

State of California
AIR RESOURCES BOARD

Resolution 03-6

April 24, 2003

Agenda Item No.: 03-3-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the ARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in 2002 the Legislature enacted Assembly Bill 2637 (Stats. 2002, Chapter 1001), which requires the establishment of an enhanced Smog Check Program in the urbanized areas of the San Francisco Bay Area Air Basin;

WHEREAS, AB 2637 also amended section 44011(a)(4)(B) of the Health and Safety Code to specify that new motor vehicles are to be exempted statewide from the Smog Check biennial inspection program for up to six model years instead of the current four model years; the increased exemption is to become effective in all Basic and Enhanced Smog Check areas beginning January 1, 2004, unless the ARB finds that exempting the additional vehicles would prohibit the State from meeting the requirements of either section 176(c) of the federal Clean Air Act (i.e., "conformity" requirements) or California's commitments with respect to the State Implementation Plan (SIP);

WHEREAS, ARB staff has performed various analyses on the emissions impact of increasing the Smog Check exemption as specified in Health and Safety Code section 44011(a)(4)(B); the results of these analyses are set forth in a staff report and technical support document which are both entitled "The Exemption of Additional Vehicles from Smog Check";

WHEREAS, the analyses show that a significant, adverse emissions impact would result in Enhanced Smog Check areas from increasing the exemption to either five or six model years;

WHEREAS, based on the results of the analyses, the staff has proposed that the Board find that a fleet-wide exemption for new motor vehicles beyond the current four years would prohibit the State from meeting California's SIP commitments in Enhanced Smog Check areas;

WHEREAS, the staff has further proposed that the Board find that an increased exemption in Basic Smog Check areas would not prohibit the State from meeting California's SIP commitments;

WHEREAS, if the Board approves the findings proposed by staff, under Health and Safety Code section 44011(a)(4)(B) the exemption would not increase beyond the current four years in Enhanced Smog Check areas, but would increase to five and six model year vehicles in Basic Smog Check areas;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing has been held to discuss the analyses and proposed findings, and to consider written and oral comments from interested parties;

WHEREAS, in consideration of the staff report, technical support document, written comments, and public testimony it has received, the Board finds that:

Exempting five year old vehicles in Enhanced Smog Check areas would increase emissions statewide in 2005 by approximately 1.77 tons per day of reactive organic gasses (ROG) and oxides of nitrogen (NOx), and exempting both five and six year old vehicles in these areas would increase statewide emissions in 2005 by approximately 3.71 tons per day of ROG and NOx;

Exempting five year old vehicles in Enhanced Smog Check areas would increase emissions statewide in 2010 by approximately 1.27 tons per day of ROG and NOx, and exempting both five and six year old vehicles in these areas would increase statewide emissions in 2010 by approximately 2.64 tons per day of ROG and NOx;

The emission reductions from the Enhanced Smog Check program are a critical component of California's Ozone SIP submitted to the U. S. Environmental Protection Agency in November 1994;

The magnitude of additional emission reductions needed to attain air quality standards in Enhanced Smog Check areas, and in areas impacted by transport from Enhanced Smog Check areas, is so great that it is critical to preserve and improve the emission reductions from Enhanced Smog Check;

In Enhanced Smog Check areas, a fleet-wide exemption for new motor vehicles beyond the current four years would result in adverse emissions impacts that would prohibit the State from meeting California's commitments with respect to the SIP;

In some areas that are nonattainment for the federal one-hour ozone standard (nonattainment areas), portions of each nonattainment area are subject to the Basic Smog Check program while other portions are subject to the Enhanced Smog Check Program (such areas are hereafter referred to as "nonattainment areas with Enhanced Smog Check programs");

In Basic Smog Check areas located outside of nonattainment areas with Enhanced Smog Check programs, the emission increases from increasing the exemption to five or six years are not large enough to jeopardize existing SIP commitments; therefore, for these Basic Smog Check areas the Board is not able to find that a fleet-wide exemption for new motor vehicles beyond the current four years would prohibit the State from meeting California's commitments with respect to the SIP;

In Basic Smog Check areas located within nonattainment areas with Enhanced Smog Check Programs, further investigation is warranted to determine if increasing the exemption to five and six years in these Basic areas would prohibit the State from meeting California's commitments with respect to the SIP;

With regard to the "conformity" requirements specified in section 176(c) of the federal Clean Air Act, the emission increases from an increased exemption in both Basic and Enhanced Smog Check would make conformity demonstrations more difficult, but are not large enough to prohibit conformity demonstrations in any area; therefore, the Board is not able to find that a fleet-wide exemption for new motor vehicles beyond the current four years would prohibit the State from meeting the requirements of the section 176(c) of the federal Clean Air Act;

WHEREAS, the findings made by the Board in accordance with Health and Safety Code section 44011(a)(4)(B) do not constitute a "project" under the California Environmental Quality Act (CEQA), and

WHEREAS, the Board further finds that :

With respect to Enhanced Smog Check areas, there will be no significant adverse impacts on the environment because the current four-year exemption will remain unchanged, and the emission increases that would have resulted from increasing the exemption will not occur;

With respect to Basic Smog Check areas, the Board is taking no action; i.e., the Board has not made the finding specified in Health and Safety Code section 44011(a)(4)(B); the exemption for five and six model year vehicles in Basic areas will therefore occur by operation of law, as mandated by the Legislature;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the staff report entitled "The Exemption of Additional Vehicles from Smog Check" and the findings listed above.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to notify the Bureau of Automotive Repair, the Department of Motor Vehicles, and other interested parties of the Board's findings pursuant to Health and Safety Code section 44011(a)(4)(B).

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to undertake further investigation, as described in the staff report, to determine if subgroups of cleaner five and six year old vehicles can receive an exemption in Enhanced Smog Check areas from their initial Smog Check inspection, with minimal adverse emission impacts and to report back to the Board.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to undertake further investigation regarding Basic Smog Check areas located within nonattainment areas with Enhanced Smog Check Programs; the Executive Officer is directed to determine if increasing the exemption to five and six years in these Basic Smog Check areas would prohibit the State from meeting California's commitments with respect to the SIP, and to return to the Board with the results of the investigation and with appropriate recommended findings.

I hereby certify that the above is a true and correct copy of Resolution 03-6, as adopted by the Air Resources Board.



Stacey Dorais, Clerk of the Board