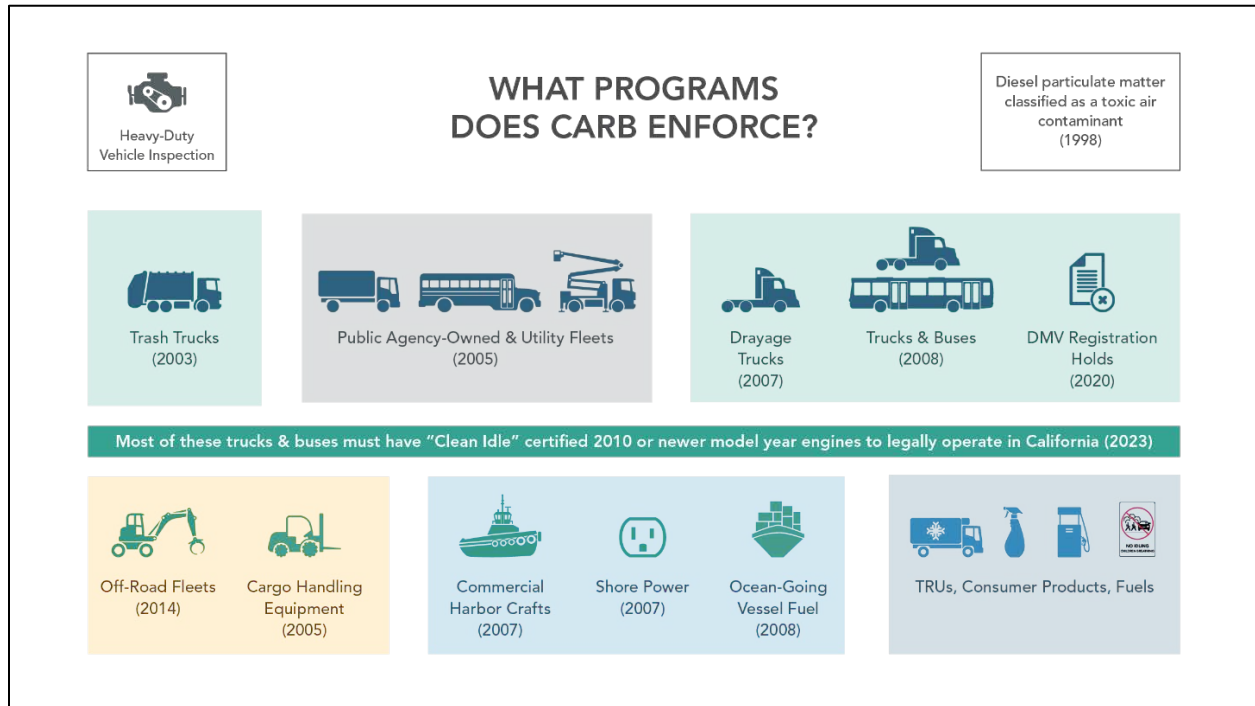
Diesel Vehicle Enforcement

CARB regulations establish stringent emission requirements that new diesel vehicles must meet. These requirements include installation of diesel particulate filters which remove more than 98 percent of toxic diesel particulate matter when properly functioning; and 90 percent of smog forming NOx. In addition, because diesel engines and heavy-duty vehicles and equipment are designed to last decades, CARB's diesel fleet regulations require operators to replace older, higher polluting vehicles and equipment with lower pollutant vehicles, equipment, and technologies to provide emission reductions as quickly as possible. These regulations apply to operators of on-road diesel vehicles such as trucks, and off-road diesel vehicles and equipment including construction and cargo handling equipment, commercial harbor craft, and other sources. As a result of these programs, CARB has greatly reduced diesel particulate and NOx emissions by over 90 percent in communities statewide.

Through its interaction with community members, CARB has heard the concerns of the community regarding diesel powered vehicles and equipment. Areas of concern CARB heard were, issues with heavy-duty diesel vehicle idling, the operation of trucks in and around warehouses, compliance with state heavy-duty diesel vehicle regulations, and the operation of oil and gas extraction facilities in the community.

¹³ CARB's truck idling regulation expressly allows enforcement by local air quality regulators.

