State of California
AIR RESOURCES BOARD

Resolution 92-74

November 13, 1992

Agenda Item No.: 92-17-4

WHEREAS, under sections 107(d)(4)(A) and 301 of the federal Clean Air Act as amended in 1990 (the "Act"; 42 U.S.C. sections 7401 et seq.), certain areas of California have been designated as moderate, serious, severe, and extreme nonattainment for ozone, and as nonattainment for carbon monoxide;

WHEREAS, section 182(c)(3) of the Act requires States to submit by November 15, 1992 a revision to the state implementation plan (SIP) to provide for an "enhanced" vehicle Inspection and Maintenance (I&M) program in certain areas of each State that have been designated as serious nonattainment for ozone;

WHEREAS, the Act also requires provisions for an enhanced I&M program in certain areas of each State that have been designated as severe and extreme nonattainment for ozone, and in certain areas that have been designated as nonattainment for carbon monoxide;

WHEREAS, section 182(c)(3)(B) of the Act further requires the enhanced I&M program to comply with guidance published in the Federal Register by the Administrator of the Environmental Protection Agency (EPA);

WHEREAS, section 182(a)(2)(B) of the Act requires the Administrator to review, revise, update, and republish in the Federal Register the guidance for the States' basic motor vehicle I&M programs, and further requires that the guidance shall provide the States with continued reasonable flexibility to fashion effective, reasonable, and fair programs for the affected consumer;

WHEREAS, on November 5, 1992, the EPA published a Final Rule on Inspection and Maintenance Program Requirements (the "Final Rule"; 57 FR 52950) to fulfill its responsibilities to issue guidance under section 182 of the Act;

WHEREAS, the Final Rule establishes performance standards and other requirements for basic and enhanced motor vehicle I&M programs;

WHEREAS, section 110(k)(4) of the Act allows the Administrator to conditionally approve a SIP revision if the State makes a commitment to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision;

WHEREAS, the Final Rule recognizes that it will be impossible for states to implement an enhanced I&M program by November 15, 1992, because the EPA guidance on enhanced I&M programs has only very recently been finalized; therefore, the Final Rule states that EPA will use its authority under section 110(k)(4) of the Act to conditionally approve SIP submittals which formally commit to adopt enhanced I&M programs consistent with EPA guidance;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to act as necessary to execute the powers and duties granted to and imposed upon the Board and to assist the local air pollution control and air quality management districts;

WHEREAS, section 39602 of the Health and Safety Code designates the Board as the agency responsible for the preparation of the SIP required by the Act, and to this end shall coordinate the activities of all districts necessary to comply with that Act;

WHEREAS, a noticed public meeting has been held in accordance with the requirements of 40 CFR section 51.102;

WHEREAS, the Board finds that:

Areas of California have been designated as moderate to extreme nonattainment for ozone and, as nonattainment for carbon monoxide;

Further modifications to the State motor vehicle I&M program are necessary in order for California to comply with the provisions of section 182(c)(3);

The performance standards for an enhanced motor vehicle I&M program proposed by the EPA in the Final Rule will serve as guidelines for designing an enhanced motor vehicle I&M program that meets the requirements of federal law, but which may differ from the program design preferred by EPA in order to meet the needs of California; and

To comply with sections 182 and 110(k)(4) of the Act, it is necessary to submit as a revision to the SIP a letter (the "committal letter") which commits the ARB to

supporting legislation that will provide the necessary authority to enhance the State I&M program.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves as a SIP submittal the committal letter for the enhanced motor vehicle I&M program, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the committal letter to the Environmental Protection Agency as a revision to the SIP, requesting conditional approval pursuant to section 110(k)(4) of the Act.

