

Responsiveness Summary

Illinois Environmental Protection Agency Rulemaking Amendments to Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions (35 Ill. Adm. Code 276)

FINAL December 20, 2011

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PRE-HEARING PUBLIC OUTREACH

On October 13, 2011, the public hearing notice was published in the Chicago Sun Times and St. Louis Post Dispatch, Metro-East Edition. In addition, on October 21, 2011, the proposed amendments were published in the Illinois Register (35 Ill. Reg. 16918). Further, the public hearing notice and proposed amendments were posted electronically on the Illinois EPA website, <http://www.epa.state.il.us/public-notices/general-notices.html#vim-amendments>.

NOVEMBER 17, 2011 PUBLIC HEARING

Illinois EPA Hearing Officer, Dean Studer opened the hearing November 17, 2011, at approximately 1:30 p.m. in Room 2-025 at the James R. Thompson Center, 100 W. Randolph Street, Chicago Illinois.

Illinois EPA representatives, Kent Mohr, Mike Hills and Steve Thorpe were in attendance and Mr. Hills explained the proposed amendments.

Hearing Officer Studer closed the hearing after the Illinois EPA's presentation.

Illinois EPA personnel were available before, during, and after the hearing to meet with the public. However, there were no members of the public present at the hearing.

A court reporter prepared a transcript of the public hearing which was posted on the Illinois EPA website.

NOVEMBER 30, 2011 PUBLIC HEARING

Illinois EPA Hearing Officer, Dean Studer opened the hearing November 30, 2011, at approximately 1:30 pm in the Regional Room at the Illinois Department of Transportation, District 8, 1102 Eastport Plaza Drive, Collinsville, Illinois.

Illinois EPA representatives, Kent Mohr, Mike Hills and Steve Thorpe were in attendance and Hearing Officer Studer entered Mr. Hills' testimony into the record as Exhibit 4.

Hearing Officer Studer closed the hearing after all documents were entered into the record. Illinois EPA personnel were available before, during, and after the hearing to meet with the public. However, there were no members of the public present at the hearing.

A court reporter prepared a transcript of the public hearing which was posted on the Illinois EPA website.

BACKGROUND OF PROPOSED AMENDMENTS

The Illinois EPA, Bureau of Air, Division of Mobile Source Programs, prepared a draft of proposed amendments to its Vehicle Inspection and Maintenance Program rules (Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions) at 35 Ill. Adm. Code 276. 35 Ill. Adm. Code 276 prescribes rules relating to vehicle emissions inspections. Specifically, 35 Ill. Adm. Code 276 sets forth vehicle emissions inspection procedures, emissions compliance and exemption requirements, test equipment specifications, equipment maintenance and calibration requirements, fleet self-testing requirements, grievance procedures, notice requirements, and reciprocity requirements. The Illinois EPA's proposal would amend Part 276 to reflect an amendment to the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13C) (Public Act (P.A.) 97-0106). P.A. 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 systems meeting federal OBD II specifications and certain vehicles that could not receive the OBD test due to their design or with known OBD communication or software problems. P.A. 97-0106 exempts pre-2007 heavy-duty vehicles with a gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and any heavy-duty vehicles with a GVWR greater than 14,000 pounds from the requirement to be tested. These heavy-duty vehicles are not all required to be equipped with OBD systems meeting federal OBD II specifications. Also, P.A. 97-0106 adds a visual inspection test as a new substitute for the OBD test for vehicles that cannot receive the OBD test due to their design or with known OBD communication or software problems. In addition, it revises the definition of "malfunction indicator lamp" and "OBD system." Finally, it corrects an error with respect to the exemption for vehicles located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required. This exemption applies to vehicles that are located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required. P.A. 97-0106 is effective February 1, 2012.

The proposed amendments to Part 276 sunset the steady-state idle exhaust and evaporative system integrity inspection test procedures, test equipment specifications, and equipment maintenance and calibration requirements as of February 1, 2012. Also, the proposed amendments add visual inspection test procedures beginning February 1, 2012, and a definition of "visual inspection test." In addition, the proposed amendments reflect the correction made by P.A. 97-0106 to the VEIL of 2005 regarding vehicles located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions tests are not required.

RESPONSES TO COMMENTS, QUESTIONS AND CONCERNS

There were no members of the public present at either of the public hearings held in this matter. The Illinois EPA received one written comment from Lisa R. Pierce, President,

Alpha & Omega Delivery, Inc. Ms. Pierce asked whether the proposed amendments had any impact on Alpha & Omega Delivery, Inc. The Illinois EPA responded by indicating that Alpha & Omega Delivery, Inc.'s vehicles are not subject to this rule. The public comment period in this matter closed on December 15, 2011.

CONCLUSION AND PROPOSED ACTION

The Illinois EPA has made a determination to proceed to Second Notice with these proposed amendments to the Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions at 35 Ill. Adm. Code 276. After Second Notice has expired, the Illinois EPA will proceed to adopt this proposal.

ACRONYMS AND INITIALS

GVWR	gross vehicle weight rating
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Illinois EPA	Illinois Environmental Protection Agency
Ill. Reg.	Illinois Register
OBD	On-board diagnostic
P.A.	Public Act
VEIL of 2005	Vehicle Emissions Inspection Law of 2005

DISTRIBUTION OF RESPONSIVENESS SUMMARY

An announcement that the responsiveness summary is available on the Agency website is mailed to all who registered at the hearing and to all who sent in written comments. Printed copies of this responsiveness summary are available from Kent E. Mohr Jr., Illinois EPA, 217-782-5544, e-mail: <kent.mohr@illinois.gov>.

WHO CAN ANSWER YOUR QUESTIONS

Illinois EPA Vehicle Inspection and Maintenance Program:

Vehicle inspection technical questions.....	Mike Hills.....	217-785-7449
Vehicle inspection compliance questions.....	Steve Thorpe...	217-785-7449
Vehicle inspection grievance questions.....	Barb Baxter.....	847-758-3412
Vehicle inspection waiver questions.....	Ron Wohrle.....	847-758-3412
Legal questions.....	Kent Mohr.....	217-782-5544
Public hearing of November 17, 2011.....	Dean Studer....	217-558-8280
Public hearing of November 30, 2011	Dean Studer.....	217-558-8280

The public notice, hearing transcripts, notice of proposed amendments, proposed amendments, and responsiveness summary are available on the Illinois EPA website:

<http://www.epa.state.il.us/public-notices/general-notices.html#vim-amendments>