



HOUSE BILL 85: Emissions/Onslow County.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 18, 2019
Introduced by:	Reps. Shepard, Cleveland	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	PCS to Second Edition H85-CSBH-2		

OVERVIEW: *House Bill 85 would remove Onslow County from the group of counties which are required to conduct emissions inspections.*

House Bill 85 would also direct the Department of Environmental Quality to prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program with the proposed removal of Onslow County.

[The PCS to Second Edition H85 would change the required submission date for the amendment from no later than September 30, 2019, to December 31, 2019. It would also change the effective date of Section 1 of the bill from October 1, 2019, to January 1, 2020.]

CURRENT LAW: Currently, pursuant to G.S. 143-215.107A, motor vehicle emissions inspections shall be performed in the following counties: Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lee, Lincoln, Mecklenburg, New Hanover, Onslow, Randolph, Rockingham, Rowan, Union, and Wake.

BILL ANALYSIS: The bill would remove Onslow County from the group of counties required to perform emissions inspections.

The bill would also direct the Department of Environmental Quality to prepare and submit to the United States Environmental Protection Agency for approval by that agency a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program with the proposed removal of Onslow County, and adds an effective date contingency (see effective date below).

EFFECTIVE DATE: Section 1 of this act becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after that effective date:

- (1) January 1, 2020.
- (2) The first day of a month that is 60 days after the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved an amendment to the North Carolina State Implementation Plan submitted as required by Section 2 of this act. The Secretary shall provide this notice along with the effective date of this act on its Web site and by written or electronic notice to emissions inspection mechanic license holders, emissions inspection station licensees, and self-inspector licensees in the county where motor vehicle emissions inspection requirements are removed by this act.

Karen Cochrane-Brown
Director

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The remainder of this act would become effective when it becomes law.

BACKGROUND: Prior to December 1, 2018, the following counties were required to perform emissions inspections: Alamance, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Catawba, Chatham, Cleveland, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Iredell, Johnston, Lee, Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Wake, Wayne, Wilkes and Wilson.

In 2013, the General Assembly directed the Department of Environment and Natural Resources to conduct a study to examine whether all of the counties covered under the emissions testing and maintenance program pursuant to G.S. 143-215.107A were needed to meet and maintain the current and proposed federal ozone standards in North Carolina. The final report was completed in 2016, and recommended elimination of 31 counties from the program. Subsequently, Section 3.5 of S.L. 2017-10 directed the Department of Environmental Quality to submit an amendment to North Carolina's State Implementation Plan to the USEPA for approval, based on the change to the motor vehicle emissions program with the proposed removal of 26 of the 31 recommended counties, which did not include Franklin, Lee, New Hanover, Onslow, and Rockingham.

The current list of counties required to conduct vehicles emissions testing became effective December 1, 2018.

**Howard Marsilio, Staff Attorney for the Legislative Analysis Division, contributed to this summary.*