I hereby certify that the above is a true and correct copy of Resolution 92-74, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

STATE OF CALIFORNIA

PETE WILSON, Governor

AIR RESOURCES BOARD
1102 Q STREET
O. BOX 2815
SACRAMENTO, CA 95812

Attachment A

November 13, 1992

Mr. Daniel W. McGovern
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. McGovern:

The Air Resources Board (the "Board" or "ARB") is supporting the adoption of legislation in the 1993 California legislative session that would authorize enhancements to California's Inspection and Maintenance (I&M) Program. We believe that with such enhancements the California I&M program will meet or exceed the proposed I&M program performance standards specified in the Environmental Protection Agency (EPA) Final Rule regarding Vehicle Inspection and Maintenance Requirements for State Implementation Plans (the "Final Rule"; 57 FR 542950; November 5, 1992). We anticipate that appropriate legislation will be enacted by November 15, 1993. Until such time as the necessary legislation is adopted, the ARB will continue to work toward identifying and preparing for promulgation those regulatory amendments required by section 182.

Section 182 of the federal Clean Air Act as amended in 1990 (the "Act"; 42 U.S.C. sections 7401 et seq.) requires EPA to develop performance standards for "basic" and "enhanced" vehicle I&M programs. The Act also requires adoption of enhanced vehicle I&M programs in certain areas of California that have been federally designated as nonattainment for ozone or carbon monoxide. It is believed that these programs are necessary and, when fully implemented, will serve as a useful tool for states in their efforts to attain the federal ambient air quality standards.

The Final Rule specifies performance standards for an enhanced vehicle I&M program. In comparison to an area without a vehicle I&M program, these standards require a 28 percent reduction in volatile organic compounds, a 31 percent reduction in carbon monoxide, and a 9 percent reduction in oxides of nitrogen from mobile sources by the year 2000. The EPA proposes that these performance standards can be met if a centralized test only and decentralized repair network is established. Furthermore, the EPA's suggested enhancements to a vehicle I&M program would require that 1980 and earlier model year vehicles be subject to an idle test, that 1981 through 1985 model year vehicles be subject to the idle and 2500 rpm no load test, and that 1986 and newer vehicles be subject to the transient IM240 exhaust test and evaporative purge system check. Additionally, 1983 and newer

model year vehicles would be subject to an evaporative system pressure test. The EPA's version of an enhanced vehicle I&M program would also raise the repair cost limit to $450. A vehicle owner must spend at least this amount in order to receive a waiver from compliance with the emission standards. The program adopted by the state of California may differ from the preferred program of EPA, but will meet the performance standards identified in the regulations implementing section 182.

Section 182(c)(3) of the Act requires States to submit a revision to the state implementation plan (SIP) by November 15, 1992, to provide for an enhanced vehicle I&M program. The SIP revision would be considered fully approvable provided that it includes the following: an analysis of the emission benefits based on EPA's mobile source emissions model (MOBILE) for the state's proposed enhancements to the vehicle I&M program, areas subject to the program, a detailed discussion of each program element, the legal authority related to the implementation and operation of the I&M program, and the text of all implementing regulations. However, EPA has recognized that a fully approved SIP submittal for an enhanced vehicle I&M program cannot be completed by the November 15, 1992 deadline because the EPA guidance has only very recently been finalized. Therefore, the Final Rule indicates that EPA will use its authority under section 110(k)(4) of the Act to conditionally approve SIP submittals which commit to adopt enhanced I&M programs consistent with EPA guidance. In order to obtain full approval, states must submit a second, more complete SIP revision for an enhanced vehicle I&M program, including appropriate legislation and implementation dates, by November 15, 1993.

At a public meeting held November 13, 1992, the Board adopted Resolution 92-74 which directs the Executive Officer to request conditional approval of this letter as a SIP revision pursuant to section 110(k)(4) of the Act. By this letter and the attached Resolution 92-74, I hereby request that you conditionally approve California's commitment to implement an enhanced I&M program that is consistent with section 182(c)(3) and its implementing regulations. I also certify, pursuant to 40 CFR section 51.102, that this SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102.

If you have any questions or comments regarding this letter, please contact Mr. Tom Cackette, Chief Deputy Executive Officer at (916) 322-2892.

Sincerely,

James D. Boyd
Executive Officer