

# Let's Clear the Air

*A Public Participation Guide to  
Air Quality Decision Making  
in California*



California Environmental Protection Agency

 **Air Resources Board**

## Local, State, and Federal Air Quality Agencies

### *Federal*

#### **U.S. EPA, Region 9**

Phone: (866) EPA-WEST  
Web: [www.epa.gov/region09](http://www.epa.gov/region09)  
E-mail: [r9.info@epa.gov](mailto:r9.info@epa.gov)

### *State*

#### **California Air Resources Board**

Phone: (916) 322-2990 (public information)  
(800) 363-7664 (public information)  
(800) 952-5588 (complaints)  
(866) 397-5462 (enviro. justice)  
Web: [www.arb.ca.gov](http://www.arb.ca.gov)  
E-mail: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov)

### *Local*

#### **Amador County APCD**

Phone: (209) 257-0112  
Web: [www.air-amador.org](http://www.air-amador.org)  
E-Mail: [apco@air.amador.org](mailto:apco@air.amador.org)

#### **Antelope Valley AQMD**

Phone: (661) 723-8070  
(888) 723-8070  
Web: [www.avaqmd.ca.gov](http://www.avaqmd.ca.gov)  
E-Mail: [avapce2@linkline.com](mailto:avapce2@linkline.com)

#### **Bay Area AQMD**

Phone: (415) 771-6000  
(800) 334-6367 (complaints)  
Web: [www.baaqmd.gov](http://www.baaqmd.gov)  
E-Mail: [webmaster@baaqmd.gov](mailto:webmaster@baaqmd.gov)

#### **Butte County AQMD**

Phone: (530) 891-2882  
Web: [www.bcaqmd.org](http://www.bcaqmd.org)  
E-Mail: [general@bcaqmd.org](mailto:general@bcaqmd.org)

#### **Calaveras County APCD**

Phone: (209) 754-6504  
E-Mail: [lgrewal@co.calaveras.ca.us](mailto:lgrewal@co.calaveras.ca.us)

#### **Colusa County APCD**

Phone: (530) 458-0590  
Web: [www.colusanet.com/apcd](http://www.colusanet.com/apcd)  
E-Mail: [ccair@colusanet.com](mailto:ccair@colusanet.com)

#### **El Dorado County APCD**

Phone: (530) 621-6662  
Web: [co.el-dorado.ca.us/emd/apcd](http://co.el-dorado.ca.us/emd/apcd)  
E-Mail: [airpol@co.el-dorado.ca.us](mailto:airpol@co.el-dorado.ca.us)

#### **Feather River AQMD**

Phone: (530) 634-7659  
Web: [www.fraqmd.org](http://www.fraqmd.org)  
E-Mail: [fracmd@fraqmd.org](mailto:fracmd@fraqmd.org)

#### **Glenn County APCD**

Phone: (530) 934-6500  
E-mail: [airpollution@countyofglenn.net](mailto:airpollution@countyofglenn.net)

#### **Great Basin Unified APCD**

Phone: (760) 872-8211  
E-Mail: [greatbasin@qnet.com](mailto:greatbasin@qnet.com)

#### **Imperial County APCD**

Phone: (760) 482-4606  
E-Mail: [rromero@imperialcounty.net](mailto:rromero@imperialcounty.net)

#### **Kern County APCD**

Phone: (661) 862-5250  
Web: [www.kernair.org](http://www.kernair.org)  
E-Mail: [kcapcd@co.kern.ca.us](mailto:kcapcd@co.kern.ca.us)

#### **Lake County AQMD**

Phone: (707) 263-7000  
E-Mail: [bobr@pacific.net](mailto:bobr@pacific.net)

#### **Lassen County AQMD**

Phone: (530) 251-8110  
E-Mail: [lassenag@psln.com](mailto:lassenag@psln.com)

#### **Mariposa County APCD**

Phone: (209) 966-2220  
E-Mail: [air@yosemite.net](mailto:air@yosemite.net)

#### **Mendocino County AQMD**

Phone: (707) 463-4354  
Web: [www.co.mendocino.ca.us](http://www.co.mendocino.ca.us)  
E-mail: [mcaqmd@co.mendocino.ca.us](mailto:mcaqmd@co.mendocino.ca.us)

#### **Modoc County APCD**

Phone: (530) 233-6419  
E-Mail: [modocag@hdo.net](mailto:modocag@hdo.net)

#### **Mojave Desert AQMD**

Phone: (760) 245-1661  
(800) 635-4617  
Web: [www.mdaqmd.ca.gov](http://www.mdaqmd.ca.gov)

#### **Monterey Bay Unified APCD**

Phone: (831) 647-8501  
(800) 253-6028  
Web: [www.mbuapcd.org](http://www.mbuapcd.org)  
E-Mail: [dquetin@mbuapcd.org](mailto:dquetin@mbuapcd.org)

#### **North Coast Unified AQMD**

Phone: (707) 443-3093  
Web: [www.northcoast.com/~ncuaqmd](http://www.northcoast.com/~ncuaqmd)  
E-Mail: [ncuaqmd@northcoast.com](mailto:ncuaqmd@northcoast.com)

#### **Northern Sierra AQMD**

Phone: (530) 274-9360  
Web: [www.nccn.net/~nsaqmd](http://www.nccn.net/~nsaqmd)  
E-Mail: [nsaqmd@nccn.net](mailto:nsaqmd@nccn.net)

#### **Northern Sonoma County APCD**

Phone: (707) 433-5911  
E-Mail: [nsc@sonic.net](mailto:nsc@sonic.net)

#### **Placer County APCD**

Phone: (530) 889-7130  
Web: [www.placer.ca.gov/airpollution/airpolut.htm](http://www.placer.ca.gov/airpollution/airpolut.htm)  
E-Mail: [placrapcd@foothill.net](mailto:placrapcd@foothill.net)

#### **Sacramento Metro AQMD**

Phone: (916) 874-4800  
Web: [www.airquality.org](http://www.airquality.org)  
E-Mail: [sparetheair@sbcglobal.net](mailto:sparetheair@sbcglobal.net)

#### **San Diego County APCD**

Phone: (858) 650-4659  
Web: [www.sdapcd.co.san-diego.ca.us](http://www.sdapcd.co.san-diego.ca.us)  
E-Mail: [Richard.Smith@sdcounty.ca.gov](mailto:Richard.Smith@sdcounty.ca.gov)

#### **San Joaquin Valley APCD**

Phone: (559) 230-6000  
(800) 281-7003  
(San Joaquin, Stanislaus, Merced)  
(800) 870-1037  
(Madera, Fresno, Kings)  
(800) 926-5550  
(Tulare, Valley portion of Kern)  
Web: [www.valleyair.org](http://www.valleyair.org)  
E-Mail: [sjvapcd@valleyair.org](mailto:sjvapcd@valleyair.org)

#### **San Luis Obispo County APCD**

Phone: (805) 781-5912  
Web: [www.slocleanair.org](http://www.slocleanair.org)  
E-Mail: [info@slocleanair.org](mailto:info@slocleanair.org)

#### **Santa Barbara County APCD**

26 Castilian Drive  
Goleta, CA 93117  
Phone: (805) 961-8800  
Web: [www.sbcapcd.org](http://www.sbcapcd.org)  
E-mail: [apcd@sbcapcd.org](mailto:apcd@sbcapcd.org)

#### **Shasta County AQMD**

Phone: (530) 225-5674  
Web: [www.co.shasta.ca.us](http://www.co.shasta.ca.us)  
E-Mail: [aqmd@shasta.ca.us](mailto:aqmd@shasta.ca.us)

#### **Siskiyou County APCD**

Phone: (530) 841-4029  
E-Mail: [rakana@siskiyou.ca.us](mailto:rakana@siskiyou.ca.us)

#### **South Coast AQMD**

Phone: (909) 396-2000  
(800) CUT-SMOG (complaints)  
Web: [www.aqmd.gov](http://www.aqmd.gov)  
E-mail: [webeditor@aqmd.gov](mailto:webeditor@aqmd.gov)

#### **Tehama County APCD**

Phone: (530) 527-3717  
Web: [tehcoapcd.net](http://tehcoapcd.net)  
E-mail: [general@tehcoapcd.net](mailto:general@tehcoapcd.net)

#### **Tuolumne County APCD**

Phone: (209) 533-5693  
E-Mail: [bsandman@co.tuolumne.ca.us](mailto:bsandman@co.tuolumne.ca.us)

#### **Ventura County APCD**

Phone: (805) 645-1400  
(805) 654-2797  
Web: [www.vcapcd.org](http://www.vcapcd.org)  
E-Mail: [info@vcapcd.org](mailto:info@vcapcd.org)

#### **Yolo-Solano AQMD**

Phone: (530) 757-3650  
Web: [www.ysaqmd.org](http://www.ysaqmd.org)  
E-mail: [kcoulter@ysaqmd.org](mailto:kcoulter@ysaqmd.org)

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*A Public Participation Guide to Air Quality Decision Making in California* provides you with the basic tools and information needed to participate effectively in the air pollution policy, planning, permitting, and regulatory decision-making processes in California. It will give you a short overview of the government agencies responsible for controlling air pollution and their decision-making processes. Here are a few tips to help you use the guide:

- Check the Table of Contents for topics covered in this Guide;
- Read the Frequently Asked Questions. Find the answers on the pages near the **???** symbol;
- Scan the guide’s sidebars to get a quick overview of the regulatory process and what you can do; and
- Find the words or phrases in **bold** type defined in the “Key Terms” section in the side-bar.
- If you can’t find information you need in the guide, call your local air district or the Air Resources Board or check their web sites. See the contact list on the inside front cover.

This guide *doesn’t* contain detailed information about air pollutants, air pollution sources, air pollution emissions, air pollution health effects, or air pollution levels in California, but it will show you where to find that information.

In addition, when this guide refers to air pollution policies, it does not include internal government agency administrative policies related to such things as personnel or procurement policies.

**Want more copies of this guide?**

Contact the Air Resources Board Office of Public Information:

Phone: (916) 322-2990 or (800) 363-7664

E-mail: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov)



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## Frequently Asked Questions

The following are some typical air pollution-related topics, questions, and where in the Public Participation Guidebook you can find information on that subject. Look for the **???** symbol on the pages listed.

