

Testimony for 35 Ill. Adm. Code 276 Agency Hearing

My name is Michael Hills and I am an engineer with the Technical Services Section of the Illinois Vehicle Inspection and Maintenance Program (I/M Program) at the Illinois Environmental Protection Agency (Agency). Today we are presenting proposed amendments to 35 Illinois Administrative Code Part 276 which outlines the procedures used in Illinois for vehicle emissions inspections. These amendments will update the test procedures and compliance requirements to correspond with the current Vehicle Emissions Inspection Law as amended by the Illinois General Assembly in July 2011.

ELIMINATION OF STEADY-STATE IDLE MODE EXHAUST AND EVAPORATIVE TESTS (STEADY-STATE IDLE/GAS CAP) AND EXEMPTION OF HEAVY-DUTY VEHICLES

As Mr. Studer stated previously, the Illinois General Assembly amended the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) through Illinois Public Act (P.A.) 97-0106, which repeals the steady-state idle and gas cap emissions tests effective February 1, 2012. Therefore, the Agency will be prohibited from using these tests after January 31, 2012. The vast majority of vehicles subject to these tests are pre-2007 model year heavy duty vehicles between 8,501 and 14,000 pound gross vehicle weight rating (GVWR) and all heavy-duty vehicles with GVWR greater than 14,000 pounds as they were not required to be equipped with on-board diagnostics (OBD). Therefore, the Illinois General Assembly has exempted these vehicles from the emissions test requirement in Illinois. This rulemaking implements P.A. 97-0106 by proposing to sunset the steady-state idle and gas cap test procedures. The decision to eliminate these tests was based on modeling projections showing negligible emission reduction benefits, a declining subject vehicle fleet, and significant long-term costs for continued use of these test procedures.

Currently, less than 3% of the vehicle tests in Illinois are steady-state idle exhaust/gas cap tests. In addition, starting with the 2007 model year, heavy-duty vehicles with a GVWR of less than 14,000 are required to be equipped with OBD technology, and will receive the OBD test instead of the steady-state idle/gas cap tests. As a result, the projected number of steady-state idle exhaust/gas cap tests conducted in Illinois is expected to fall to less than 1% by 2015. The steady-state idle exhaust/gas cap tests are no longer economically reasonable in the Illinois I/M Program given the additional capital and operating costs when only 1% of the fleet will be subject to this type of testing.

Modeling projections of the expected Illinois fleet for 2012 show that approximately 90% of the volatile organic compound (VOC) reductions would come from OBD equipped vehicles. In addition, the loss in VOC reductions will be 0.00 tons per day for the projected calendar year range of 2012 through 2020 in both the Chicago and Metro-East non-attainment areas. Given the fact that the steady-state idle exhaust/gas cap tests are only used on pre-2007 model year, non-OBD equipped vehicles (a small and diminishing portion of the vehicles subject to testing in the future), are not required by federal law or regulations where the OBD test is utilized, and that the cost was significantly higher than OBD testing, the Illinois General Assembly decided it was

technically feasible and economically reasonable to eliminate the requirement for any steady-state idle exhaust/gas cap testing in the Illinois I/M Program.

The main change that this rulemaking proposes to make to implement P.A. 97-0106 is to sunset all procedures, test equipment specifications, and equipment maintenance and calibration requirements related to the steady-state idle and gas cap tests (276.203, 276.204, 276.205, 276.502, 276.503, 276.504, 276.601, 276.602, and 276.603) contained in 35 Ill. Adm. Code 276, beginning February 1, 2012.

ADDITION OF VISUAL INSPECTION TEST PROCEDURES (35 ILL. ADM. CODE 276.210)

The addition of the visual inspection test is necessary to handle certain vehicles that are equipped with OBD technology, but for which OBD testing is not possible due to the vehicle's design. The new visual inspection test created and allowed by P.A. 97-0106, will provide motorists with the same flexibility they received through the steady-state idle and gas cap tests in the current Illinois I/M Program. Specifically, the visual inspection test will be used only on vehicles for which OBD testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, and on any vehicle with known OBD communications or software problems, as determined by the Agency. Without this fallback test procedure, these vehicles would not be able to pass an OBD test and the motorist would have no means of correcting the problem and renewing the vehicle's registration. Not having this test would result in an undue burden on the motorist.

The Agency will make the determination as to which vehicles are eligible for the visual inspection test and will develop a list of such vehicles. Any vehicle that does not appear on this list will not be eligible for the visual inspection test and will need to comply with the full OBD inspection.

In order to pass the visual inspection, the malfunction indicator lamp (MIL) must illuminate during the key-on/engine off check and not illuminate during the key-on/engine on check. As a result, the Agency is proposing in 35 Ill. Adm. Code Part 240, the Illinois Pollution Control Board's inspection and maintenance emissions test standards, that vehicles shall fail the visual inspection if the MIL does not illuminate in the key-on/engine off position or continuously illuminates in the key-on/engine on position.

The visual inspection test procedure is based on long-standing practice within the I/M community and federal law. The "key-on/engine off" check verifies that the MIL bulb is functioning properly. Without a properly functioning bulb, the motorist would never be alerted when the OBD system detects potential problems with the vehicle's emissions control equipment. The "key-on/engine on" check verifies that there are no fault codes stored on the vehicle's OBD system which would require the illumination of the MIL. The OBD system stores fault codes whenever it detects possible problems with the vehicle's emissions control equipment, and are used by repair technicians to help identify areas to focus on during repairs.

The addition of the visual inspection procedure will not require any new test equipment and therefore will not incur any additional costs to the State or motorists.

CLARIFICATION OF “OUTSIDE OF AFFECTED COUNTIES ANNUAL EXEMPTION REQUIREMENTS”

35 Ill. Adm. Code 276.405 is being corrected to correspond with the amendment made through P.A. 97-0106 to Section 5/13C-15(b)(9) of the VEIL OF 2005. Specifically, under 35 Ill. Adm. Code 276.405, persons whose vehicles are registered in Illinois testing areas (such as the Chicago metropolitan or Bi-State Metro East areas), but primarily operate their vehicles outside of the Illinois testing areas and in areas that do not require emissions testing are entitled to an annual exemption from the emissions testing requirement. This was the original intent of this exemption. However, the current wording of this exemption results in an unintended loophole that would provide the annual exemption for a vehicle that is primarily operated outside the Illinois testing areas but within an area that requires emissions testing. If the vehicle is registered in an Illinois testing area and is primarily operated outside of the Illinois testing areas, but in an area that requires emissions testing, it still must be tested under the provisions specified in 35 Ill. Adm. Code Part 276, Subpart K – Reciprocity with other Jurisdictions. Therefore, this change would clarify the original intent and close the unintended loophole. This change accomplishes this clarification by using the term “and” instead of “or.”

CONCLUSION

In summary, with this rulemaking the Agency is updating the vehicle emissions test procedures contained in 35 Ill. Adm. Code 276 to correspond with the VEIL of 2005 as amended by the Illinois General Assembly through P.A. 97-0106. These changes will allow the State of Illinois to continue to meet the CAA I/M requirement with a modernized and streamlined I/M Program.