

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions

2) Code Citation: 35 Ill. Adm. Code 276

3) Section Numbers: Proposed Action:

276.101	Amendment
276.102	Amendment
276.103	Amendment
276.104	Amendment
276.201	Amendment
276.203	Amendment
276.204	Amendment
276.205	Amendment
276.207	Repeal
276.209	Amendment
276.301	Amendment
276.303	Amendment
276.304	Repeal
276.305	Repeal
276.306	Repeal
276.307	Repeal
276.308	Repeal
276.309	Repeal
276.310	Repeal
276.311	Repeal
276.312	Repeal
276.401	Amendment
276.403	Amendment
276.404	Amendment
276.405	New
276.501	Amendment
276.502	Amendment
276.503	Amendment
276.504	Amendment
276.505	Repeal
276.506	Repeal
276.507	Amendment
276.508	Amendment

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276.602	Amendment
276.604	Amendment
276.605	Repeal
276.701	Amendment
276.702	Amendment
276.703	Amendment
276.704	Amendment
276.802	Amendment
276.803	Amendment
276.804	Amendment
276.901	Amendment
276.902	Amendment
276.903	Repeal
276.1001	Amendment
276.1002	Amendment
276.1101	New
276.TABLE A	Repeal
276.TABLE B	Repeal

4) Statutory Authority: Section 13C-10 and 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-10 and 13C-20].

5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency's (Illinois EPA) proposal would amend Part 276 to reflect the adoption of the Vehicle Emissions Inspection Law of 2005 ("VEIL of 2005") (P.A. 94-526) (625 ILCS 5/13C), an amendment to the VEIL of 2005 (P.A. 94-848), and to make necessary improvements to the program. The VEIL of 2005 was a replacement for, and continuation of, the program established under the Vehicle Emissions Inspection Law of 1995 ("VEIL of 1995") (625 ILCS 5/13B). The VEIL of 2005 was modeled off of the VEIL of 1995, but added definitions relating to the on-board diagnostic ("OBD") inspection test; exempted model year 1995 and older vehicles from inspection; replaced the transient loaded mode ("IM240") emissions test with the OBD test as the primary vehicle inspection test; maintained the steady-state idle exhaust gas analysis and evaporative system integrity tests as secondary tests; revised the OBD test; revised waiver provisions; added a provision for vehicles located outside of the affected counties; removed the prohibition against contractor repairs; and made other additions. An amendment to the VEIL of 2005 provided that the owner of a subject vehicle must obtain an emission compliance certificate to demonstrate compliance and established a system of registration denial for vehicles in noncompliance with the inspection requirement.

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The proposed amendments to Part 276 have been developed to reflect the VEIL of 2005, including an amendment thereto. Also, the proposed amendments have been developed to reflect improvements to the program. The proposed amendments remove definitions relating to the proposed removal of the IM240 emissions test, add new definitions and clarify other definitions. The amendments propose the removal of the IM240 emissions test procedures, related provisions, and all references thereto to reflect full implementation of OBD testing. The amendments require a subject vehicle owner to obtain, but not display or possess, an emissions compliance certificate in order to obtain or renew the subject vehicle's registration. The amendments specify the design of an emissions compliance certificate. The amendments remove all different types of inspection certificates or stickers and propose the use of a universal "emission compliance certificate." The amendments clarify the recordkeeping requirements relating to maintenance and calibrations performed. The amendments revise provisions relating to waivers, economic hardship, fleet self-testing, grievances, test notices, and reciprocity. The amendments propose a new section relating to the collection and reporting of repair facility data. The amendments propose a new section providing requirements for obtaining an emissions compliance certificate where the vehicle is located and being primarily operated outside the affected counties. The proposed amendments eliminate Table A and B relating to the IM240 test. Finally, the proposed amendments update and clarify other provisions in the rule.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois EPA relied on various sources to compose this rulemaking. Copies of these sources are available for review with the Illinois EPA at 1021 N. Grand Avenue East, Springfield, Illinois 62794 and are listed below:
 1. Vehicle Emissions Inspection Law of 2005 (625 ILCS 5/13C)
 2. 40 CFR Part 51, Subpart S (2010)
 3. 40 CFR Part 85, Subpart W (2010)
 4. 66 Fed. Reg. 18156-18179 (April 5, 2001)
- 7) Will this proposed amendment replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed amendment contain incorporations by reference? Yes

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- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois EPA will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the Illinois Register. Comments should reference the Vehicle Emissions Inspection and Maintenance Program and be addressed to:
- Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
- 13) Initial Regulatory Flexibility Analysis:
- A. Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations may be required to have their vehicles inspected in accordance with the Vehicle Emissions Inspection Law of 2005 and this Part.
- B. Reporting, bookkeeping or other procedures required for compliance: The rule requires vehicle emissions inspectors to perform vehicle emissions inspections in accordance with the procedures and other requirements established by the rule. Also, the rule requires vehicle emissions inspectors to report maintenance and calibrations records to the Illinois EPA. Further, the rule requires certain repair facilities to report repair facility performance data to the Illinois EPA.
- C. Types of Professional skills necessary for compliance: For motorists, none. Vehicle emissions inspectors must be trained in performing vehicle emissions inspections and maintenance of vehicle emissions inspection equipment.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010.

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The full text of the Proposed Amendment(s) begins on the next page: