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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE OF  
INSPECTIONS OF MOTOR VEHICLE EMISSIONS  
Code Citation: 35 Ill. Adm. Code 276

RECORD OF PROCEEDINGS

February 23, 2011

Reported by Robin L. Stranimeier  
R.P.R., C.S.R.

1                    ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
2                    PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE OF  
3                    INSPECTIONS OF MOTOR VEHICLE EMISSIONS  
4                    A P P E A R A N C E S  
5                    ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:  
6                    Dean Studer, Hearing Officer/Right-to-Know Coordinator  
7                    1021 North Grand Avenue East  
8                    P.O. Box 19276  
9                    Springfield, IL 62794-9276  
10                    Kent E. Mohr, Jr.  
11                    Assistant Counsel, Division of Legal Counsel  
12                    1021 North Grand Avenue East  
13                    P.O. Box 19276  
14                    Springfield, IL 62794-9276  
15                    Michael Hills  
16                    Technical Services  
17                    Vehicle Inspection and Maintenance  
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19                    P.O. Box 19276  
20                    Springfield, IL 62794-9276  
21                    Steve Thorpe  
22                    Manager, Compliance Assurance  
23                    Division of Mobile Source Program  
24                    Barb Baxter  
25                    Field Services Section  
26                    Division of Mobile Source Program  
27                    Ron Wohrle  
28                    Manager, Field Services Section  
29                    Division of Mobile Source Programs  
30                    Illinois Environmental Protection Agency  
31                    831 Busse Road  
32                    P.O. 767  
33                    Elk Grove Village, IL 60007

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E X H I B I T S

- Exhibit No. 1 - Public Notice of Hearing.
- Exhibit No. 2A - Notice of Proposed Amendments
- Exhibit No. 2B - Full Text of Amendments filed with the Secretary of State
- Exhibit No. 2C - Notice of Proposed Amendments
- Exhibit No. 2D - Full Text of Amendments published in the Illinois Register.

1           BE IT KNOWN that a record was made on February  
2 23, 2011, at Room 208, Madison County Administration  
3 Building, 157 North Main Street, Edwardsville,  
4 Illinois, before Robin L. Stranimeier, an Illinois CSR  
5 and Registered Professional Reporter. Also, it is  
6 stipulated and agreed that this record may be taken in  
7 stenotype by Robin L. Stranimeier and thereafter  
8 transcribed into typewriting.

9

10   \* \* \* \*

11

12           MR. STUDER: We'll go ahead and get started. I  
13 will start by reading the opening statement into the  
14 record.

15           My name is Dean Studer and I am the hearing  
16 officer for the Illinois Environmental Protection  
17 Agency, otherwise known as Illinois EPA. My purpose  
18 today is to ensure that this hearing runs in a fair and  
19 orderly manner and according to rules. This hearing is  
20 being held for the purpose of gathering public comment  
21 on proposed amendments to the Illinois EPA's Vehicle  
22 Inspection and Maintenance Program rules which are  
23 entitled: Procedures to be Followed in the Performance  
24 of Inspections of Motor Vehicle Emissions, 35 Ill. Adm.

1 Code Part 276.

2           The proposal would amend the State of Illinois  
3 regulations at 35 Ill. Adm. Code Part 276 to reflect  
4 the adoption of the Vehicle Emissions Inspection Law of  
5 2005, which is 625 ILCS 5/13C, and amendment thereto,  
6 and to make necessary improvements to the program. The  
7 amendments propose the removal of the IM240 emissions  
8 test procedures, related provisions and definitions,  
9 and all references to IM240 test procedures to reflect  
10 full implementation of on-board diagnostic testing.  
11 The amendments require a subject vehicle owner to  
12 obtain, but not display or possess, an emissions  
13 compliance certificate in order to obtain or renew the  
14 subject vehicle's registration.

15           The amendments remove all different types of  
16 inspection certificates or stickers and propose the use  
17 of universal "emission compliance certificate." The  
18 amendments add new definitions and revise provisions  
19 related to waivers, economic hardship, fleet  
20 self-testing, grievances, test notices, and  
21 reciprocity. The amendments propose a new section  
22 relating to the collection and reporting of repair  
23 facility data. The amendments propose a new section  
24 providing requirements for obtaining an emissions

1 compliance certificate where the vehicle is located and  
2 being primarily operated outside the affected counties.  
3 Finally, the proposed amendments revise, update, and  
4 clarify other provisions in the rule.

