

UPDATED INFORMATIVE DIGEST

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).

Sections Affected: Amendments to title 13, California Code of Regulations (CCR), division 3, chapter 3.6 CCR, section(s) 2190, 2191, and 2194 (the PSIP regulations).

Background: The statute establishing the PSIP was signed into law in 1990 (Senate Bill 2330) to control excess smoke emissions and tampering from fleets of heavy-duty diesel trucks and buses. Pursuant to this statute and implementing regulations adopted by ARB (title 13 CCR section 2190, et seq.) the PSIP requires owners of California based fleets with two or more diesel-powered vehicles with a GVWR greater than 6,000 pounds to conduct annual smoke opacity inspections. The PSIP complements ARB's other in-use vehicle anti-smoke program - the Heavy Duty Vehicle Inspection Program (HDVIP), which is based on random roadside inspections of diesel trucks.

For both the PSIP and HDVIP, the smoke opacity test is performed on a stationary vehicle using a standardized smoke opacity meter. The test protocols and smoke opacity meter specifications are defined by the Society of Automotive Engineers J1667 recommended practice. Opacity limits of 40 percent for 1991 and newer model year engines and 55 percent for pre-1991 model year engines apply. A PSIP inspection ranges in cost from \$40 to \$100 with an average cost of about \$55 per test.

Vehicles determined to be non-compliant with the applicable opacity limits must be removed from service, repaired and retested. Test, maintenance, and repair records, as well as post-repair emissions test records, must be maintained by the fleet for a period of two years and are subject to audit by ARB. ARB has authority to audit fleet maintenance records and perform confirmatory tests of vehicles as necessary to ensure compliance. ARB randomly audits fleet maintenance and inspection records. The program was implemented in October 1999. Staff estimates that 379,242 vehicles in about 12,600 fleets are subject to PSIP in 2010¹.

Diesel Smog Check: Assembly Bill 1488 requires that diesel passenger cars and trucks, manufactured after the 1997 model year with GVWR of 14,000 pounds or less to be included in the California Smog Check Program beginning January 1, 2010. The Smog Check Program is registration based and requires most California vehicles to undergo emissions checks on a biennial basis. Diesel Smog Check inspections consist of a visual inspection of the emission control devices, an interrogation of the vehicle's on-board diagnostic (OBD) system, and a visual assessment of the vehicle's smoke level. The California Bureau of Automotive Repair (BAR) estimates the cost of a diesel Smog Check to be \$47.25. ARB estimates that about 510,700 diesel vehicles are

¹ California Air Resources Board, "Staff Report: Initial Statement of Reasons for Proposed Rulemaking. Public Hearing to Consider Proposed Amendments to California Regulations Governing The Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP), October 1997, pp 21.

subject to the diesel Smog Check Program, the vast majority of which are privately owned and not subject to the PSIP. Approximately 77,000 diesel trucks would be subject to both the Diesel Smog Check Program and ARB's PSIP.

The new AB 1488 diesel Smog Check inspection process is similar to the process used for passenger cars and trucks. Upon receipt of a registration renewal notice, the vehicle owner will be informed that a Smog Check inspection is required. The owner will then proceed to a Smog Check inspection station and obtain a Smog Check test. The vehicle owner will also be given a Vehicle Inspection Report (VIR) indicating the test results and whether the vehicle passed or failed the test. The same process would apply to commercial fleets. However, public fleets follow a slightly different process, in that they do not receive registration renewals from DMV. Instead, public fleets inspect their fleet vehicles biennially based on the vehicle's Vehicle Identification Number (VIN). If the VIN ends with an even number, inspections occur in even calendar years; and VINs ending with odd numbers are inspected in odd calendar years.

Concurrent Impacts of the PSIP and Diesel Smog Check Programs: The implementation of the new AB 1488 diesel Smog Check Program results in a duplicative emission control requirement for some vehicles subject to the PSIP. The current PSIP requires all diesel-powered vehicles, greater than 6,000 pounds GVWR, that are a part of a fleet of two or more vehicles to be inspected annually for excessive smoke. Since AB 1488 now includes all 1998 and newer diesel vehicles with GVWRs of 14,000 pounds or less to be included in the Smog Check Program, some vehicles will be subject to both programs. The overlap of the two programs causes additional costs and confusion to fleets as a result of having to perform a PSIP smoke test every year and also a Smog Check test every other year.

Staff Proposal and The Board's Action: 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 through 2194, Periodic Smoke Inspections of Heavy-Duty Diesel Powered Vehicles. The proposal, if adopted, would have removed the duplicative PSIP and Smog Check inspection requirements in any one year as a result of the recent implementation of AB 1488 with no adverse impact on particulate matter (PM) emissions. 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. The 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.

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 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, were subject to both the Smog Check and the PSIP. Smog Check tests are more rigorous than PSIP tests. The Board's action to require only a Smog Check inspection was expected to have minimal if any negative emission impacts, and is

estimated to be less than 0.01 tons per day of PM. The inspection cost savings from this action amounted to \$4.2M annually. Additionally, the Board requested that staff provide more outreach for the PSIP, especially in farming and agricultural areas.

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. 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 selected "Alternative 2" which exempts the approximately 77,000 commercial fleet diesel trucks entirely from the PSIP. Thus, these diesel trucks will be subject only to the registration-based biennial Smog Check Program.

Additionally, under the Board's direction, staff modified the PSIP requirements for those affected diesel trucks garaged in "change of ownership" Smog Check areas of the State (as defined by BAR). 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) as these mostly rural areas generally meet ambient air quality standards. The modifications require that the affected commercial fleet diesel trucks in these areas will be subject to PSIP on a biennial basis. The required Smog Check inspection upon initial registration in the State or upon change of ownership for all vehicles will not change.

Comments and Subsequent Action: In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt in the California Code of Regulations, title 13, sections 2190 through 2194, after making them available to the public for comment for a period of at least fifteen days (15 Day Notice). The Board further provided 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.

15 Day Notice: Staff received one comment from the California Council for Environmental and Economic Balance (CCEEB) which was supportive of the Board's actions so no further action was taken to modify the regulation beyond what was proposed in the 15 Day Notice.

Comparable Federal Regulations: There are no comparable federal regulations at this time. Federal regulations for heavy-duty engines establish new engine emission standards for oxides of Nitrogen (NOx), particulate matter (PM), hydrocarbons (HC), and carbon Monoxide (CO). This amendment applies to the operation of in-use diesel trucks in California.

Amendment Benefits: The total economic benefits of this amendment are estimated to be \$4.2 million annually to the regulated industry, state and local agencies, and

school districts. Additionally, the elimination of program overlap creates less confusion for the affected industry by having to follow one regulatory program versus two.