### Complaints

If you observe an air pollution problem, you can file a complaint about a local source of air pollution with the local air district or the Air Resources Board (ARB). Other local government agencies deal with complaints and concerns related to such things as noise levels, hours of operation, composting, waste disposal, or agricultural operations except agricultural burning.

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### Permits

Local air districts issue permits to operate for most businesses that emit air pollutants. These permits have conditions that the businesses must follow that may include limits on the amount of pollution that can be emitted, the type of pollution control equipment that must be installed and maintained, and various record-keeping requirements. There are several opportunities for the public to get involved in the permitting process.

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### General Information

The local air districts and the ARB operate a monitoring network that measures air pollution in nearly all parts of the State. They also compile inventories of the sources of air pollution—including businesses, vehicles, and off-road equipment. This information is available to the public. Some commonly requested information includes:

9. How can I find out how much air pollution is coming from businesses in my neighborhood? ..... 5
10. How can I find out about the air quality in my neighborhood? ..... 5
11. How does air pollution impact the health of my family? ..... 3

## Who regulates air pollution in California?

### Air Pollution Control Districts Air Quality Management Districts

- Regulate stationary sources (such as manufacturing plants, gas stations, refineries)
- Governed by local elected officials
- Develop programs for local attainment of air quality standards
- Are the first point of contact for local air pollution issues

### California Air Resources Board

- Regulates mobile sources (such as cars, trucks, and buses), fuels, consumer products, and air toxics at the state level.
- Oversees and assists local air districts
- Sets State ambient air quality standards
- Governing board composed of eleven appointees (including five local elected officials)

### U.S. Environmental Protection Agency

- Sets federal ambient air quality standards
- Oversees and approves state programs
- Regulates pollution from cars and trucks (outside California), trains, aircraft, and most construction and farm equipment

## How Can I Get Involved in Air Quality Decisions?

Everyone is encouraged to participate when government officials make decisions about air quality. *Let's Clear the Air* is a guide that provides you with basic information about what you can do if you have concerns about air quality issues. This guide also describes how government agencies make air quality decisions and how you can get involved in the process.

### Government Air Quality Agencies

The California Air Resources Board (ARB) is the State agency that is responsible for making sure that people in California breathe healthy air. The ARB's primary job is to provide safe, clean air for all Californians by reducing emissions from motor vehicles, fuels, consumer products, and sources of air toxics at the State level. It also oversees local air pollution agencies.

Air quality has improved substantially since the ARB was formed over 30 years ago, but more work needs to be done. The public has a critical role to play in the continuing development of air pollution policies, plans, and regulations. The ARB believes that the best way to ensure public input and **environmental justice** is for the public to have an understanding of the process for air quality decision-making. (See "Key Terms" side-bar for the definitions of words in bold print)

County or regional **air pollution control districts** and **air quality management districts** (local air districts) are the local government agencies responsible for improving air quality. There are 35 local air districts in California. These local air districts are generally your first point of contact for resolving local air pollution issues or complaints. Local air districts regulate stationary sources of air pollutants, such as industrial and commercial facilities, power plants, construction activities, outdoor burning, and other non-mobile sources of pollution. Local air districts are also responsible for enforcing air pollution rules and regulations at the local level. Contact information for all of the local air districts in California as well as the ARB and the United States Environmental Protection Agency (U.S. EPA) is listed in the front of this guide.

## Opportunities for public involvement

Before air pollution agencies enact new air pollution policies, plans, or regulations, the public has an opportunity to get involved. The ARB and local air districts hold public meetings on proposed air pollution policies, plans, and regulations. These agencies encourage people to attend and share their opinions.

Public input is important to ensure that all sides of an issue are considered. You can make your opinions known by:

- Attending meetings with staff or Board members,
- Mailing letters,
- Sending e-mail,
- Making telephone calls, or
- Scheduling appointments to visit agency staff .

You can find information on a wide array of air pollution issues by visiting the ARB or local air district web sites on the Internet ([www.arb.ca.gov](http://www.arb.ca.gov)), contacting the ARB's or local air districts' public information offices (or main offices), or by having your name placed on mailing lists.

Since you are reading this guide, you are probably concerned about the air you and your family members breathe. The ARB hopes that this guide will provide you with the information you need on air quality and the air quality decision-making process so you can get personally involved in bringing cleaner air to your community.



## Health Effects

Two air pollutants, ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub>), reach **???** unhealthy levels in most California urban areas every year. Some rural areas are also affected. These pollutants can cause health problems such as:

- Breathing difficulties,
- Lung damage,
- Increased respiratory disease, and
- Premature death (only PM<sub>10</sub>)

Other pollutants, known as toxic air contaminants (TACs), can cause cancer and other health problems. Scientists have found that exposure to TACs even at very low levels may carry a health risk.

You can learn more about the health effects of air pollution at this web site: [www.arb.ca.gov/ch/factsheets.htm](http://www.arb.ca.gov/ch/factsheets.htm) or by calling your local air district or the Air Resources Board. See the inside front cover for contact numbers.

## Key Terms

**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, regulations, and policies (California Government Code Sec.65040.12(c)).

**Air Pollution Control Districts (APCD) or Air Quality Management Districts (AQMD)** • A county or regional agency with authority to regulate stationary and area sources of air pollution within a given county or region. Governed by a district air pollution control board.

## Key Terms

**Emission Inventory** • An estimate of the amount of pollutants emitted into the atmosphere from **mobile**, **stationary**, **area-wide**, and natural source categories over a specific period of time such as a day or a year.

**Mobile Sources** • Sources of air pollution such as automobiles, motorcycles, trucks, off-road vehicles, boats, and airplanes.

**Stationary Sources** • Non-mobile air pollutant sources such as power plants, refineries, and manufacturing facilities.

**Area-wide Sources** • Sources of air pollution that individually emit small amounts of pollution, but together add up to significant quantities of pollution. Examples include consumer products, fireplaces, road dust, and farming operations.



*In most urban areas of California, motor vehicles are the largest source of air pollutants.*

## How Do I Find Out About Sources of Air Pollution in My Community?

The first question many people have relates to the air quality and air pollution sources in their local community. Sources of air pollution can range from cars and trucks to large industrial facilities such as refineries and power plants to small businesses such as dry cleaners and chrome plating businesses. In most urban areas of California, motor vehicles are the largest source of air pollutants. However, if you live next to an industrial source, that source may be the largest contributor in your area.

### California Almanac of Emissions and Air Quality

The ARB publishes an annual book called the *California Almanac of Emissions and Air Quality* (available on the web at [www.arb.ca.gov/aqd/almanac/almanac.htm](http://www.arb.ca.gov/aqd/almanac/almanac.htm)). The Almanac is an excellent source of background information about regional air quality in California and the major categories of air pollution sources on a regional basis. The Almanac can be obtained at no cost by contacting the ARB's Public Information Office.

### Detailed information on local air pollution sources

To obtain more detailed information about sources of air pollution in your area, you should contact your local air district or the ARB. These agencies maintain detailed information about the sources of air pollution in your area in what is called an **emission inventory**. The ARB and local air districts maintain emission inventories for air quality planning and other purposes. Table 1 summarizes the types of air pollution sources, the government agencies with primary responsibility over the source, and key regulatory programs associated with these source categories.

Local air districts collect air pollution emission information directly from facilities and businesses that are required to obtain an air pollution operating permit. Local air districts use this information to compile their emissions inventories. The local air districts collect and maintain a database with detailed information about the nature of the facility or business, the location, the type and amount of emissions, the air pollution-producing processes, type of air pollution control equipment, operating hours, and seasonal variations in activity. Some of the larger

(continues on page 6)

## Air Pollution in My Community

You can learn about air pollution emissions and air quality in your community from the following sources:

- **California Almanac of Emissions and Air Quality** is available on-line at [www.arb.ca.gov/aqd/almanac/almanac.htm](http://www.arb.ca.gov/aqd/almanac/almanac.htm) or you may contact ARB to obtain a copy. ???
- **Local air districts** have detailed information about air pollution sources and regulations in your area. See the inside front cover for district phone numbers and email addresses.
- **Air Resources Board** maintains an inventory of statewide and regional emissions from major air pollution source categories. For information on emissions and state regulations, visit the ARB's web site at [www.arb.ca.gov](http://www.arb.ca.gov).

**Table 1. Local Sources of Air Pollution, Responsible Agencies, and Associated Programs**

Source	Examples	Primary agency*	Subject to the following regulation
Large Stationary (major point)	Refineries, Power plants, Chemical facilities, Manufacturing plants	Local air district	Local air district rules, Operating permit conditions, Toxic Hot Spots Law (AB 2588), Air toxic control measures, New Source Review, and Title V permit conditions
Small Stationary (small point)	Dry cleaners, Autobody shops, Chrome plating facilities, Service stations	Local air district	Operating permit conditions, Local air district rules, Toxic Hot Spots Law (AB 2588) Air toxic control measures, and New Source Review
Mobile (non-fleet)	Cars, Trucks, Buses, Airports	ARB	Emission standards, Cleaner-burning fuels (e.g., unleaded gasoline, low-sulfur diesel), and Inspection and repair programs (e.g., Smog Check)
Mobile Equipment	Construction equipment, Portable generators	ARB(registration) Local air district (inspect/enforce)	Local air district rules and ARB rules
Mobile (fleet)	Truck depots, School buses, Taxi services	ARB	Local air district rules and ARB urban bus fleet regulation
Area-wide	Hair sprays, Paints, Gardening equipment	ARB Local air district	ARB regulations and Local air district rules

\*See inside front cover for agency contact information.

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## Key Terms

**Law** • The U.S. Congress and the California State Legislature enact laws that govern California. To implement, interpret, and make specific the law, governmental agencies adopt, implement, and enforce regulations.

local air districts have information on thousands of facilities. By contacting the local air district you can obtain information about stationary sources of air pollution within your community.

### **Statewide emission inventory**

The ARB compiles a statewide emission inventory based on information that the ARB and local air districts collect. The ARB maintains its own emission inventory database, referred to as the California Emission Inventory Development and Reporting System (CEIDARS). CEIDARS has information on both mobile and stationary sources of air pollution.

The public can access CEIDARS from the Internet ([www.arb.ca.gov/emisinv/emsmain/emsmain.htm](http://www.arb.ca.gov/emisinv/emsmain/emsmain.htm)) and search for criteria and toxic emission inventory data for facilities with emissions in California. You can search by entering in the type of emission source, along with basic geographic area information to find emission estimates. If you do not have access to a computer, you can contact the ARB and request a printed emission inventory report. Some facility information, such as trade secrets, is protected by California **law** and cannot be provided to the general public.

