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IN RE: AMENDMENTS TO VEHICLE INSPECTIONS  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING  
November 30, 2011

PUBLIC HEARING, taken on November 30, 2011, at Illinois  
Department of Transportation, 1100 Eastport Plaza Drive,  
Collinsville, Illinois 62234, before ASHLEY C. HIGH, RPR, CSR  
(IL) and Notary Public, within and for the State of Missouri,  
in regard to Amendments to Vehicle Inspection.

A P P E A R A N C E S

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

DEAN STUDER, Hearing Officer  
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## P R O C E E D I N G S

(PUBLIC HEARING COMMENCED AT 1:30 P.M.)

MR. STUDER: Let's go ahead and go on the record. My name is Dean Studer and I'm the hearing officer for the Illinois Environmental Protection Agency, or otherwise known as Illinois EPA. My purpose today is to ensure that this hearing runs in a fair and orderly manner and according to rules.

This hearing is being held for the purpose of gathering public comment on proposed amendments to the Illinois EPA's Vehicle Inspection and Maintenance Program rules entitled: Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions, 35 Illinois Administrative Code Part 276.

The proposal would amend the State of Illinois regulations at 35 Illinois Administrative Code Part 276 to reflect an amendment to the Vehicle Emissions Inspection Law otherwise known as VEIL, V-E-I-L, of 2005, which is found at 20 -- excuse me, 625 ILCS 5/13C, and that was made by Public Act 95-0106 [sic].

Public Act 97-0106 amends the VEIL of 2005 by repealing the steady-state idle exhaust and evaporative system integrity inspection tests. These inspection tests were substituted for the on-board diagnostic (OBD) test for heavy-duty vehicles not required to be equipped with OBD

1 systems meeting federal OBD II specifications and certain  
2 vehicles that could not receive the OBD systems meeting --  
3 oops, excuse me -- that could not receive the OBD test due to  
4 their design or with known OBD communication or software  
5 problems.

6 Public Act 97-0106 exempts pre-2007 heavy-duty  
7 vehicles with a gross vehicle weight rating (GVWR) between  
8 8,501 and 14,000 pounds and any heavy-duty vehicles with a  
9 GVWR greater than 14,000 pounds from the requirement to be  
10 tested. These heavy-duty vehicles are not all required to be  
11 equipped with OBD systems meeting federal OBD II  
12 specifications.

13 Also, Public Act 95-0106 [sic] adds a visual  
14 inspection test as a new substitute for the OBD test for  
15 vehicles that cannot receive the OBD test due to their design  
16 or with known OBD communication or software problems. In  
17 addition, it revises the definition of malfunction indicator  
18 lamp and OBD system. Finally, it corrects an error with  
19 respect to the exemption for vehicles located and primarily  
20 used outside of the effective counties and in other  
21 jurisdictions where vehicle emission tests are not required.

22 This exemption applies to vehicles that are located  
23 primarily -- excuse me -- that are located and primarily used  
24 outside of the effective counties and in other jurisdictions  
25 where vehicle emission tests are not required.

1           Public Act 95-0106 [sic] is effective February 1st  
2           2012. Copies of this proposal are available on the Illinois  
3           EPA's website at <http://www.epa.state.il.us/public-notice>.

4           This is the second of two hearings that the Illinois  
5           EPA is holding regarding the proposed amendments to 35  
6           Illinois Administrative Code Part 276. The first hearing was  
7           held in Chicago on Thursday, November 17th, 2011.

8           This hearing is being held under the provisions of  
9           35 Illinois Administrative Code 164, Procedures for  
10          Informational and Quasi-Legislative Public Hearings. Copies  
11          of these procedures can be accessed on the website for the  
12          Illinois Pollution Control Board at [www.ipcb.state.il.us](http://www.ipcb.state.il.us), or  
13          if you do not have ready access to the web, these regulations  
14          can be obtained from me by request.

15          Illinois EPA staff members present today will  
16          introduce themselves and make presentations. Following this  
17          overview, I will allow the public to ask questions or provide  
18          comments and ask questions. Written comments are given the  
19          same consideration and may be submitted to the agency at any  
20          time within the public comment period, which ends on  
21          December 15th, 2011. Comments will be accepted as long as  
22          they are postmarked by December 15th, 2011.

23          The written record in this matter will close on that  
24          date, December 15th, 2011. Therefore, I will accept all  
25          written comments as long as they are postmarked by then. All

1 relevant comments, documents or data will also be placed in  
2 the record as exhibits provided they are received during the  
3 comment period.

4 All written comments can be sent to Dean Studer.  
5 That's D-E-A-N, S-T-U-D-E-R. Hearing Officer, Illinois EPA,  
6 regarding Revisions to the Performance of Inspections of Motor  
7 Vehicles Emissions, 1021 North Grand Avenue East, P.O.  
8 Box 19276, Springfield, Illinois 62794-9276. This address is  
9 also listed on the public notice for the hearing today.

10 I'd like to record preliminary documents into the  
11 record as exhibits. For the record, Exhibit 1 is a copy of  
12 the public notice for this hearing and for the Chicago  
13 hearing. It's a combined notice for the two. Exhibit  
14 Number 2A is the Notice of Proposed Amendments published in  
15 the Illinois Register. And Exhibit Number 2B is the full text  
16 of the amendments published in the Illinois Register.  
17 Exhibit 3 is a public comment e-mailed from Alpha and Omega  
18 Delivery and the Illinois EPA response to that comment.

19 And I'll turn things over to Kent Mohr, and he can  
20 introduce himself and the panel here today.

21 MR. MOHR: My name is Kent Mohr. I'm an attorney  
22 for the Illinois EPA. With me today is Michael Hills with the  
23 Technical Services Section of the Division of Mobile Source  
24 Programs at the Illinois EPA. And Steven Thorpe, Manager of  
25 the Compliance Assurance Section of the Division of Mobile

1 Source Programs at the Illinois EPA.

2 Mike Hills has prepared some testimony today,  
3 however, seeing no members of the public hear, I would request  
4 that the hearing officer into the record as if read his  
5 written testimony as Exhibit 4 for the record.

6 MR. STUDER: His testimony is entered as Exhibit 4  
7 into the hearing record.

8 MR. MOHR: And just to ensure that the record is  
9 clear in this matter, the Illinois EPA has filed these  
10 amendments to implement Public Act 97-106 and not Public Act  
11 95-106. That's all that we have.

12 MR. STUDER: Let's go off the record.

13 (EXHIBIT 4 WAS MARKED FOR IDENTIFICATION.)

14 MR. STUDER: Let's go back on the record. And just  
15 for the record, again, there is still no one from the public  
16 here, so I'm going to go ahead and adjourn this hearing. The  
17 record remains open until December 15th, 2011. This hearing  
18 is adjourned.

19 (PUBLIC HEARING ADJOURNED AT 1:46 P.M.)

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CERTIFICATE OF REPORTER

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STATE OF MISSOURI )

) ss.

CITY OF ST. LOUIS )

I, Ashley C. High, a Certified Shorthand Reporter (IL),  
Registered Professional Reporter, and a Notary Public within  
and for the State of Missouri, do hereby certify that the  
meeting aforementioned was held on the time and in the place  
previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

\_\_\_\_\_  
Notary Public within and for  
the State of Missouri

My commission expires April 22, 2012.