

State of California Air Resources Board

Board Item Summary

Item # 23-9-2: Public Meeting to Consider the California Smog Check Contingency Measure for the State Implementation Plan

Staff Recommendation:

Staff recommends that the Board adopt the proposed California Smog Check Contingency Measure State Implementation Plan Revision, approve submittal of Health and Safety Code sections 44011(a)(4)(A) and (B) into the California State Implementation Plan, and direct staff to submit the California Smog Check Contingency Measure State Implementation Plan Revision and Health and Safety Code sections 44011(a)(4)(A) and (B) to the U.S. Environmental Protection Agency (U.S. EPA) as a revision to the California State Implementation Plan.

Discussion:

The Clean Air Act establishes planning requirements for areas that exceed the national ambient air quality standards. States with nonattainment areas must develop and implement a state implementation plan that demonstrates attainment of the standard by specified dates and meets other requirements of the Clean Air Act. In particular, the Clean Air Act specifies that state implementation plans must also provide for contingency measures that are specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national ambient air quality standard by the attainment date.

CARB staff worked with local air districts over the last several years to prepare contingency measure state implementation plan revisions as required by the Clean Air Act that were adopted and submitted to U.S. EPA following all applicable U.S. EPA guidance available at the time. However, U.S. EPA has since made additional interpretations as to what Clean Air Act's contingency measures require. As such, further analysis and new or updated measures are needed to fulfill contingency measure requirements for many nonattainment areas across the State.

CARB staff worked to identify a viable contingency measure to align with requirements under the Act and have developed this proposed California Smog Check Contingency Measure State Implementation Plan Revision to address the contingency measure requirements. If a specified nonattainment area fails to attain one of the relevant national ambient air quality standards by the applicable attainment date, meet a reasonable further progress milestone, meet a quantitative milestone, submit a required quantitative milestone report, or milestone compliance demonstration, the California Smog Check Contingency Measure would be triggered and effectuate a change to the existing Smog Check inspection exemptions in California's Smog Check Program in that nonattainment area. Currently, motor vehicles eight model years old and newer are exempt from a biennial Smog Check inspection in California. If the California Smog Check Contingency Measure is triggered, the exemption in the applicable nonattainment area(s) will change from eight model years old and newer to seven model years old and newer (or six model years old and newer in the case of a second trigger).

Summary and Impacts:

The proposed California Smog Check Contingency Measure State Implementation Plan Revision addresses the requirements for contingency measures under the Clean Air Act for the nonattainment areas and standards as listed in the California Smog Check Contingency Measure State Implementation Plan Revision. If the California Smog Check Contingency Measure State Implementation Plan Revision is adopted and triggered, additional vehicles in the area in which the California Smog Check Contingency Measure is triggered will have to obtain Smog Check inspections. The California Smog Check Contingency Measure would result in emissions reductions of oxides of nitrogen and reactive organic gases by identifying additional failures of emissions control equipment on vehicles not performing as designed which would otherwise result in harmful excess emissions.

As detailed in the California Smog Check Contingency Measure State Implementation Plan Revision, CARB staff has concluded that it meets the requirements of the Clean Air Act for the national ambient air quality standards and areas listed. If adopted, the California Smog Check Contingency Measure State Implementation Plan Revision and Health and Safety Code sections 44011(a)(4)(A) and (B) will be submitted to the U.S. EPA for inclusion in the California State Implementation Plan.