### **Community Health Air Pollution Information System (CHAPIS)**

To make it easier for the public to obtain information about air pollution sources in their community, the ARB is developing a new web-based mapping tool called the Community Health Air Pollution Information System (CHAPIS), which will be available in 2003. CHAPIS will provide maps of air pollution emission sources over the Internet. It will have zoom-in and zoom-out capabilities for mapping air pollution sources. CHAPIS will be a very useful tool in helping the public gain a general understanding of the sources of air pollution in their communities.

## How Do I Resolve Complaints About Local Sources of Air Pollution?

If you observe an air pollution problem, you can file a complaint about a source of air pollution with the local air district or the ARB. Some of the types of things that might prompt a complaint are large amounts of smoke, dust, or foul odors.

If you observe a problem, it is a good idea to write down the nature of the problem, the time and date, the source of pollution (suspected or known), and the wind direction. In certain instances, photographs or videos can be very useful in documenting a problem. This information will greatly aid in the investigation of your complaint. By reporting air pollution problems to the local air district, the public can help the district ensure compliance with rules and permits, which keeps the air cleaner and protects public health.

### Complaint Resolution Protocol

To help standardize the procedure for handling complaints, the ARB, the California Air Pollution Control Officers Association (CAPCOA), and other stakeholders have developed a Complaint Resolution Protocol. This protocol outlines the procedures to be followed by local air districts and the ARB for investigating complaints about local sources of air pollution. The intent of the protocol is to ensure timely and effective resolution of air pollution complaints and to make sure that complainants are kept informed of actions being taken as a result of their complaint. You can request a copy of this protocol by contacting the ARB or your local air district. The complaint resolution protocol is available in English and Spanish on the ARB web site at [www.arb.ca.gov/ch/ch.htm](http://www.arb.ca.gov/ch/ch.htm).

### Response to Complaints

The local air districts have made a commitment to ensure responsiveness to complaints. The first line of defense is your local air district, but you can also contact the ARB. Regardless of the outcome of complaint investigations, the local air district and the ARB should contact you to let you know how your complaint was investigated and resolved. If they don't contact you, you should feel free to contact them.

## How to file a complaint

If you see (or smell) an air pollution problem, you can file a complaint. Here's what to do.

???

Write down:

- Nature of the problem,
- Time and date when the problem occurred,
- Source of pollution (if known), and
- Wind direction.
- If you see smoke or other visible signs of pollution, take photographs or video tape recordings if you can.

File your complaint by contacting:

- Your local air district if the pollution source is a local business or industrial facility. For a list of phone numbers, check the front inside cover of this guide.
- The Air Resources Board (ARB) if the pollution is from a mobile source (car, truck, etc.), a consumer product (personal care products, cleansers, etc.), or a fuel. ARB's toll-free voice mail complaint line is (800) 952-5588.
- You can file a complaint by phone, mail, e-mail, during an office visit, or with local air district staff in the field. For non-English speakers, large districts and the ARB have voice mail with a Spanish language options or staff who can deal with complaints in languages other than English. Small local air districts can arrange for translation assistance on an as-needed basis.

## How agencies handle complaints

1. A complaint is assigned to an inspector for investigation.
2. The inspector gathers evidence to determine if a violation of air pollution rules or regulations has occurred.
3. If the inspector finds that the source is in compliance with all applicable air pollution requirements, the inspector will document the inspection, and the local air district will usually take no further enforcement action.
4. If the source is in violation, the inspector will issue a Notice to Comply (NTC) for minor violations or a Notice of Violation (NOV) for more serious violations.
5. Follow-up: Regardless of the investigation's outcome, your local air district or the ARB should contact you to let you know how your complaint was investigated and resolved. If you don't hear from them within 10 working days, you should feel free to contact them.



## Filing a Complaint with Local Air Districts

Because local air districts have responsibility for regulating and permitting air pollution from industrial and commercial facilities, they have the primary responsibility for responding to complaints about local sources of air pollution. All local air districts have a phone number that you can call to register a complaint. These numbers are listed on the inside cover of this guide. During normal business hours, district staff, or a voice-mail recording will answer the phone. You will be asked to describe the nature of the problem and to provide personal information, such as your name, address, and phone number. Your identity will be kept confidential unless the complaint leads to a formal legal action. Your call may be answered by an answering service or voice-mail recording if you call during nonbusiness hours.

Most large urban local air districts have a voice-mail with a Spanish language option or have staff to deal with complaints received in languages other than English. Small urban and rural local air districts can also make arrangements to accommodate complaints from residents who do not speak English on an as-needed basis. Complaints may also be registered with the local air districts through letters, e-mail correspondence, office visits, or discussions with staff in the field.

**How local air districts handle complaints** Once the local air district has received an air pollution complaint, the complaint is assigned to an inspector for investigation. The inspector will gather evidence to determine if a violation of any applicable air pollution rules or regulations has occurred. The inspector may call you for more information, arrange to meet with you in person, or to go directly to the alleged source of the air pollution problem. Local air district staff try to respond to complaints on the same day that they are received. However, depending on the current caseload and the time of day the complaint is received, this may not always be possible.

If the inspector finds that the source is in compliance with all applicable air pollution requirements, the inspector will document the inspection, and the local air district will usually take no further enforcement action. If the source is in violation, the inspector will issue a **Notice to Comply** (NTC) for minor

violations or a **Notice of Violation (NOV)** for more serious violations.

Upon completing the investigation of your complaint, the local air district will contact you to let you know how your complaint was resolved. Sometimes this will be accomplished by a phone call; other times you may be sent a copy of the investigation report. If the complaint investigation or the resolution of the associated enforcement action takes a long time, you may be given an update in the form of a status report.

**???** In many instances, the smoke or the odor will be gone before the inspector arrives on the scene. The inspector will still attempt to identify the source of the problem. However, the inspector cannot issue a notice of violation unless he or she can personally confirm the problem. If complaints about a facility continue and district inspectors continue to have difficulty documenting the problem, you can request the local air district to increase its inspection frequency, which may include off-hours surveillance. This is often necessary to investigate charges that a facility is releasing large amounts of air pollution late in the evening or outside of normal operating hours. The local air district may also conduct site-specific monitoring, as appropriate. These actions are highly dependent upon the specific situation and the available resources of the local air district and are more common in the major urban local air districts.

### **Special and community air monitoring**

When complaints or concerns about a local source of air pollution warrant the use of special air monitoring in the community, and the local air district does not have the resources to provide the monitoring, the local air district will seek the assistance of other agencies to try to address the community's needs. Other agencies that may have the expertise and equipment to assist in special monitoring include the ARB, larger local air districts, U.S. EPA, or other agencies, depending on the specific situation. In order to encourage more participation by community members in the air quality decisions and to get more information about a complaint, the ARB and some local air districts may work with community members in using community air quality monitors. Community monitors are portable

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## **Key Terms**

**Notice to Comply (NTC)** • A citation issued to a business or individual by local air districts for a minor violation of local air district rules or regulations or a state or federal requirement. By issuing an NTC, minor violations may be brought back into compliance in a more expedient manner.

**Notice of Violation (NOV)** • Written document issued by the local air district to a business or individual for a violation of rules or permit conditions. Its primary purpose is to initiate corrective action and to provide sufficient incentive to maintain compliance in the future. An NOV almost always results in a fine.

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## **Reporting Smoking Vehicles**

If you notice a smoking vehicle on the roadway, you can report it by calling a local or state smoking vehicle hotline. **???**

The information needed by the hotline includes:

- License plate number,
- Make and model of the vehicle,
- Date and time you observed the vehicle, and
- Location where you saw the vehicle.

Agencies contact the vehicle owner about the complaint, but do not generally contact the person who filed the complaint.

For your local air district's contact information, see the list on the inside front cover.

ARB Smoking Vehicle Hotline:  
(800) END-SMOG (363-7664)

## Key Terms

**Public Nuisance** • A public nuisance, for the purposes of air pollution regulations, is defined as a discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. (Health and Safety Code section 41700)

devices that can be used to monitor a variety of air pollutants. You may ask your local air district if such devices can be provided to you.

### **Filing a Complaint with the ARB**

You may also file air pollution complaints with the ARB. The ARB's toll-free phone number for complaints is (800) 952-5588. A voice-mail recording answers the phone line and prompts you to describe the nature of the problem and to provide personal information, such as name, address, and phone number. The voice-mail recording is in English and Spanish. As with complaints to local air districts, your identity will be kept confidential unless the complaint leads to a formal legal action. Complaints may also be registered with the ARB through letters and e-mail correspondence. However, local air districts have the primary responsibility for responding to complaints about local sources of air pollution.

The ARB takes action on air pollution complaints that deal with mobile sources, consumer products or fuel specifications. The ARB enforcement staff conducts investigations and inspections in a manner similar to that of the local air districts.

When the ARB receives complaints related to a specific facility, ARB will refer the complaint to the local air district in which the facility is located. The ARB typically contacts the district immediately and follows up with a letter describing the complaint. The district will then follow up on the complaint as described earlier. Upon completion of the investigation, the district discusses the findings of the investigation and any proposed corrective actions with the ARB.

### **Facilities with Chronic Problems**

If there have been chronic complaints about a specific facility, or type of facility, in addition to the steps taken by the local air district, ARB enforcement staff may decide to conduct their own on-site inspections. The ARB contacts the local air district in which the inspection is to take place and invites them to accompany ARB staff. If the local air district accompanies the ARB on an on-site investigation, ARB usually defers to the district to issue a Notice to Comply (NTC) or a Notice of Violation (NOV), as appropriate. If the ARB investigation finds

a violation of ARB regulations (for example, fuel or consumer product specifications), ARB enforcement staff will issue a NTC or NOV, as appropriate. The amount of penalty assessed for the violation is based on the factors listed in Health and Safety Code section 42403, which includes the consideration of harm, persistence, length, and frequency of the violation(s).

## Public Nuisances

There are some instances when a facility or activity causes an air quality problem that does not violate any specific air pollution rules, regulations or permit conditions. The local air districts and the ARB can still take action if they determine that the activity constitutes a **public nuisance**.

