

California Air Resources Board

Notice of Public Meeting to Consider the Proposed California Smog Check Performance Standard Modeling and Program Certification for the 70 parts per billion 8-hour Ozone Standard

The California Air Resources Board (CARB or Board) will conduct a public meeting at the date and time noted below to consider the adoption of the California Smog Check Performance Standard Modeling and Program Certification for the 70 parts per billion (ppb) and 75 ppb 8-hour Ozone standard (Smog Check Certification). If adopted, CARB will submit the Smog Check Certification to the U.S. Environmental Protection Agency (U.S. EPA) as a revision to the California State Implementation Plan (SIP).

Date: March 23, 2023

Time: 9:00 A.M.

In-Person Location:

California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 8:30 a.m., on March 24, 2023. Please consult the public agenda, which will be posted ten days before the March 23, 2023, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

Background

The federal Clean Air Act (Act) establishes planning requirements for areas that exceed health-based National Ambient Air Quality Standards for criteria pollutants including ozone. Areas are designated as nonattainment based on monitored exceedances of these standards. In 2015, U.S. EPA lowered the 8-hour ozone standard from 75 to 70 ppb. Effective on August 3, 2018, U.S. EPA designated nineteen areas in California as nonattainment for this standard. Each nonattainment area must develop and implement SIP elements specific to their classification, which ranges from Marginal to Extreme. Nonattainment areas that are classified as Moderate or above and meet a prescribed population threshold must include the Inspection and Maintenance (I/M, or "Smog Check") Program requirements as defined within the federal I/M regulation (40 CFR Part 51, subpart S) and sections 182(a)(2)(B), 182(b)(4), and 182(c)(3) of the Act. States must submit a SIP revision either (1) demonstrating

and certifying that their existing program meets the I/M program requirements; or (2) amending their Smog Check Program requirements.

In October 2022, U.S. EPA published a final federal register notice to reclassify 70 ppb 8-hour ozone standard nonattainment areas who did not attain by the Marginal deadline from Marginal to Moderate. This federal register notice also clarified that performance standard modeling (PSM) is required to certify existing programs for all 70 ppb 8-hour ozone nonattainment areas. In response, California (and other states with nonattainment areas) must perform PSM to show that their Smog Check programs meet a federal benchmark. U.S. EPA released technical guidance in October 2022 for conducting PSM of I/M programs in affected ozone nonattainment areas, including direction that PSM must be developed using U.S. EPA's on-road Motor Vehicle Emission Simulator (MOVES) model. The MOVES model does not include adjustments that fully encompass California's comprehensive motor vehicle emissions control programs, or fully mirror the State's implementation of the Smog Check program. As such, MOVES does not account for emission reduction benefits from certain aspects of the California Smog Check Program that are implemented at a more stringent level than federal requirements. Even so, CARB staff's PSM following U.S. EPA guidance demonstrates that California's Smog Check Program meets federal I/M requirements for all applicable nonattainment areas.

Ten areas in California are designated as nonattainment for the 70 ppb 8-hour ozone standard with a Moderate or higher classification but only eight of these areas meet the population threshold prescribed in the Act to require implementation of an I/M program. The two nonattainment areas that do not meet the population threshold are Mariposa County and Western Nevada County. This leaves eight areas that are subject to the I/M Program requirement; these eight areas are also classified as Serious or above for the 70 ppb 8-hour ozone standard. Based on PSM results, this action proposes a certification to address the I/M program requirement for the eight applicable California nonattainment areas. In addition, two nonattainment areas, Eastern Kern and San Diego County, recently became subject to the I/M requirements for the 75 ppb 8-hour ozone standard.

Specifically, the Smog Check Certification establishes that the California Smog Check Program continues to meet I/M program requirements as applicable under the 70 ppb 8-hour ozone standard for the following eight California ozone nonattainment areas:

- South Coast Air Basin
- San Joaquin Valley
- Coachella Valley
- Western Mojave Desert
- San Diego County
- Sacramento Metro
- Eastern Kern
- Ventura County

Further, the Smog Check Certification establishes that the California Smog Check Program continues to meet the I/M program requirements as applicable under the 75 ppb 8-hour ozone standard for the Eastern Kern and San Diego County nonattainment areas.

Proposed Action

CARB staff recommends that the Board adopt the Smog Check Certification for the 70 ppb 8-hour ozone standard for the South Coast Air Basin, San Joaquin Valley, Coachella Valley, Western Mojave Desert, San Diego County, Sacramento Metro, Eastern Kern, and Ventura County nonattainment areas, and for the 75 ppb 8-hour ozone standard for the Eastern Kern and San Diego County nonattainment areas, and direct the Executive Officer to submit the Smog Check Certification to U.S. EPA as a revision to the California SIP.

CARB staff will present a written staff report at the meeting. Copies of the report may be obtained from CARB's website at <https://ww2.arb.ca.gov/resources/documents/smog-check-psm-certification> beginning on February 10, 2023. Please contact Chris Hopkins, Regulations Coordinator, at chris.hopkins@arb.ca.gov or (279) 208-7347 if you need physical copies of the documents.

Interested members of the public may present comments orally or in writing during the meeting and may provide comments by postal mail or by electronic submittal before the meeting. To be considered by the Board, written comments not submitted during the meeting, must be received **no later than Monday, March 13, 2023**, and addressed to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Further inquiries regarding this matter should be directed to Dr. Wan Jiao, Air Pollution Specialist, On-Road Light Duty Analysis Section, at (951) 542-3220 or (designated back-up contact) Dr. Satya Sardar, Manager, On-Road Light Duty Analysis Section, at (951) 542-3376.

Environmental Analysis

CARB, as the lead agency for the Proposed Smog Check Certification, has concluded that this action is exempt from the California Environmental Quality Act (CEQA), as described in CEQA Guidelines section 15061, because the action is both an Action Taken by Regulatory Agencies for Protection of the Environment (as described in CEQA Guidelines section 15308 for "class 8" exemptions); and it is also exempt as described in CEQA Guidelines section 15061 subdivision (b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter 5 of the Staff Report.

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

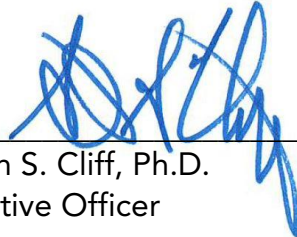
To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

California Air Resources Board



Steven S. Cliff, Ph.D.
Executive Officer

Date: February 10, 2023

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.arb.ca.gov) (www.arb.ca.gov).