

California Air Resources Board

Notice of Public Meeting to Consider the California Smog Check Contingency Measure for the State Implementation Plan

The California Air Resources Board (CARB or Board) will conduct a public meeting at the date and time noted below to consider adoption of the California Smog Check Contingency Measure State Implementation Plan Revision (Measure) and approval of California Health and Safety Code section 44011, subdivisions (a)(4)(A) and (a)(4)(B) as submissions into the California State Implementation Plan (SIP). If adopted, CARB will submit the Measure and California Health and Safety Code section 44011, subdivisions (a)(4)(A) and (a)(4)(B) to the U.S. Environmental Protection Agency (U.S. EPA) for inclusion in the California SIP.

Date: October 26, 2023

Time: 11:00 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 9:00 a.m., on October 27, 2023. Please consult the public agenda, which will be posted ten days before the October 26, 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 the health-based National Ambient Air Quality Standards (standards). States with nonattainment areas must develop and implement a SIP that demonstrates attainment of the standard by specified dates and meets other requirements of the Act. In particular, the Act specifies that SIPs must also provide for contingency measures, defined in section 172(c)(9) as “specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by the attainment date....”

Seven areas in California are designated as Severe and Extreme nonattainment for the 75 parts per billion (ppb) 8-hour ozone standard, and ten areas in California are designated as Moderate, Serious, Severe, or Extreme nonattainment for the 70 ppb 8-hour ozone

standard. Additionally, several areas are designated as nonattainment for the 80 ppb 8--hour ozone, 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual fine particulate matter ($\text{PM}_{2.5}$), 12 $\mu\text{g}/\text{m}^3$ annual $\text{PM}_{2.5}$, 15 $\mu\text{g}/\text{m}^3$ annual $\text{PM}_{2.5}$, and 35 $\mu\text{g}/\text{m}^3$ 24--hour $\text{PM}_{2.5}$ standards. For these standards, nonattainment areas were also required to submit SIP revisions including contingency measures, and other applicable requirements of the Act, by specified deadlines.

CARB staff worked with local air districts over the last several years to prepare contingency measure SIP revisions as required by the Act that were adopted and submitted to U.S. EPA following applicable U.S. EPA guidance available at the time. However, U.S. EPA has since made additional determinations as to what contingency measures require. As such, further analysis and measures from CARB and local air districts are needed to fulfill contingency measure requirements for many nonattainment areas and standards.

California has mature emissions control programs. CARB is currently driving most mobile source categories to zero-emissions through regulations, incentives, and other programs; the few mobile source categories that remain are primarily federally regulated. As such, opportunities for triggered contingency measures are scarce. CARB staff worked to identify a viable contingency measure to align with requirements under the Act and have developed this proposed Measure to address these requirements.

If a nonattainment area fails to attain or meet a reasonable further progress milestone, the proposed Measure would be triggered and change the existing smog check inspection exemption period in California's Smog Check Program. Currently, motor vehicles eight model years and newer are exempt from a biennial smog check inspection in California. If triggered, the proposed Measure would change the exemption from eight model years and newer to seven model years and newer.

Proposed Action

CARB staff recommends that the Board adopt the proposed Measure and direct staff to submit the Measure, and California Health and Safety Code section 44011, subdivisions (a)(4)(A) and (a)(4)(B), to U.S. EPA as a revision to the California SIP. CARB staff will present a written report at the meeting. Copies of the report may be obtained from CARB's website at <https://ww2.arb.ca.gov/resources/documents/california-smog-check-contingency-measure> on September 15, 2023. Please contact Bradley Bechtold, Regulations Coordinator, at Bradley.Bechtold@arb.ca.gov or (279) 208-7266 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 October 16, 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 7920.000 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 Kirsten Ho, Air Pollution Specialist, South Coast Air Quality Planning Section, at kirsten.ho@arb.ca.gov or Ariel Fideldy, Manager, South Coast Air Quality Planning Section, at ariel.fideldy@arb.ca.gov.

Environmental Analysis

CARB, as the lead agency for the proposed Measure, has concluded that this action is exempt from 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 Section 2E 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 alterno 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 m?s pronto posible, pero no menos de 10 d?as de trabajo antes del d?a 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: September 15, 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).