A specific air pollution nuisance law provides the local air districts and the ARB with the ability to limit activities of sources of air pollution to meet a community standard not otherwise expressed in law. This situation most often occurs with odors or with activities not normally required to have air pollution permits. Air pollution agencies in California do not have jurisdiction over nuisance complaints that stem from noise levels, hours of operation, composting, agricultural operations (except agricultural burning), or that take place on tribal lands.

The process for setting limits on operating hours or noise levels for a business varies from city to city. Contact your local city planning department regarding questions pertaining to business operating hours or noise level limitations in your area.

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Complaints on composting are generally handled by the county health department. A listing of local agencies that deal with complaints about composting is available at [ciwmb.ca.gov/LEACentral/LEADirectory](http://ciwmb.ca.gov/LEACentral/LEADirectory).

Complaints about agricultural activities should be referred to the county agricultural commissioner. Complaints about activities on tribal lands should be referred directly to the tribe.

In order to determine if an air pollution source is a public nuisance, an inspector must determine if the emissions from the source have an adverse impact on a considerable number of persons or on the public at large. Nearly all public nuisance complaints require firsthand confirmation by local air district staff, which can prove challenging if the problem is short-lived or dissipates before an inspector arrives. Because of the difficulty in documenting public nuisances, it may take complaints from a number of individuals on a number of different occasions before the investigating agency has enough evidence to document a nuisance violation. In these cases, special surveillance or air monitoring may be necessary to document the problem.

## Key Terms

### **Air Pollution Control Officer (APCO)**

Head of a local air pollution control or air quality management district.

### **Air Pollution Control Board or Air Quality Management Board**

• Serves as the governing board for local air districts. It consists of appointed or elected members from the public or private sector. It conducts public hearings to adopt local air pollution regulations.

### **District Hearing Board**

• Hears local air district permit appeals and issues variances and abatement orders. The local air district board appoints the members of the hearing board.

### **Permit Appeal**

• A request by a permit applicant or a citizen that a district hearing board review the decision of the air pollution control officer of a local air district issuing, denying, or including conditions in a permit to construct or permit to operate.

**Variance** • A variance is issued by a district hearing board to allow a source to continue operating legally while temporarily in violation of regulations.

**Abatement Order** • An order issued by a district hearing board that a specific air pollution-producing process cease to operate unless specified conditions are met.

**Rules and Regulations** • Rules and regulations are adopted by governmental agencies to implement the law. Once a regulation is in place, governmental agencies enforce it and work to help the public comply with the law. You can find current local, state, and federal laws plus state and local regulations affecting air quality management in California at [www.arb.ca.gov/html/lawsregs.htm](http://www.arb.ca.gov/html/lawsregs.htm).

## Which Agencies Are Responsible for Air Quality in California?

### **Local Air Pollution Control and Air Quality Management Districts**

The agency most familiar with the sources of air pollution in your community is your local air district. State law outlines the roles and responsibilities for local air districts and has given the ARB oversight authority over their operations.

Every county has its own local air district or is part of a larger regional air district. A local air district is headed by an **air pollution control officer** (APCO) or executive officer and governed by an air pollution control board or air quality management district board (district board), composed of locally elected officials. The district boards adopt air pollution rules, regulations, plans and policies.

In adopting rules and regulations, a district board must follow the procedures set forth in law (Health and Safety Code section 40725 et seq.). This includes public notification, opportunity for public comment, a public hearing, and review by the ARB.

The APCO and his or her staff implement and enforce rules. This involves issuing permits to local business and industry and enforcing permit conditions. The **district hearing board** hears **permit appeals** and issues **variances** and **abatement orders**.

The local air districts are responsible for implementing a wide array of federal, state, and local air pollution **rules** and **regulations** at the local level. They are required to make sure that all of the pollution control measures that they adopt, implement, and enforce, will, in time, result in attaining all of the **National and State Ambient Air Quality Standards**.

### **Air Quality Management Plans**

In partnership with the ARB and the U.S. EPA, local air districts prepare clean air plans that describe strategies and milestones for meeting the ambient air quality standards. Some of the large urban air districts are also responsible for implementing local plans and programs to reduce emissions associated with vehicle use. Local air districts also prepare air quality plans that specify how federal and state air quality standards will be met. These plans, which are referred to as air quality

management plans, are developed and adopted according to the same basic process for rules and regulations described later in this guide, except the process is usually longer and there are more opportunities for **public comment** and involvement while the plan is under development. If you want to get involved in the development of air quality plans, you may want to send a letter to your local air district requesting that they add you to their public notice list.

Local air districts regulate stationary sources of air pollutants, such as industrial and commercial facilities, power plants, construction activities, outdoor burning, and other non-mobile sources of pollution. The primary approach for controlling stationary sources of pollution at the local level is issuing permits that include emission limits.

**Permits to construct** and **permits to operate** contain very specific requirements and conditions that tell each source what it must do to limit its air pollution in compliance with local air district rules, regulations, and State law. Prior to receiving a permit, new facilities must go through a **New Source Review** process that establishes air pollution control requirements for the facility. Air pollution permits are public documents. Anyone wishing to obtain an application or a copy of an existing permit should contact the local air district for information on the process to obtain a permit.

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## Key Terms

**Ambient Air Quality Standards** • An air quality standard defines the maximum amount of a pollutant that can be present in the outdoor air during a specific time period without harming the public's health. Air quality standards may only be established by the U.S. EPA and the ARB. No other state has this authority. Air quality standards are a measure of clean air. More specifically, an air quality standard establishes the concentration at which a pollutant is known to cause adverse health effects to sensitive groups within the population, such as children and the elderly. Federal standards are referred to as National Ambient Air Quality Standards; State standards are referred to as California Ambient Air Quality Standards.

**National Ambient Air Quality Standard (NAAQS)** • A limit on the level of an outdoor air pollutant established by the U.S. EPA pursuant to the Clean Air Act. There are two types of NAAQS. Primary standards set limits to protect public health and secondary standards set limits to protect public welfare.

**Public Comment** • An opportunity for the general public to comment on regulations and other proposals made by government agencies. You can submit written or oral comments at a public meeting or send your written comments to the agency.

**Permit to Construct** • A Permit to Construct, also known as an Authority to Construct (ATC), is required by local air districts before construction begins on any new or modified source that may emit air pollutants. (Some small sources are exempt.) Local air district staff evaluates the ATC application to make sure the proposed equipment will meet applicable federal, state, and local rules and regulations. Once the equipment is constructed and operating, the district staff will inspect it and issue a Permit to Operate if it is in compliance.

**Permit to Operate** • A permit that grants a source permission to operate as long as it meets the permit requirements.

**New Source Review (NSR)** • A federal Clean Air Act requirement that State Implementation Plans (see page 15) must include a permit review process, which applies to the construction and operation of new or modified stationary sources in nonattainment areas. Two major elements of NSR to reduce emissions are best available control technology requirements and emission offsets.

## Key Terms

### **Attainment vs. Nonattainment Area**

An attainment area is a geographic area that meets the National Ambient Air Quality Standards for the criteria pollutants and a nonattainment area is an geographic area that does not meet the NAAQS for criteria pollutants.

### **California Health and Safety Code**

A compilation of California laws, including State air pollution laws, enacted by the Legislature to protect the health and safety of people in California. Government agencies adopt regulations to implement specific provisions of the Health and Safety Code.

**Criteria Air Pollutant** • An air pollutant for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. Examples include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter 10 microns or less in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>). The term “criteria air pollutants” derives from the requirement that the U.S. EPA must describe the characteristics and potential health and welfare effects of these pollutants. The U.S. EPA and ARB periodically review new scientific data and may propose revisions to the standards as a result.

**Toxic Air Contaminant** • See page 16.

**Hazardous Air Pollutants (HAPs)** • An air pollutant listed under section 112 (b) of the federal Clean Air Act as particularly hazardous to health. Emission sources of hazardous air pollutants are identified by U.S. EPA, and emission standards are set accordingly. In California, HAPs are referred to as toxic air contaminants.

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Local air districts notify the public about new permit applications for major new facilities, major modifications to existing facilities, and permit applications for sources seeking to locate within 1000 feet of a school.

To find out about pending permits for other facilities, contact your local air district. If you disagree with a permitting decision, you have thirty days to file an appeal with the district hearing board (see discussion of “District Hearing Board” on page 12 and “What can I do if I disagree with a decision?” on page 24).

### **Permit review and renewal**

Once issued, permits to operate are reviewed and renewed on an annual basis. To find out more about an existing facility, you can request a copy of the permit from the local air district. Besides providing information on air pollution requirements, it will also indicate when the permit is next up for renewal.

Local air districts are also responsible for enforcing air pollution rules and regulations at the local level. Local air districts inspect facilities periodically to ensure they are in compliance with their permits. If a business is found not in compliance with its permit conditions, the local air district may take enforcement action against the business. This may include issuing a Notice to Comply (NTC) for minor violations or issuing a Notice of Violation (NOV) for larger violations including emissions-related violations. NOV's usually result in fines or penalties. In extreme cases, a local air district can ask its hearing boards to issue an Abatement Order or to revoke a Permit to Operate in order to stop the offending air pollution-producing activity.

Local air districts are the agencies to contact with complaints about local sources of air pollution. They enforce air toxic control measures, agricultural and residential burning programs, gasoline vapor control regulations, laws that prohibit air pollution nuisances, visible emission limits, and many other requirements designed to clean the air. You can get more information on all of these programs by calling or writing to your local air district or by contacting a local air district web site.

## The California Air Resources Board

The California Air Resources Board (ARB) is the State air pollution control agency. Its primary mandate is to provide safe, clean air for all Californians by reducing emissions from motor vehicles, fuels, consumer products, and sources of air toxics.

The ARB follows the laws enacted by the California Legislature in the **California Health and Safety Code** and regulations promulgated by the U.S. EPA to do what is necessary to meet the requirements of the State and Federal Clean Air Acts. The air pollution laws in the Health and Safety Code regarding air pollution are usually very general, so the ARB must adopt rules and regulations to implement the laws. Both State and federal law address pollutants, like ozone, as **criteria air pollutants**, and toxic pollutants, like benzene, as **toxic air contaminants (TACs)** or **hazardous air pollutants (HAPs)**.

The ARB oversees compliance with State and federal clean air laws by working as a clean air partner with California's thirty-five local air districts. The U.S. EPA, the ARB, and the local air districts work very closely together to complement each other's efforts to achieve clean air.

