

Notice of Exemption

Project Title:	California Smog Check Contingency Measure State Implementation Plan Revision
Project Location:	Statewide
Public Meeting Date:	October 26, 2023; <i>Agenda Item #23-9-2</i>
Project Description:	CARB staff worked to identify a viable contingency measure to align with requirements under the Clean Air Act and have developed the California Smog Check Contingency Measure State Implementation Plan Revision to address the contingency measure requirements. If a specified nonattainment area fails to attain one of the relevant national ambient air quality standards by the applicable attainment date, meet a reasonable further progress milestone, meet a quantitative milestone, submit a required quantitative milestone report, or milestone compliance demonstration, the California Smog Check Contingency Measure would be triggered and effectuate a change to the existing Smog Check inspection exemptions in California's Smog Check Program in that nonattainment area. Currently, motor vehicles eight model years old and newer are exempt from a biennial Smog Check inspection in California. If the California Smog Check Contingency Measure is triggered, the exemption in the applicable nonattainment area(s) will change from eight model years old and newer to seven model years old and newer (or six model years old and newer in the case of a second trigger).

This notice is to advise that the California Air Resources Board (CARB or Board), as the lead agency, approved the above action on October 26, 2023.

CARB has determined that this regulation is exempt from CEQA under the general rule or "common sense" exemption (14 CCR 15061(b)(3)). CEQA Guidelines states "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". This activity is also categorically exempt from CEQA under the "Class 8" exemption (14 CCR 15308) because it is an action taken by a regulatory agency

for the protection of the environment. Based on CARB's review it can be seen with certainty that there is no possibility that the regulation would result in a significant adverse impact on the environment. Further, the action is designed to protect the environment and CARB found no substantial evidence indicating the proposal could adversely affect air quality or any other environmental resource area, or that any of the exceptions to the exemption apply (14 CCR 15300.2). Therefore, this activity is exempt from CEQA. A brief explanation of the basis for reaching this conclusion is included in Section 4.D of the Staff Report.

The Staff Report and all other related documents are available for public inspection on the CARB webpage at: [California Smog Check Contingency Measure | California Air Resources Board](#).

These documents may also be examined at:

California Air Resources Board
Attn: Board Administration and Regulatory Coordination Unit
1001 I Street
Sacramento, CA 95814

Certified: Rebecca Fancher /s/
CARB CEQA Unit

Date: 11/17/2023