

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

PUBLIC HEARING TO CONSIDER PROPOSED MINOR AMENDMENTS TO THE PERIODIC SMOKE INSPECTION PROGRAM (PSIP) IN RESPONSE TO THE INCLUSION OF DIESEL VEHICLES IN SMOG CHECK (ASSEMBLY BILL 1488, MENDOZA 2007).

Public Hearing Date: October 21, 2010  
Public Availability Date: April 21, 2011  
Deadline for Public Comment: May 6, 2011

At its October 21, 2010, public hearing, the Air Resources Board (ARB or Board) considered a staff proposal to amend the California Code of Regulations, title 13, section(s) 2190, 2191, and 2194, "Periodic Smoke Inspections of Heavy-Duty Diesel Powered Vehicles". The proposal, was designed to reconcile duplicative PSIP and Smog Check inspection requirements as a result of the recent implementation of AB 1488 (Mendoza, Chapter 739, Statutes of 2007) with no adverse impact on particulate matter (PM) emissions. Specifically, the proposal would have relieved vehicle owners of certain diesel vehicles of the requirement to perform PSIP inspections in years that these vehicles are required by AB 1488 to undergo Smog Check tests. The original proposal would have affected approximately 77,000 diesel vehicles that were part of a commercial fleet and would have resulted in an estimated annual cost savings to the regulated industry of \$2.1M.

**The Board's Action**

At the hearing, after Board discussion and witness testimony, the Board directed the staff to modify its proposal to exempt all commercial fleet vehicles that are now in the biennial Smog Check Program entirely from the PSIP. This action was in response to comments from stakeholders and was presented by staff as an alternate proposal. These 1998 and newer diesel vehicles, with gross vehicle weight ratings (GVWR) of 14,000 pounds or less, under current law are subject to both the Smog Check Program and the PSIP. Requiring only a Smog Check inspection is expected to have minimal if any negative emission impacts, estimated to be less than 0.01 tons per day. The PSIP inspection cost savings from this proposed action is estimated to be \$4.2M annually. Additionally, the Board requested that staff provide more outreach for the PSIP Program, especially in the Farming/Agriculture community, and monitor the effectiveness of the diesel Smog Check Program and report back if any significant concerns arise on its effectiveness relative to PSIP.

## **Modified Text Now Available for Comment**

As directed by the Board, staff has modified the original proposed regulation order. A description of these modifications is provided below. The modified regulation order (Attachment A) is appended to this notice. Staff's proposed changes to the modified regulation order text are denoted by double underline for additions and by ~~double strikeout~~ for deletions. The modified regulation order is being made available for a supplemental comment period of fifteen days. The modified regulation order and corresponding resolution 10-34 (and its attachments) as proposed by staff are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2010/psip2010/psip2010.htm>

## **Proposed Modifications to Title 13, CCR, Sections 2190, 2191 and 2194**

As presented at the October 21, 2010 Board hearing, staff proposed to amend the current PSIP to eliminate the duplicative testing which arose due to the inclusion of 1998 and newer diesel vehicles that belong to a commercial fleet and having GVWR of 14,000 pounds and less; these vehicles were added to the Smog Check Program beginning January 2010 by operation of AB 1488. Staff's proposal was to allow Smog Check documentation to be substituted for a PSIP inspection every other year when a Smog Check was required. However, the Board directed staff to exempt approximately 77,000 commercial fleet diesel vehicles now subject to Smog Check entirely from the PSIP. Thus, these vehicles will be subject only to the registration-based biennial Smog Check Program.

Additionally, staff has modified the PSIP requirements for those affected diesel vehicles garaged in "change of ownership" Smog Check areas of the State (as defined by the Bureau of Automotive Repair). The Smog Check requirements are less stringent in change of ownership areas (inspections are only required upon initial registration in the State and upon a change of ownership) because these mostly rural areas generally meet ambient air quality standards. The modifications require that the affected commercial fleet diesel vehicles in these areas will still be subject to PSIP on a biennial basis because they will not be subject to biennial Smog Check tests like vehicles in other areas of the state will. The required Smog Check inspection upon initial registration in the State or upon change of ownership for all vehicles will not change. Attachment A reflects the staff's suggested modifications to the original proposed regulation order.