The ARB and the local air districts frequently work together on many air quality programs throughout California, including the development of **State Implementation Plans (SIPs)** for achieving the National Ambient Air Quality Standards.

If, after a public hearing, the ARB finds that a local air district is not taking reasonable action to enforce the statutory provisions, rules, and regulations relating to air quality in such a manner that will likely achieve and maintain the State's ambient air quality standards, the ARB may exercise any of the powers of that local air district to achieve and maintain such ambient air quality standards. (Health and Safety Code sections 41500 through 41505). In practice, the ARB works closely with the local air districts to resolve such issues. As a result, the ARB only uses this authority in very rare and unusual situations.

The ARB adopts State ambient air quality standards for certain pollutants that are common in the air throughout the State. These standards are set at levels to protect public health, safety, and welfare. The ARB develops these standards using the most

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## Accidental Release of Toxic Air Pollutants

In case of a major emergency caused by the accidental release of toxic air pollutants that poses an **???** immediate threat to public health and safety, the local fire department is your first point of contact.

If you contact the ARB, its staff will notify the State Office of Emergency Services' (OES) Warning Center. Notification will also be made to the Department of Toxic Substances Control (DTSC) Emergency Response Unity Duty Officer.

The OES is responsible for coordinating the response of appropriate agencies during major emergency situations. In addition, local air districts and other local agencies may notify the ARB directly, particularly for smaller incidents or exclusively air pollution-related incidents.

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## Key Terms

### State Implementation Plan (SIP)

A plan prepared by State and local agencies and submitted to U.S. EPA describing how each area will attain and maintain the National Ambient Air Quality Standards. SIPs include the technical information about emission inventories and air quality monitoring, control measures and strategies, and enforcement mechanisms. A SIP is composed of local air quality management plans and State air quality regulations.

## Key Terms

**California Clean Air Act (CCAA)** • A California law passed in 1988 which provides the basis for air quality planning and regulation independent of federal regulations. A major element of the Act is the requirement that local air districts in violation of the CAAQS must prepare **attainment plans** which identify air quality problems, causes, trends, and actions to be taken to attain and maintain California's air quality standards by the earliest practicable date.

**Attainment Plan** • Attainment plans lay out measures and strategies to attain one or more air quality standards by a specified date

**Toxic Air Contaminant (TAC)** • An air pollutant, identified in regulation by the ARB, which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. TACs are considered under a different regulatory process (California Health and Safety Code Section 39650 et seq.) than pollutants subject to State Ambient Air Quality Standards. Health effects associated with TACs may occur at extremely low levels. It is often difficult to identify safe levels of exposure which produce no adverse health effects.

**Air Toxic Control Measures (ATCM)** A control measure, adopted by the ARB (Health and Safety Code Section 39666 et seq.), which reduces emissions of toxic air contaminants.

recent peer-reviewed air pollution health studies. Often California's ambient standards are stricter and more health protective than the federal standards for the same pollutants.

The **California Clean Air Act (CCAA)**, a part of the Health and Safety Code, requires attainment of State ambient air quality standards. In general, the CCAA requires that measures necessary to meet State standards be implemented as quickly as possible. The ARB regulates the amount of pollutants that can be emitted by a wide spectrum of mobile sources, including passenger and sport utility vehicles, medium and heavy-duty trucks, school buses, transit buses, and motorcycles. Control strategies for mobile sources involve establishing tighter emission standards for new cars, buses, and large trucks, mandating cleaner fuels for all vehicles, certifying equipment for controlling emissions during fueling operations, and smoke inspections for heavy duty trucks. In consultation with the ARB, the California Bureau of Automotive Repair administers regular diagnostic and inspection programs (such as Smog Check) to keep emissions from passenger vehicles low.

In addition to mobile sources and fuels, the ARB also regulates emissions from many widespread smaller sources. Consumer products, such as hair sprays, deodorants, perfumes and cleaning compounds; home, lawn, and garden products; and aerosol paints are subject to State requirements that reduce smog-forming emissions.

The ARB also identifies some substances as **toxic air contaminants**. The ARB, the State Office of Environmental Health Hazard Assessment, and the Scientific Review Panel for Toxic Air Contaminants review potential toxic air contaminants before the Board officially identifies them as toxic air contaminants. The ARB adopts **air toxic control measures (ATCMs)** for pollutants that are present in many neighborhoods across the State that have the potential to impact the health of the public, including sensitive individuals such as children and the elderly.

The ARB has adopted or is considering ATCMs and other regulations that reduce toxic emissions for a variety of air pollution sources that include service stations, dry cleaners, chrome platers, medical waste incinerators, cooling towers,

automotive parts and products, trucks, buses, and other mechanized equipment that run on diesel fuel.

The U.S. EPA also has requirements for air pollutants that must be met in California. Under the federal **Clean Air Act (CAA)**, criteria pollutants and hazardous air pollutants are not regulated the same way.

With criteria pollutants, regulators establish health-based thresholds. National Ambient Air Quality Standards (NAAQS) are ambient concentrations of air pollutants considered acceptable for humans to be exposed to for carbon monoxide (CO), fine particulate matter less than 10 microns (PM<sub>10</sub>), nitrogen dioxide, sulfur dioxide, ozone, and lead. States, in cooperation with U.S. EPA, identify non-attainment areas and recommended classifications. For some pollutants (CO, PM<sub>10</sub>, ozone), the U.S. EPA then classifies areas as “nonattainment.”

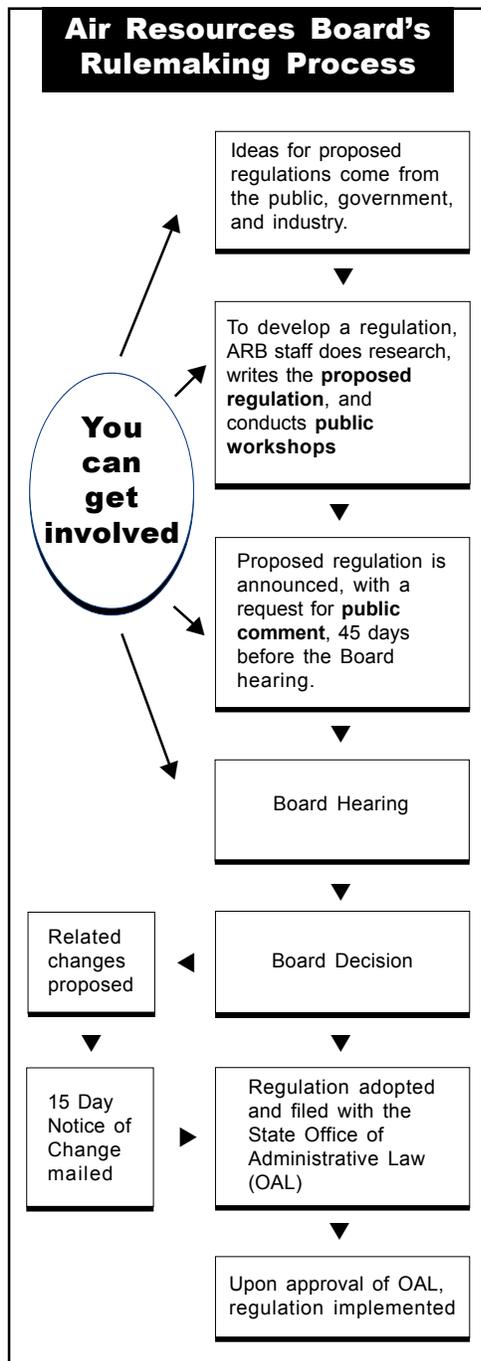
Each state must submit a state implementation plan (SIP) to the U.S. EPA that demonstrates how the state will achieve or maintain air quality that satisfies federal standards. SIPs are primarily made up of state and local regulations. Once approved by the U.S. EPA, a SIP requirement is federally enforceable, meaning that the U.S. EPA or citizens, as well as the State and local air districts, can enforce the requirement.

California is also subject to the federal Clean Air Act requirements for hazardous air pollutants (HAPs) listed in the CAA. Congress has identified 188 HAPs. The primary way U.S. EPA regulates these pollutants is through source-specific emissions limits. The U.S. EPA promulgates these limits in rulemakings pertaining to specific industry sources. The emission limits set by the U.S. EPA are based on the best performing sources in the category to achieve the maximum available emission control. State and local air districts may seek delegation from the U.S. EPA to implement and administer these emissions limits. To receive this delegation of authority, the state or locality must demonstrate that it is capable of administering the program and that its standards are at least as strict as the U.S. EPA.

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## Key Terms

**Clean Air Act (CAA)** • The federal Clean Air Act was adopted by the United States Congress and sets forth standards, procedures, and requirements to be implemented by the U.S. Environmental Protection Agency to protect air quality in the United States.



To receive e-mail notices of proposed ARB regulations and Board hearings, go to the ARB web site at [www.arb.ca.gov/listserv/board-notices/board-notices.htm](http://www.arb.ca.gov/listserv/board-notices/board-notices.htm) or contact ARB's Public Information Office at (916) 322-2990.

## How Do State Agencies Establish Air Pollution Rules and Regulations?

The ARB adopts rules and regulations to implement air quality laws enacted by the California Legislature or the U.S. Congress, as well as regulations promulgated by the U.S. EPA. These rules and regulations clarify and provide more detail to the laws so that it is clear who must do what, how, and by when. This section will focus on the decision-making process at the ARB, but most regulatory agencies in California follow a similar public participation process.

### Proposed regulation

In order to make sure each proposed rule goes through an open public review process, State agencies are subject to the **Administrative Procedures Act** (Government Code 11340) and to the regulations adopted by the **Office of Administrative Law** (OAL). This process ensures that State regulations are clear and consistent and that the public's comments are addressed. The Act requires that all regulations go through a formal public comment period prior to adoption of the regulation. Only State agencies are subject to OAL review. The U.S. EPA and the local air districts have their own methods of responding to public comments, in writing or otherwise.

The process usually begins with the ARB staff developing a draft proposed **regulation**. To ensure the public has an opportunity to comment on a new regulation, no regulation can be adopted unless it has been announced in a **public notice**. The public notice describes the proposal, its effects, and how the public can comment on the proposed rule.

