



# HOUSE BILL 85: Emissions/Lee, Onslow, & Rockingham Counties.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	May 20, 2020
<b>Introduced by:</b>	Reps. Shepard, Cleveland	<b>Prepared by:</b>	Jessica Sammons*
<b>Analysis of:</b>	Fourth Edition		Staff Attorney

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**OVERVIEW:** *House Bill 85 would do the following:*

- **Remove Lee, Onslow, and Rockingham Counties from the group of counties required to conduct emissions inspections, subject to EPA approval.**
- **Require the Department of Environmental Quality (DEQ) to submit a proposed amendment to the State's Implementation Plan to the United States Environmental Protection Agency (EPA) by December 31, 2020 on this change to the motor vehicle emissions testing program for EPA approval.**

**CURRENT LAW:** G.S. 143-215.107A currently requires motor vehicle emissions inspections to 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:** House Bill 85 would:

- Remove Lee, Onslow, and Rockingham counties from the group of counties required to conduct emissions inspections, subject to EPA approval. This would be effective upon the later of the following dates:
  - January 1, 2021.
  - The first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan.
- Require DEQ to seek EPA approval by December 31, 2020, by submitting a proposed North Carolina State Implementation Plan amendment to the EPA based on the change to the motor vehicle emissions testing program by the removal of these counties from the group of counties requiring emissions inspections.

**EFFECTIVE DATE:** The removal of these counties from the group of counties required to conduct emissions inspections would become effective on the later of January 1, 2021, or the first day of a month that is 60 days after the Secretary of DEQ certifies to the Revisor of Statutes that the EPA has approved the amendment to the State's Implementation Plan. The removal of the emissions inspection requirement would apply to motor vehicles inspected, or due to be inspected, on or after that date.

Karen Cochrane-Brown  
Director



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**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.

*\*Billy Godwin, counsel to Senate State and Local Government, substantially contributed to this summary.*