## **Comments and Subsequent Action**

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt title 13, California Code of Regulations, section 2190, 2191, and 2194, after making them available to the public for a comment period of at least fifteen days. The Board further directed that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such

modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the modifications approved by the Board and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, 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 (Gov. Code § 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. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format (i.e., Braille, large print, etc.) or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment

*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 ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*

## ATTACHMENT A

### 15-Day Modifications to the Original Proposal

#### PROPOSED AMENDMENTS TO THE PERIODIC SMOKE INSPECTIONS OF HEAVY-DUTY DIESEL-POWERED VEHICLES

Note: Shown below are the modifications to the originally proposed regulatory text set forth in Appendix B to the Staff Report: Initial Statement of Reasons, released on September 1, 2010. All originally proposed regulatory language is shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The proposed modifications to the original proposal are shown in double underline to indicate additions ~~double strikeout~~ to indicate deletions [No Change] indicates no change to the sections. These proposed modifications are being made available to the public for a fifteen-day comment period.

Amend section 2190, 2191, and 2194, title 13, chapter 3.6, California Code of Regulations to read as follows:

#### **§ 2190. Vehicles Subject to the Periodic Smoke Inspection Requirements.**

These regulations shall be applicable, operative July 1, 1998, as follows:

(a) Except as provided in subsections (b), (c), (d), (e), (f) and (g), the requirements of this chapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings greater than 6,000 pounds which operate on the streets or highways within the State of California and diesel vehicles 1998 model year and newer with gross vehicle weight ratings of 6,000 to 14,000 pounds which are registered in areas of California not designated for the biennial Smog Check Program.

(b) through (f) [No Change]

(g) Diesel vehicles 1998 model year and newer with gross vehicle weight ratings of 6000 to 14,000 pounds which are registered within an area designated for biennial Smog Check Program coverage are exempt from the PSIP requirements; however, if the vehicle is registered in areas of California designated for Smog Check inspections only upon initial registration in this State or during change of ownership then the requirements of this chapter shall apply on a biennial basis as determined by the last digit of the Vehicle Identification Number (VIN). For example, VIN's ending with an even digit would be subject to the PSIP in even calendar years (2010, 2012, 2014...) and, VIN's ending with an odd number would be subject to the PSIP in odd calendar years (2011, 2013, 2015...), during years which the vehicle has been noticed for a California Smog Check, are excluded from performing a PSIP test, but must maintain a

~~record of a passing Smog Check Vehicle Inspection Report in lieu of the PSIP test record.~~

Note: Authority cited: Sections 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), 44010.5, 44011, 44011.6, and 44012, Health and Safety Code.

### **§ 2191. Definitions.**

(a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The provisions of this chapter shall also be governed by the definitions set forth in section 2180.1, Title 13, California Code of Regulations including the following modifications:

(1) "Fleet" means any group of 2 or more heavy-duty diesel-powered vehicles which are owned or operated by the same agency or entity.

(2) "Test opacity" means the opacity of smoke from a vehicle when measured in accordance section 2193(e).

~~(3) "Vehicle Inspection Report" means documentation issued by a licensed Bureau of Automotive Repair Smog Check Station.~~

Note: Authority cited: Section 39600, 39601 and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), 44010.5, 44011, 44011.6, and 44012, Health and Safety Code.

### **§ 2194. Record Keeping Requirements.**

(a) The owner of a vehicle subject to the requirements of this chapter shall record the following information when performing the smoke opacity testing:

(1) through (11) [No Change]

(12) For vehicles that have failed the smoke test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

~~(13) During years in which 1998 and newer model year vehicles of 6000 to 14,000 pounds GVWR are required to perform a Smog Check, the vehicle owner shall provide a passing Smog check Vehicle Inspection Report in place of the PSIP record.~~

Note: Authority cited: Sections 39600, 39601 and 43701, Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701, 44010.5, 44011, 44011.6, and 44012, Health and Safety Code.