### Workshops

For all major regulations, the ARB staff will present a proposed regulation during its development phase at one or more public **workshops** in various parts of the State. Workshops held prior to the formal public comment period (referred to by the OAL as pre-notice involvement) are opportunities for interested people to express their ideas and concerns early in the process and for the ARB staff to consider and address the public's comments in oral discussions. The ARB doesn't always respond in writing to comments made during the workshop because the process is often interactive. During the development of a regulation, there

may be many versions of a regulation, and the final draft that is presented to the Board often reflects the modifications suggested during this process.

At the draft regulation stage of the process, you will need to be on the mailing list for the topic to ensure that you will be notified about upcoming workshops and meetings. You can also stay informed about upcoming State air pollution regulations by periodically checking the ARB web site.

### **Notice of public hearings and formal comment period**

In the next stage of the process, the proposed regulation is scheduled for a public hearing before the ARB's governing board (Board). The Board is composed of eleven appointees, including five local elected officials.

Prior to the **public hearing**, there is a public notice and a formal comment period. Before the formal public comment period begins, the ARB staff prepares a staff report known as the Initial Statement of Reasons (ISOR).

The ISOR discusses, among other things, the public outreach efforts conducted and the key issues so that both the Board and the public know what concerns or issues have already been raised. The ISOR must first be reviewed and approved by OAL before being publicly released to ensure the Administrative Procedures Act has been followed. Once the ISOR is approved, it is sent out to the public and made available to the Board members at the beginning of the formal public comment period.

## **Key Terms**

### **Administrative Procedure Act**

California law that requires all State agencies to adopt rules and regulations according to a specific process that is open to the public.

### **Office of Administrative Law (OAL)**

The OAL is an independent State agency that reviews all California State regulations before they go into effect. The OAL reviews new regulations to ensure that they meet all legal requirements. ([www.oal.ca.gov](http://www.oal.ca.gov))

**Public Notice** • A public notice identifies the person, business, or local government seeking approval of a specific course of action (such as a regulation). It describes the activity for which approval is being sought and describes the location where the proposed activity or public meeting will take place.

**Workshop** • Workshops are meetings to inform the public and solicit comments on rules, regulations, plans, and policies that are in the early stages of development. They are informal gatherings where the agency staff present preliminary proposals for a regulation, issue, control measure, plan, or other project. Staff then asks everyone present for their comments. The discussion is generally informal and open, like having a conversation where points of view are exchanged and discussed.

**Public Hearing** • A public hearing is an opportunity to testify on a proposed action by a governing board at a public meeting. The public and the media are welcome to attend the hearing and listen to, or participate in, the proceedings.

## Public notification and mailing lists

When the ARB is proposing to adopt a regulation, you can get detailed information on the proposal to help you participate in the decision-making process. During the public comment period, the proposed regulation and the staff report are available at the ARB's Public Information Office and copies of the draft regulation are mailed to people who have requested a copy of the regulation.

If you are on the public hearing mailing list, you will receive notices for ARB public meetings. Notices are also posted on the ARB web site. For the ARB, State law requires that there be at least a 45-day public comment period. If you need additional time to prepare comments, you can request that ARB extend the public comment period.

## Public hearings

At the public hearing, the Board discusses the proposed regulation, the written comments received during the public comment period, and additional comments that the public makes at the hearing. Public comments, presented at workshops or in writing after the release of the staff report, are also discussed before the Board at a formal hearing. The Board, therefore, has knowledge of the concerns expressed during the development of the regulation both prior to and after the release of the staff report. In addition, the Board also receives oral testimony at the hearing before taking action on the proposed regulation. All public testimony is recorded in official transcripts that are later posted on the ARB web site. All testimony, written or oral, during the formal comment period and the public hearing is entered into the public record.

The Board chairperson will ask for oral comments, in the form of public testimony, from anyone who is interested in speaking. If you wish to speak, you will be asked to fill out a public comment card. The Board members may ask questions and may make changes to what the staff is proposing on the basis of the information received during the public comment period and at the hearing.

If the Board adopts the proposed regulation as recommended or with minor revisions, ARB staff prepares a regulatory Final Statement of Reasons (FSOR). The FSOR contains written



*Get on appropriate mailing lists and attend meetings that the ARB and local air districts conduct.*

responses to all comments received during the public comment period. The FSOR must be submitted to OAL for review and approval. If substantial revisions to the proposed regulations are made at the public hearing, the Board will request another 15-day comment period for the public to comment on the changes. ARB staff responds in writing to the comments received during this 15-day period as well, and those responses become part of the FSOR sent to OAL for their review. Anyone may request a copy of the FSOR.

The OAL has up to 30 days to review the FSOR. OAL reviews the FSOR to see that the regulation is clearly written and not duplicative of other regulations, that the ARB has responded to all public comments, and that proper procedures have been followed in adopting the regulation. Once it is approved by the OAL, or when an earlier effective date is requested by ARB, the rule is filed with the Secretary of State and, except for emergency actions, becomes effective in 30 days. The Administrative Procedure Act, including review by the OAL, only applies to California State agencies and does not cover regulations adopted by local government.

## **How Do I Get Involved?**

The first thing to do if you want to get involved is to get on appropriate mailing lists and attend meetings that the ARB and local air districts conduct. These meetings are a good source of information and also provide an opportunity to raise issues or concerns. In general, the meeting notice provides information about the location, time, and subject for the meeting. If you are going to raise a specific question or concern, it is always wise to do some preparation prior to the meeting. This will allow you to more effectively participate at the meeting. You may submit written or oral comments at a meeting. It is important to know when each is appropriate and how to contact the right people to address your issue.

**Meetings with Agency Staff:** If you would like to meet with the staff of an agency, you can schedule an appointment to discuss your concerns about a particular issue. You may also want to make an occasional phone call or send an e-mail to establish contact and exchange ideas with appropriate staff. Staff often incorporates input from the public into their work products and proposals for their governing boards, so your participation at the staff level can be very important.

**Town Hall Meetings:** The ARB staff, as part of the Environmental Justice Stakeholder Group, and several of the local air districts, conduct town hall-style meetings on a regular basis. These meetings provide an open forum for the public to ask questions and raise their concerns about air pollution issues directly to the air pollution agencies. Meeting notices are posted at community buildings, mailed to people on mailing lists, and posted on applicable agency web sites.

**Workshops:** Once a rule or regulation or other important action is in the development phase, air pollution agencies generally conduct workshops to inform the public about the proposed rule and to receive comments from the public. To be notified about upcoming workshops, you can have your name placed on a workshop notice mailing list by contacting agency staff or by signing up on the agency's web site.

**Air Pollution Control Board Meeting:** A local air district's Air Pollution Control Board (i.e. governing board) conducts regular public hearings to adopt local air pollution rules and regulations covering stationary sources of air pollution. The district board's role is to ensure that the development and implementation of district policies, procedures, plans, rules, and regulations are carried out in an open, public forum, as required by law. The board is typically comprised of local elected officials. In many districts, there are both city and county representatives on the board. In some of the smaller districts, the county Board of Supervisors acts as the Air Pollution Control Board. Public participation is encouraged at Air Pollution Control Board meetings.

**District Hearing Board:** The hearing board is an independent panel that makes decisions about specific, individual sources of air pollution, based upon the specific facts and circumstances that are present in each case. A major task of the hearing board is to provide temporary relief from district rules and regulations for deserving stationary sources if specified findings are made. The hearing board considers whether a variance may be issued to allow a source to continue operating legally while temporarily in violation of regulations. The hearing board also handles permit appeals and abatement orders.

The hearing board is typically comprised of an attorney, a member from the medical profession, an engineer and at least two public members who are all appointed by the local air board.

After a public hearing on the variance application, the hearing board weighs the evidence, makes specific findings set forth in the law, and reaches a decision. During a permit appeal, the hearing board weighs the evidence to decide if the APCO acted properly in issuing, developing, or conditioning a permit. Abatement orders are generally issued to sources with serious or repeat violations and prohibit operation unless specified conditions are met. While applications for variances are initiated by the facility that wants relief, the local air district itself initiates abatement orders, and a citizen may bring a permit appeal. Public participation is encouraged at hearing board meetings.

**Air Resources Board Meeting:** The ARB's governing board (Board) is responsible for adopting and overseeing the State's air pollution control programs and rules and regulations related to motor vehicles, fuels, toxic air contaminants, and consumer products. The Board holds monthly public meetings to consider such matters as proposed rules and regulations, State Implementation Plans, air quality standards, and

air pollution-related informational items. Board meetings are scheduled for either one or two days depending upon how many items they need to consider and how long they estimate each will take. The Board typically discusses six or fewer items at each meeting. You may present written or oral testimony to the Board on your item of interest. The ARB also has an open forum at the end of each meeting to address items that are related to air pollution, but are not on the agenda.

## **How Do I Prepare and Present Comments?**

When you receive a meeting notice, it will describe the process for submitting written comments. The notice will provide information on where to send comments, the deadline for submitting comments, and a contact person for answering questions. However, you do not need to send in written comments prior to the hearing in order to participate. You can come to the meeting and sign up to speak during the portion of the meeting set aside for public testimony.

At the meeting, you can provide pictures or slides or any other kind of visual aids to help get your message across to the Board. You can read from prepared comments or you can simply speak. You should make advance arrangements with agency staff for any special equipment needed, such as a slide projector. You can also arrange in advance to have a translator if you do not speak English. Special arrangements will be made for the disabled upon request.

Because many people often sign up to testify at ARB or district board meetings, there may be a limit on how much time you have to speak. If that is the case, it is important to try not to repeat previous testimony and to speak to the point. You can submit written comments of any length, as long as they are on the topic, and the board members will consider them in making their decision.

Once the staff has made its report to the Board and everyone who is interested has spoken, the Board members will discuss the issue and then may either vote or defer action to a subsequent Board meeting. After each item on the meeting list is considered and acted on, there is a time for the public to address the Board on any other air quality-related items.

*Public participation  
is encouraged at  
Hearing Board meetings.*



## What Can I Do If I Disagree With a Decision?

You may disagree with a government agency's decision, or you **???** may not get all that you hope for from an agency's decision. With complex issues like how to clean the air, there are many points of view and many factors to consider. All of the local air districts and the ARB's final actions, like adopting air quality standards or rules and regulations, can be appealed to a court. There are special laws that tell people what court they need to go to, how to appeal decisions of government agencies, and what you need to prove to get the decision changed.

To initiate your appeal, you must first identify the appropriate location to file your appeal. The agency, board, or court where you would file an appeal will vary with the type of action you are appealing. Because this can be complex, you may wish to consult an attorney on how to proceed.

