

A close-up photograph of a metal nozzle, likely from a vehicle's emission control system, emitting a fine spray of dark particles. The nozzle is positioned on the left side of the frame, and the spray extends towards the right. The background is dark and out of focus, emphasizing the spray.

TN

Department of
**Environment &
Conservation**

Changes to Tennessee's Vehicle Emissions Testing Program

Frequently Asked Questions and Timeframe

Division of Air Pollution Control | June 2018



Frequently Asked Questions

Public Chapter 953 was enacted by the 110th General Assembly and signed by Governor Haslam on May 15, 2018. The law seeks to eliminate the vehicle emissions testing program (Inspection and Maintenance Program) implemented by the Tennessee Department of Environment and Conservation, Division of Air Pollution Control when the state receives EPA approval to do so.

1. I heard that Governor Haslam signed a bill that ends vehicle emissions testing (the inspection and maintenance program) in Tennessee. Do I still have to get my emissions tested before I register my motor vehicle this year?

Yes; light-duty motor vehicles are still required to undergo emissions testing. Governor Haslam did sign a bill that will start the process to end emissions testing in most of Tennessee. However, EPA must approve the change before it can take effect.

If you register your light-duty motor vehicle in Metropolitan Nashville/Davidson County, you will still need to get vehicle tested even after EPA approves the change because the Metropolitan Council voted to keep the testing program.

2. Why does Tennessee have to get approval from EPA?

Tennessee has used vehicle emissions testing to improve air quality and meet federal air quality standards (National Ambient Air Quality Standards, or NAAQS) in the counties that have vehicle emissions testing. NAAQS are established by EPA for those pollutants considered to be harmful to public health and the environment. Even though all counties are now in attainment status for the NAAQS related to ozone, Tennessee is required to maintain air quality. Tennessee has to show EPA that eliminating the vehicle emissions testing program will not interfere with Tennessee meeting the NAAQS. If Tennessee doesn't go through this process, then Tennessee could lose federal transportation highway funds.

3. How long will it take to get EPA approval?

It could take three years or more to get EPA approval. TDEC will begin the analysis to determine whether eliminating the vehicle emissions program will interfere with the NAAQS. TDEC will know what the next steps have to be once the analysis is complete. If there is no interference,

then TDEC can begin to work with the Air Pollution Control Board and local governments to amend the State Implementation Plan. If there is interference, substitute measures will have to be used to stay in compliance. TDEC will work with the Air Pollution Control Board and local governments to select those measures.

4. What is a State Implementation Plan?

A State Implementation Plan, or SIP, is the plan laying out all the measures Tennessee uses to improve and maintain air quality in compliance with federal law. A lot of the SIP is in the Tennessee Code and rules promulgated by the Air Pollution Control Board. Vehicle emissions testing is part of Tennessee's SIP.

5. Will air quality get worse in Tennessee if emissions testing is eliminated?

No; Tennessee has to show EPA that air quality will not get worse in order to get EPA approval. Tennessee may have to use substitute measures to maintain good air quality.

6. How will I know when I don't have to get my motor vehicle tested anymore?

TDEC will be updating its website throughout the process and will also issue notice when EPA approves the SIP amendment.

Timeframe

TDEC's Division of Air Pollution Control has begun the analysis necessary to prepare a technical demonstration requesting removal of the emissions testing program from the SIP. TDEC estimates that completing the analysis will take **six months to a year**.

The results of the analysis will determine the length of time to take the next steps.

- If no interference is found, then the following steps will take approximately **1 year**:
 - Internal and local program review,
 - Briefing the APC Board on the proposed SIP revisions,
 - Submitting revisions to local programs and EPA,
 - Editing based on feedback from locals and EPA,
 - Public hearing notice and public comment,

- Revisions based on public input,
 - Rulemaking by Board to revise I/M (and, if necessary, to incorporate any substitute measures),
 - Review by Attorney General and General Assembly, and
 - Submitting to EPA.
- If substitute measures are required, then this part of the process would take longer due to evaluation and analysis of the substitute measures for each area prior to the steps listed previously. The time to accomplish the evaluation and analysis of substitute measures is unknown. Substitute measures could involve stationary or mobile sources. If a county has a local air program, then substitute measures may require local government action.

After the State submits the package to EPA, review could take anywhere **from eight months up to a year and a half (sometimes more)**. TDEC tries to collaborate with EPA throughout the process in an effort to reduce the EPA review time necessary.

- If measured ozone levels increase in Tennessee or if a lower ozone standard is imposed by EPA, approval may be delayed or denied.

The end of the program will take effect **120 days after EPA approves the SIP amendment** unless a contract with the vendor exists in which case it will take effect as soon as the contract allows for termination. Currently, there is a 90-day termination for convenience clause in the vendor contract. Additionally, TDEC will seek to amend the contract as provided in Public Chapter 953 to make clear the contract will be terminated when the program has ended in Tennessee.

Once the program ends, the local government can increase clerk motor vehicle registration fees.