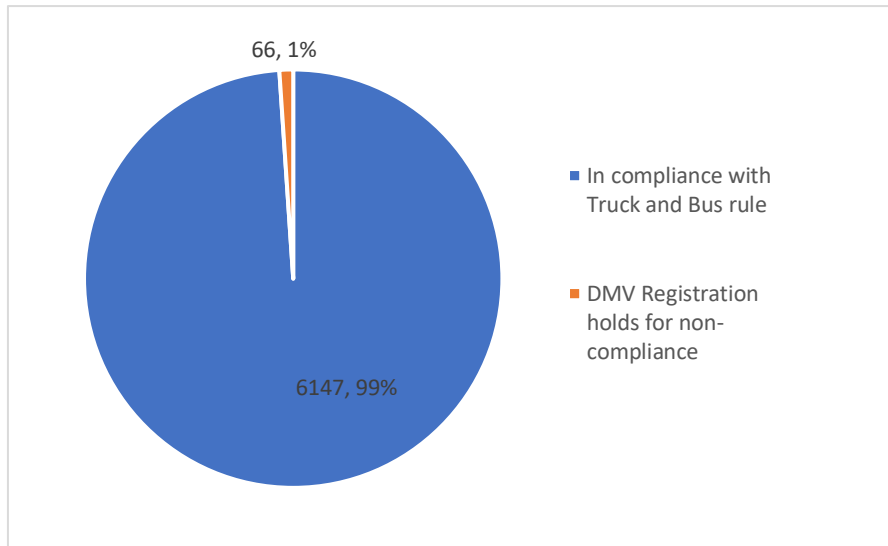
Figure 4-11: Programs CARB Enforces



In this section, CARB presents the history of enforcement activity related to the relevant enforcement programs in the SLA community from 2018 to 2021. See **Figure 4-11** for a breakdown of CARB’s enforcement activities in SLA from 2018 – 2021. More details on general locations by year and by category within SLA’s boundary can be found in CARB’s Enforcement Data Visualization System (EDVS).¹⁴

¹⁴ Since CARB cannot present personal information and these inspections are related to vehicles that are mobile, the best way to see the inspections and compliance status of vehicles traversing and servicing the SLA community is in CARB EDVS. Currently EDVS is updated annually. CARB intends to begin updating this quarterly beginning this year. A guide on how to use EDVS is here: <https://ww2.arb.ca.gov/resources/fact-sheets/enforcement-data-visualization-system-fact-sheet>

Figure 4-12: Compliance with CARB's Truck and Bus Rule for Registered Trucks and Buses in SLA



Nearly all trucks and buses in California are already, or will be, required to have a certified 2010 or newer model year engines by the end of 2023 to comply with CARB's Truck and Bus rule to legally operate in California.¹⁵ In fact, California is entering its third year where the California Department of Motor Vehicles (DMV) is holding registration for some trucks and buses that are not in compliance

with CARB's Truck and Bus rule as a requirement of Senate Bill 1. Due to CARB regulation implementation and enforcement, the compliance rate statewide for the rule was 98 percent in 2020. **Figure 4-12** is based on California DMV registration data. In SLA it was 99 percent, meaning that of the 6,213 heavy-duty trucks and buses registered in SLA, 6,147 were in compliance with the Truck and Bus rule in 2020. The other 66 had registration holds placed on them, which meant they could not legally be driven in California.

¹⁵ CARB, The Truckstop – Truck and Bus Regulation, <https://ww2.arb.ca.gov/sites/default/files/truckstop/tb/truckbus.html>

Table 4-3: CARB Inspections in SLA from 2018-2021 for Truck Idling, Off-Road Equipment, and Transportation Refrigeration Units (TRUs)

	Idling	Off-road Equipment	TRUs
2018			
Inspections	16	14	0
Non-compliant	6	4 ¹⁶	0
Compliance rate	63%	71%	-
2019			
Inspections	2	79	0
Non-compliant	1	16 ¹⁶	0
Compliance rate	50%	80%	-
2020			
Inspections	48	6	7
Non-compliant	2	4 ¹⁶	5
Compliance rate	96%	33%	29%
2021			
Inspections	90	0	2
Non-compliant/ Pending	3	1 ¹⁶	1
Compliance rate	97%	0%	50%
2018 – 2021 Total			
Inspections	156	100	9
Non-compliant/ Pending	12	25 ¹⁶	6
Compliance rate	92%	75%	33%



CARB's idling rules cover commercial vehicles, like trucks and buses, school buses, and off-road equipment. In general, there is a 5-minute idling limit statewide, but the rule allows vehicles and equipment to idle for longer periods under specified conditions, like when trucks are lined up waiting to get into a warehouse. CARB conducted 156 idling inspections in SLA from 2018 – 2021. Twelve of those were out of compliance. The overall compliance rate of 92 percent is relatively high, but lower than the statewide average of 98 percent compliance. So more inspections and other strategies will be useful to help deter illegal idling in the community.

The off-road diesel regulation applies to many types of heavy-duty diesel vehicles that aren't typically driven on the road, but rather used in construction and at oil and gas facilities. Looking at off-road fleet compliance in SLA from 2018 – 2021, CARB inspected a total of 100 off-road pieces of construction equipment. Twenty-five of these were out of compliance with the labeling

¹⁶ These are non-emissions violations for lack of, or improper, labeling.

requirement of the regulation, but were compliant with emission and technology requirements of the rule.