To challenge a decision you disagree with, you will need to show that the facts and arguments presented at the public hearing did not support the decision or that the ARB (or other agency) did not follow proper procedures. Sometimes you must present your appeal to another forum, such as the district hearing board, before you can go to court. Either before you get involved or after you have completed every step (often referred to as having "exhausted your administrative remedies"), you may want to get in contact with a community group, an organized environmental group, or other people who feel the same way, so you can work together on an appeal to the court. This procedure gives the agencies time to reconsider their decisions, in light of your input, or to correct any mistakes they may have made.



### Air pollution permit appeals

At the local level, all air pollution permit appeals are made to the district hearing board. Within thirty days of any decision or action pertaining to the issuance of an air pollution permit, any person who participates in the permit process before the district may petition the district hearing board to hold a public hearing to determine whether the permit was properly issued. If the petition claims that the permit conditions imposed by the local air district are inadequate to assure compliance with local air

district rules or provisions of State law, the petition must state which rules or laws may not be complied with, which permit conditions are inadequate, and the basis for such alleged inadequacies.

### **If you disagree with the underlying law**

Situations may arise where you disagree with the underlying law used by a government agency to support its decision. In such cases, you will need to contact your representative in the California Legislature and look into ways to propose new legislation to change the law.

## **What Other Agencies, Laws, and Regulations Play a Role in California's Air Quality?**

### **U.S. Environmental Protection Agency**

The federal Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (U.S. EPA) to protect public health and the environment by implementing and enforcing its provisions. The CAA says that states have the primary responsibility to clean the air, but the U.S. EPA has oversight authority to ensure that states implement the provisions of the CAA. To do this, the U.S. EPA adopts air quality standards, rules and regulations, and other requirements that are described in the law.

**Federal regulations:** Federal rules instruct the states and regulated sources of different air pollutants what they must do to meet the U.S. EPA's definition of clean air. All U.S. EPA regulations are published in a series of books called the **Code of Federal Regulations**, available in print format or on the Internet ([www.access.gpo.gov/nara/cfr/](http://www.access.gpo.gov/nara/cfr/)). To help the states do their job, the U.S. EPA also publishes many guidance documents about pollution, its sources, and ways to control it.

In place of formal public hearings, U.S. EPA publishes proposed regulations in the **Federal Register**. The Federal Register notice provides the public with an opportunity to review and make comments on the proposed regulation and gives directions on how to submit comments to the U.S. EPA. When and if the final regulation is approved, it is also published in a later edition of the Federal Register.

## **Key Terms**

### **Code of Federal Regulations (CFR) •**

A collection of rules and regulations that are adopted by federal agencies.

### **Federal Register •**

The Federal Register is the official publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

## Key Terms

**“Title V” permit** • Title V of the 1990 federal Clean Air Act Amendments requires all major sources and some minor sources of air pollution to obtain a federal operating permit.

**Major Source** • A stationary facility that emits a regulated pollutant in an amount exceeding the threshold level, which is determined by the location of the facility and attainment status of an area.

**General Plans** • A statement of policies developed by local governments, including text and diagrams setting forth objectives, principles, standards, and plan proposals for the future physical development of a city or county.

**Office of Planning and Research (OPR)** • OPR is part of the Governor’s office. OPR has a variety of functions related to local land-use planning and environmental programs. It provides General Plan Guidelines for city and county planners and coordinates the state clearinghouse for Environmental Impact Reports.

**Councils of Government (COGs)**  
There are 25 COGs in California made up of city and county elected officials. COGs are regional agencies concerned primarily with transportation planning and housing; they do not directly regulate land use.

**Regional Transportation Plan (RTP)** • A regional transportation plan is adopted by an appointed commission that specifies how anticipated federal, state and local transportation funds will be spent in a specified county or area in a way that will conform to air quality plans.

Many of the U.S. EPA’s rules and regulations relate to the National Ambient Air Quality Standards (NAAQS) which were first established in 1970 by the CAA for six pollutants: carbon monoxide, ozone, particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. The CAA requires any state that exceeds a NAAQS to prepare a State Implementation Plan (SIP) demonstrating how the standard is to be met. The U.S. EPA requires each state to undertake specific actions to attain the NAAQS.

**State Implementation Plans:** The ARB works with local air districts, other government agencies, industry, environmental organizations, community groups, and the public to put together a set of strategies or control measures for the SIP. The SIP tells how and when the ambient air quality standard for a specific air pollutant will be achieved. The SIP is a public document and citizens can enforce its regulatory provisions, under section 304 of the CAA.

**Title V operating permits:** The U.S. EPA also requires local air districts to implement the federal **Title V** operating permits program. This program requires local air districts to include all federally required permit terms and conditions in the Title V permit for all stationary sources that meet the federal definition of **major source** of air pollution. A major difference between State and federal law is that Title V permits must go through a public notice and comment process before the permit can be issued, while most local air district permit rules have no such requirement.

**Hazardous Air Pollutants:** The U.S. EPA regulates emissions of the toxic air pollutants identified by Congress in section 112 of the federal CAA, through its Hazardous Air Pollutant (HAPs) program. There are 188 listed HAPs. U.S. EPA has set specific emission limits and other requirements to control the emissions of certain HAPs. These “emission standards” apply to specific categories of stationary sources and are enforced by the ARB and the local air districts as well as by the U.S. EPA.

## Regional and Local Land Use Agencies

While the ARB and the local air districts have a big impact on the sources of air pollution in your community, they do not decide what kinds of businesses can be placed in what areas, or how close they can be to houses, schools, and day care centers. This is the responsibility of city and county governments.

Local land use decisions often affect air pollution at the local level primarily because of their impacts on traffic and the proximity of residential areas and schools to various sources of air pollution. There are special laws that govern land use planning in California, and the public can play a role in the kinds of development that are allowed in communities.

**Land use decisions:** In California, county boards of supervisors and city councils hold public hearings to consider and adopt **general plans** that specify what kind of land uses and development will be allowed in what areas of a community. Not only do general plans lay out the parameters for existing and future growth, they can also set forth policies and general principles for specific land uses in order to avoid harmful health risks to sensitive populations, such as children, the elderly, or the infirm.

The general plan must contain certain elements that are set forth in the law. It's really a blueprint for how a community will grow. Specifically, it sets forth the location of its business districts, industrial parks, schools, shopping centers, parks, sports facilities, residential areas, and the transportation network. The Governor's **Office of Planning and Research** (OPR) publishes General Plan Guidelines, an advisory document that explains California's legal requirements for general plans ([www.opr.ca.gov/planning/PlanningPubs.shtml#genplan](http://www.opr.ca.gov/planning/PlanningPubs.shtml#genplan)).

Air quality is closely linked to transportation and land use decisions. Local land use plans play a role in determining future air quality through strategies that address traffic flow and the accessibility of alternative modes of transportation, such as bicycling, walking, and public transit.

In some areas, **Councils of Government** (COGs) also carry out certain components of air quality planning. In addition, COGs with transportation planning responsibilities must ensure that **regional transportation plans** and programs conform to



*Land use decisions often affect  
air pollution at the local level.*

## Key Terms

**Zoning ordinances** • City councils and county boards of supervisors adopt zoning ordinances that set forth land use classifications, divide the county or city into land use zones as delineated on the official zoning maps, and set enforceable standards for future development.

**Ordinance** • A law adopted by a city council or county board of supervisors. Ordinances usually amend, repeal, or supplement the municipal code; provide zoning specifications; or appropriate money for specific purposes.

*After a project is built, it is nearly impossible to turn back the clock. Interested citizens should participate in land use decisions right at the beginning of the process.*

air quality plans. Regional transportation plans lay out long-term investments in transportation systems, including highways and other modes. These plans and programs present another opportunity for the public to participate in regional decision making.

General plans are supplemented by **zoning ordinances**. These are local laws adopted by counties and cities that describe in more detail the kinds of development that will be allowed within their boundaries. These decisions are made by locally-elected officials at public hearings, based on recommendations made by their planning staffs, with input from the public, developers, and other interested parties.

The public may testify at these meetings. You can receive notices and agendas of upcoming meetings by calling the city or county clerk or by having your name place on their mailing list. This way you can have input into community development decisions. Also, cities and counties may adopt ordinances that impose stricter requirements on sources of air pollution than the ARB or the local air districts.

Once general plans and zoning ordinances are in effect, developers apply for permits to build the structures allowed in each zone. After a project is built, it is nearly impossible to turn back the clock, so interested citizens should participate in land use decisions right from the beginning of the process. The public can comment on the city and county land use plans and zoning proposals by going to public meetings, sending letters, working with elected officials and media representatives, and supporting groups and organizations that work on these issues.

Any public agency, including the ARB and local air districts, that approves projects that may have a significant effect on the environment is subject to the **California Environmental Quality Act (CEQA)**. Every public agency that takes action on an activity or project that may have a significant negative effect on air quality or any other environmental media must prepare or consider an **Environmental Impact Report (EIR)**. The document describes the potential environmental impacts, the alternatives to the project, and mitigation measures that will avoid or reduce the negative effects. This report documents the impacts a proposed project may have and how they can be

eliminated or minimized so that decision makers will make wise decisions.

A draft EIR is the initial CEQA document that is prepared by the public agency granting the permit or taking the action that may have a significant environmental impact. This document is circulated to other agencies and the public, and then certified as the Final EIR by the agency before it adopts/approves the action or permit and after it responds to all public comments on the draft. A subsequent EIR is prepared only if the criteria in Title 14 of the **California Code of Regulations**, section 15162 are met (i.e. substantial changes required to the EIR or negative declaration due to new or more severe impacts, changed circumstances, or certain kinds of new information not previously known).

