

State of California
AIR RESOURCES BOARD

Resolution 76-18

April 12, 1976

WHEREAS, Health and Safety Code Section 41500 requires the Board to review the rules and regulations and enforcement practices of the districts to determine whether reasonable action is being taken to achieve and maintain the state ambient air quality standards.

WHEREAS, Health and Safety Code Section 41505 provides that if, after a public hearing, the state board finds that a 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 adopted ambient air quality standards, the state may exercise any of the powers of that district to achieve and maintain such ambient air quality standards;

WHEREAS, the Board has reviewed Rule 463 of the Southern California Air Pollution Control District and the enforcement practices of the district with respect to said rule;

WHEREAS, the Board finds that the district's activities to enforce Rule 463 will not likely achieve and maintain the state ambient air quality standards in that

- a) the district's criteria for determining the existence or nonexistence of a violation are inadequate.
- b) the district's inspectors have not regularly descended onto tank roofs, which action is necessary to observe and measure gaps and openings, and
- c) inspections in February and March of this year by the Board's staff at refinery sites in El Segundo (Standard Oil of California), Wilmington (Texaco), Torrance (Mobil) and Carson (ARCO) have revealed numerous tanks in violation of provision (a)(1) of Rule 463, which violations have likely existed for many months prior thereto without enforcement action being taken by the district;

WHEREAS, the Board finds that Rule 463, which provides that seals shall "close the space" between the tank top and wall, means no measurable gap.

WHEREAS, the Board finds that Rule 463, which provides that all gauging and sampling ports or devices shall be "gas-tight", means no measurable or visible gaps or openings;

WHEREAS, the Board has held a public hearing in accordance with Health and Safety Code Section 41502;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby assumes the powers of the Southern California Air Pollution Control District to enforce Rule 463 of the district, including but not limited to the conduct of inspections, the issuance of citations and complaints for violations, and the issuance of abatement orders, such exercise to be concurrent and not preemptive with the district's exercise of such powers;

BE IT FURTHER RESOLVED, that pursuant to the authority provided in Health and Safety Code Section 39515, the Board delegates to the Executive Officer the powers and duties assumed by the Board in the preceding paragraph;

BE IT FURTHER RESOLVED, that the Executive Officer is hereby delegated the authority to terminate the Board's exercise of the enforcement powers of the Southern California Air Pollution Control District when he determines that the District's enforcement program regarding storage of organic liquids is adequate.