Transportation refrigeration units (TRUs) keep goods cooled (or heated) in cargo containers during transport and are regulated by CARB under the TRU regulation. CARB conducted nine of those inspections between 2018 and 2021 in SLA and found six violations, all of which were for labelling and not non-compliance with engine technology or emission requirements. CARB's TRU rule typically has lower compliance rates, and so identifying areas where TRUs operate in SLA, and conducting inspections to enhance compliance could reduce emissions in the community.

Oil and Gas

In addition to CARB's mobile source regulations, CARB also enforces rules related to the extraction, refinement, and distribution of fuels. The California Oil and Gas Regulation (COGR) that was adopted in 2017 is intended to reduce fugitive and vented methane emissions from new and existing oil and gas facilities. In addition, methane releases may be accompanied by emissions of other organic compounds that cause odor. CARB did not conduct inspections at oilfields (active or idle wells) or drilling sites in SLA between 2018 – 2021, because CARB had a memorandum of understanding with the South Coast AQMD to conduct these inspections. CARB is now starting to support the South Coast AQMD on enforcement of this regulation. However, based on input from the CSC, including what was learned on a tour of the Murphy Drill Site last year, CARB will develop a plan, in collaboration with the community and the South Coast AQMD, to inspect oil and gas facilities in SLA for compliance with local and state regulations, and determine if regulations might be strengthened to better protect the community. During the inspections, CARB will look at all sources of pollution located at these facilities, including stationary, portable, and mobile. CARB uses inspection equipment like mobile monitoring, optical gas imaging cameras, toxic vapor analyzers, infrared optical gas detectors, and eagle gas monitors as well as drones. CARB will document the results of the inspections and summarize what was learned in a report back to the community.

Community Concerns

CARB receives and responds to concerns identified by the community. This process is very important because CARB is likely unaware of the concern that is affecting the community. In addition to the programs described in CARB's discussion above, CARB will act on all complaints it receives. CARB received 60 complaints in the SLA community between 2018 – 2020, about three-quarters of the complaints CARB received between 2018 and 2020 were for 46 smoking vehicles. This means people saw a vehicle with smoke coming out of the exhaust pipe, and that the vehicle is likely in violation of CARB's smoke opacity rule.

Table 4-4: Complaints Received by CARB from SLA zip codes between 2018 and 2020¹⁷

Complaint Type (Program Type)	Number	Action Taken ¹⁸
Idling (Idling)	2	1 enforcement action taken, 1 under investigation
Light-duty vehicles	2	2 referred to appropriate agency or group within CARB
Smoking vehicle	46	10 enforcement action taken, 35 under investigation, 1 not actionable
Solid waste collection vehicle	1	Under investigation
Tampering	1	Under investigation
Transport Refrigeration Unit	1	Not actionable
Truck and Bus	7	2 enforcement action taken, 3 under investigation, 2 not actionable

While CARB did not receive any complaints for oil and gas during that timeframe, CARB accepts and addresses all air quality complaints as they come into the system, including mobile sources and oil and gas facilities (**Table 4-4**).

Enforcement Considerations

An effective enforcement program must be flexible and adaptable to address the needs of the communities. Part of being adaptable is the ability to identify and address gaps in the enforcement process, such as previously unknown facilities or new pollutants of concern. As revealed over the course of the public process for CERP development, one such gap has been a lack of communication with members of the community, who have firsthand experience with local emissions sources and whose input can be extremely valuable to enforcement efforts.

Enforcement mechanisms are designed to promote and, if necessary, compel compliance by regulated sources. As discussed above, after South Coast AQMD inspectors investigate complaints and/or conduct facility inspections, they can issue NCs or NOVs. While a NC will generally require further action by a source, NOVs are referred to the Office of the General Counsel, where agency attorneys negotiate potential civil penalties. If no settlement is reached, a civil lawsuit can ultimately be filed in superior court. Ongoing noncompliance, however, may lead to a petition for an Order of Abatement before the South Coast AQMD Hearing Board, which would have the authority to require a facility to take specific actions to achieve compliance. CARB

¹⁷ There may be some overlap between complaints with the Southeast Los Angeles AB 617 community.

¹⁸ Enforcement action means a violation occurred and CARB worked with the violator to resolve it. Under investigation means the investigation is on-going. Not actionable means there was incomplete information to take action, or the vehicle was in compliance. Referred to another agency means the complaint was assigned to the appropriate agency for resolution.

and South Coast AQMD have each had a presence in this community, which has led to various enforcement actions against local facilities.¹⁹

In summary, the compliance process seeks to ensure that all rules and regulations are followed through a fair and robust enforcement program, resulting in reduced air pollution emissions. Adaptability is crucial, whether in the programs overall, or in day-to-day operations, to ensure that community concerns are addressed quickly and that enforcement action is taken when violations are identified. Both CARB and South Coast AQMD enforcement teams will continue to search for innovative strategies, lead in community transparency, and take swift action to address non-compliance.

¹⁹ Additional details on South Coast AQMD and CARB enforcement actions will be provided in Appendix 4.