Projects can be denied because of the impacts listed in the EIR, or they can be modified or conditioned to reduce or eliminate the negative impacts. If further analysis shows that a project or activity will not have significant negative effects on the environment, a **Negative Declaration (ND)** is prepared instead of an EIR. The public can receive notice of the EIRs and NDs proposed for projects in their neighborhoods or anywhere in the state by getting on the mailing list of local, regional, or state agencies for all projects subject to CEQA. The public has the opportunity to comment and attend hearings. City and counties cannot approve activities, plans, or projects, or issue building permits until EIRs or NDs are approved for each individual project. In some cases, projects are approved because of specified **overriding considerations** even though the negative environmental impacts have not been mitigated. If you would like to learn more about CEQA, visit OPR's web site at ([www.opr.ca.gov/clearinghouse/Clearinghouse.shtml](http://www.opr.ca.gov/clearinghouse/Clearinghouse.shtml))

## Key Terms

**California Environmental Quality Act (CEQA)** • A California law that sets forth a process for public agencies to make informed decisions on discretionary project approvals. The process helps decision makers to determine whether any potential, significant, adverse environmental impacts are associated with a proposed project and to identify alternatives and mitigation measures that will eliminate or reduce such adverse impacts. To track the submittal of CEQA documents to the State Clearinghouse within the Office of Planning and Research, you may want to visit CEQAnet at [www.ceqanet.ca.gov](http://www.ceqanet.ca.gov)

**Environmental Impact Report (EIR)**  
The public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid possible negative environmental impacts.

**California Code of Regulations (CCR)**  
A collection of all rules and regulations that are adopted by State regulatory agencies. The CCR is divided into "Titles" that contain different categories of rules.

**Negative Declaration (ND)** • When the lead agency (the agency responsible for preparing the EIR or ND) under CEQA, finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a "negative declaration" instead of an EIR.

**Overriding Considerations** • A ruling made by the lead agency in the CEQA process when the lead agency finds the importance of the project to the community outweighs potential adverse environmental impacts.

## **How Can I Learn More About Air Quality Issues?**

To help you get started in learning more about air quality issues that affect your life, this section describes various resources that you can use to learn more about air quality issues. These include local newspapers, libraries, Internet web sites, public information offices, and agency staff. Gathering information about State and local air quality issues can be difficult because information about the day-to-day decisions affecting your air quality are not often given high profile coverage. When there is news coverage, it is usually after-the-fact that you hear that a new regulation has been adopted or a new facility has been approved. That's why it is a good idea to keep in touch with your local air district or a community-based organization. For people who do not speak English, air pollution agencies often provide informational pamphlets and fact sheets in multiple languages. If you would like to obtain more information on the health effects of air pollution, visit ARB's web site at [www.arb.ca.gov/ch/factsheets.htm](http://www.arb.ca.gov/ch/factsheets.htm).

**Newspapers:** Local newspapers are a good source of information on local, state, and federal issues. Most large urban newspapers have air quality information located on the weather page. In the large urban areas, there are also weekly community newspapers. These newspapers often carry stories on local issues that won't make the large newspapers. Newspapers may not give you complete information on air quality issues, but they will alert you to issues that are being debated.

**Libraries:** Libraries are a good source of general background information on air pollution. Many libraries have directories where you can search and locate journals, periodicals, or books that can help you educate yourself on a variety of air quality issues. Most libraries also have computers that allow you to use the Internet.

**Computers:** If you have access to the Internet, the ARB and the larger local air districts have web sites where you can log on and gain access to a wide variety of air pollution information.

The ARB web site has a search engine feature where you can search for the specific types of air pollution information you may want. Using this feature, you can download staff reports or get information about local sources of air pollution. The ARB has a page ([www.arb.ca.gov/html/links.htm](http://www.arb.ca.gov/html/links.htm)) which lists Internet sites and some of the known environment-related sites that can be very useful in gathering information about local sources of air pollution.

Additionally, you can use the Internet to find the web sites of environmental or community organizations, businesses and other agencies that can provide you with information and a means to contact individuals within such organizations.

**Air Pollution Agency Public Information Offices:** The ARB and larger local air districts have public information offices that can provide a wide variety of documents related to air pollution. In general, most of this information is available free of charge. In addition to documents, public information offices can provide information on upcoming meetings.

**Contact Air Pollution Agency Staff:** The staff of air pollution agencies regularly respond to public questions or concerns about air pollution. You can use the agency contact numbers at the front of this guide or call the agency's public information office. The web sites of the ARB and many local air districts have a staff directory for contacting individual staff. The ARB web site and the ARB's Ombudsman's Office also have a listing of contact people for specific air pollution programs.

**Air Pollution Laws and Regulations:** All of the rules and regulations that the ARB adopts are maintained in books called the California Code of Regulations (CCR). The CCR is divided into "Titles" that contain different categories of rules.

The ARB's rules pertaining to mobile sources and fuels can be found in Title 13 of the CCR. Rules pertaining to all other sources of air pollution regulated by the ARB are in Title 17 of the CCR.

These rules are available in several forms and locations, including many public libraries, law libraries, Internet web sites, and from the ARB directly. The ARB publishes an annual compilation of California Air Pollution Control Laws. It is available from the ARB's Public Information Office and on the web at [www.arb.ca.gov/bluebook/bluebook.htm](http://www.arb.ca.gov/bluebook/bluebook.htm).

Many local air districts have their rules and regulations posted on their web sites. In addition, ARB maintains a compilation of local air district rules and regulations on its web site. ([www.arb.ca.gov/drdb/drdbltxt.htm](http://www.arb.ca.gov/drdb/drdbltxt.htm))

**Community-Based Organizations:** A variety of community-based organizations are involved in tracking local issues. These include environmental groups, public service organizations, church groups, chambers of commerce and so on. These groups can often be very helpful in providing information on local issues and getting you plugged into the local decision-making process.

*Keep in touch with  
your local air district or  
a community-based organization.*

**Public Records Act Requests:** The Public Records Act (PRA) is modeled after the federal Freedom of Information Act. It gives you the right to view and obtain copies of public documents: “... access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Government Code section 6250) It is often faster to go directly to the agency and informally request the information you need. However, you may choose to go through the formal Public Records Act request process.

Public documents include any recorded information created, used, maintained or owned by a public agency, regardless of form. This includes documents such as letters, memoranda, reports, and studies, as well as other forms of recording including audio or video recordings and electronically stored information. While you are entitled to view or receive a copy of any public record maintained by a public agency, the agency is not required to create new records that are responsive to a request.

Most documents kept by public agencies, including the ARB and the local air districts, are public records that must be made available to you upon request. Your request need not be in any particular form, but it should be in writing and it should describe the desired records with as much specificity as possible:

“Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.” (Government Code section 6253(b)).

Your request should include a telephone number where you can be reached to discuss the request. If necessary, the agency will contact you for additional information to determine what documents you would like to inspect.

“When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.” (Government Code section 6253.1(a))

If you want to inspect documents, the agency must make the records available at any

time during normal business hours. It is always advisable, however, to make arrangements prior to arriving at the agency so that the records can be identified and located, and ready for you when you arrive. You may obtain copies of any public record upon payment of a fee to cover the costs of reproduction.

Upon receipt of a request for a copy of a public document, the agency must get back to you within 10 days to let you know whether it has the documents you have requested and to let you know whether, when, and where they will be available. Most requested documents can be made available within 10 days, but requests for voluminous records or records that are maintained off-site may take longer. If this is the case, the agency will let you know when the records will be available for review or copying. The agency will also let you know if any of the documents you have requested will not be released, such as trade secrets. The PRA identifies specific types of documents that may be withheld if the agency determines that it is in the best interests of the public to do so. These include preliminary staff drafts not kept in the ordinary course of business, documents pertaining to pending litigation, certain investigative materials, personnel records and other documents specifically exempt from disclosure in Government Code section 6254. There is also a general exemption for documents that the agency determines, on balance, are not in the public interest to release (Government Code section 6255). If the agency identifies records that will not be disclosed, it must state the specific reason for withholding the documents and who made the decision. Air pollution emission data are always public record.

It is not always necessary to submit a formal request for information under the Public Records Act. Government agencies make basic information available through public information offices and on their web sites. This information can be obtained by visiting or writing to the agency, or accessing its web site. The Air Resources Board web site is found at [www.arb.ca.gov](http://www.arb.ca.gov). Contact information for local air districts is listed on the front inside cover of this guide and on the web at [www.arb.ca.gov/capcoa/roster.htm](http://www.arb.ca.gov/capcoa/roster.htm)



*“ ... access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Government Code section 6250)*

## **You Can Make a Difference for Cleaner Air**

The ARB hopes that this guidebook has helped you learn how to get involved with air quality issues. This guide was developed to help you understand these complicated issues and to give you the best opportunity to participate in government decisions about air quality. Your involvement in air quality decision-making processes is important and, by using this guide, you can make a meaningful difference in how California deals with air quality.

If you have suggestions on how to improve this guide, call (866) 397-5462 or e-mail the ARB at [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov).



## Acronyms and Abbreviations

<b>AB 2588</b>	California's Air Toxics Hot Spots Law
<b>APCD</b>	Air Pollution Control District
<b>APCO</b>	Air Pollution Control Officer
<b>ARB</b>	Air Resources Board
<b>ATCM</b>	Air Toxic Control Measure
<b>BACT</b>	Best Available Control Technology
<b>CAA</b>	Clean Air Act (federal)
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CAPCOA</b>	California Air Pollution Control Officers Association
<b>CARB</b>	California Air Resources Board (same as ARB)
<b>CCAA</b>	California Clean Air Act
<b>CCR</b>	California Code of Regulations
<b>CEQA</b>	California Environmental Quality Act
<b>CFR</b>	Code of Federal Regulations
<b>CO</b>	Carbon Monoxide
<b>COGs</b>	Councils of Government
<b>EIR</b>	Environmental Impact Report
<b>EPA</b>	United States Environmental Protection Agency (same as U.S. EPA)
<b>HAP</b>	Hazardous Air Pollutant
<b>H&amp;S Code</b>	California Health and Safety Code
<b>LAER</b>	Lowest Achievable Emissions Rate
<b>NAAQS</b>	National Ambient Air Quality Standard
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants
<b>NOV</b>	Notice of Violation
<b>NTC</b>	Notice to Comply
<b>NO<sub>x</sub></b>	Oxides of Nitrogen
<b>NO<sub>2</sub></b>	Nitrogen Dioxide
<b>NSR</b>	New Source Review
<b>OAL</b>	California Office of Administrative Law
<b>PM</b>	Particulate Matter
<b>PM<sub>10</sub></b>	Particulate matter that is 10 microns or less in diameter
<b>PSD</b>	Prevention of Significant Deterioration
<b>ROG</b>	Reactive Organic Gas
<b>SIP</b>	State Implementation Plan
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>SO<sub>x</sub></b>	Oxide of Sulfur
<b>TAC</b>	Toxic Air Contaminant
<b>VOC</b>	Volatile Organic Compound
<b>U.S. EPA</b>	United States Environmental Protection Agency



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