State of California
AIR RESOURCES BOARD

Resolution 10-34

October 21, 2010

Agenda Item No.: 10-9-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically addressing the serious air pollution problem caused by motor vehicles;

WHEREAS, in 1998, California identified diesel particulate matter as a toxic air contaminant by regulation (title 17, California Code of Regulations, section 93000);

WHEREAS, in 2000, the Board adopted the Diesel Risk Reduction Plan, which established discrete goals for reducing emissions from virtually all in-use diesel engines within the State of California by 2010 and 2020;

WHEREAS, the Periodic Smoke Inspection Program (PSIP) was signed into law in 1990 and ARB regulations implementing the PSIP are contained in title 13, California Code of Regulations, sections 2190-2194;

WHEREAS, the Department of Consumer Affairs, Bureau of Automotive Repair (BAR), beginning January 1, 2010, was required by Assembly Bill 1488 (Mendoza), to require biennial Smog Check inspections of 1998 and newer model-year diesel vehicles with Gross Vehicle Weight Ratings (GVWR) of 6,000 to 14,000 pounds;

WHEREAS, the PSIP overlaps the BAR Smog Check requirements for 1998 and newer model-year diesel vehicles having GVWRs of 6,000 to 14,000 pounds;

WHEREAS, to eliminate this duplicative testing requirement, staff has proposed amendments to the PSIP regulations;

WHEREAS, ARB worked with the affected stakeholders, requested comments and has considered those comments in developing the proposed amendments;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts; and

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code.

WHEREAS, the Board finds that:

Diesel emission control standards, in-use performance standards, and test procedures have been proven successful in a number of programs;

The proposed amendments are authorized by California law, and the cost savings of the amendments will lessen the financial burden to the affected vehicle owners; and

The proposed amendments will not result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Executive Officer to take final action to adopt the regulation as set forth in Attachment A, with the modifications identified by the Board at the October 21, 2010, hearing and such other conforming modification as may be appropriate, after making the modified regulatory language and any additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make modifications as appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 10-34, as adopted by the Air Resources Board.

Mary Alice Morency, Clerk of the Board

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Resources Agency of California

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October 21, 2010

Identification of Attachment to the Resolution

Attachment A: Proposed Amendments to the Periodic Smoke Inspection Program (PSIP) regulations as set forth in Appendix B to the Initial Statement of Reasons, released September 2010.

ATTACHMENT A

Proposed Regulation Order

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

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

(Note: The proposed amendments to the existing regulation are shown in underline to indicate proposed additions)

§ 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.

(b) through (f) [No Change]

(g) Diesel vehicles 1998 model year and newer with weights of 6000 to 14,000 pounds GVWR 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.

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

Notice of Decision and Response to Significant Environmental Issues

Item:	NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED MINOR AMENDMENTS TO THE PERIODIC SMOKE INSPECTION PROGRAM IN RESPONSE TO THE INCLUSION OF DIESEL VEHICLES IN SMOG CHECK (ASSEMBLY BILL 1488, MENDOZA 2007)
Approved By:	Resolution 10-34
Adopted by:	Executive Order R-11-008
Agenda Item:	10-9-3
Public Hearing Date:	October 21, 2010
Issuing Authority:	Air Resources Board
Comment:	One verbal comment was presented at the October Board Hearing regarding the negative environmental impact of not adopting the original proposal.
Response:	The Board elected to adopt their modification to the original proposal because a 0.01 ton per day PM disbenefit was considered a minimal environmental impact in comparison to the cost savings for business.
Certified:	Trini Balcazar Trini Balcazar, Regulations Coordinator
Date:	August 5, 2011

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