5 Copies of this proposal are available on the  
6 Illinois EPA's website at  
7 [www.epa.state.il.us/public-notice/](http://www.epa.state.il.us/public-notice/).

8 This is the first of two hearings that Illinois  
9 EPA will hold regarding the proposed amendments to 35  
10 Ill. Adm. Code Part 276. The second hearing will be in  
11 Chicago, at the James R. Thompson Building, Room 2-025  
12 on next Wednesday, March 2, 2011 and it will start at  
13 1:30 p.m.

14 This hearing is being held under the provisions  
15 of the 35 Ill. Adm. Code 164, Procedures for  
16 Informational and Quasi-Legislative Public Hearings.  
17 Copies of these procedures can be accessed on the web  
18 site for the Illinois Pollution Control Board at  
19 [www.ipcb.state.il.us](http://www.ipcb.state.il.us), or if you do not have ready  
20 access to the web, these regulations can be obtained  
21 from me on request.

22 Illinois EPA staff members present today will  
23 introduce themselves and make presentations. Following  
24 this overview, I will allow the public to ask questions

1 or provide comments and ask questions. You are not  
2 required to verbalize your comments as written comments  
3 are given the same consideration and may be submitted  
4 to the Agency at any time within the public comment  
5 period which ends on April 1, 2011. Comments will be  
6 accepted as long as they are postmarked by April 1,  
7 2011.

8 Any person who wants to make oral comments may  
9 do so as long as the statements are relevant to the  
10 issues that are addressed at this hearing and such  
11 person has indicated on the registration card that he  
12 or she would like to comment. If you have lengthy  
13 comments or questions, it may be helpful to submit them  
14 to me in writing before the close of the comment  
15 period, and I will ensure they are included in the  
16 hearing record as exhibits.

17 Please keep your comments and questions  
18 relevant to issues at hand. If your comments fall  
19 outside the scope of this hearing, I may ask you to  
20 proceed to another issue. Remember, all written  
21 comments, whether or not you say them aloud, will  
22 become part of the official hearing record and will be  
23 considered. The registration cards are on the table in  
24 the back, and you can fill one out and indicate if you

1 would like to comment today. Anyone who fills out one  
2 of these cards or who files written comments in this  
3 proceeding prior to the close of the hearing record  
4 will be notified of the Illinois EPA's final decision  
5 in this matter. Should significant comments be raised,  
6 the notification will also contain the information as  
7 to how you may access the Illinois EPA's responsiveness  
8 summary. In this summary, Illinois EPA staff will  
9 attempt to answer all relevant and significant  
10 questions and issues submitted in writing and may  
11 respond to specific issues and questions raised at  
12 either of the two hearings in this matter.

13           Again, the written record in this matter will  
14 close on April 1, 2011. Therefore, I will accept all  
15 written comments as long as they are postmarked on or  
16 before April 1, 2011. All relevant comments, documents  
17 or data will also be placed into the hearing record as  
18 exhibits provided that they are received during the  
19 comment period. Please send all written documents or  
20 data to me at the following address: Dean Studer,  
21 that's Dean, D-e-a-n Studer, S-t-u-d-e-r, Hearing  
22 Officer, Illinois EPA, regarding Revisions to the  
23 Performance of Inspections of Motor Vehicle Emissions,  
24 1021 North Grand Avenue East, P.O. Box 19276,



1 Springfield, Illinois 62794-9276. This address is also  
2 listed on the public notice for the hearing today. I  
3 want to remind those who wish to submit written  
4 comments in this matter to please ensure that your  
5 submittal indicates that these comments are in regards  
6 to the Performance of Inspections of Motor Vehicle  
7 Emissions. This will help ensure that the comments are  
8 included in this particular hearing record.

9 For anyone wishing to make comments or ask  
10 questions during the hearing, a court reporter is here  
11 today taking a verbatim record of these proceedings for  
12 the purpose of making our administrative record. For  
13 her benefit, please keep the general background noise  
14 in this room to a minimum so that she can hear  
15 everything that is said. Also, when you begin to  
16 speak, please state your name, and, if applicable, any  
17 governmental body, organization or association that you  
18 represent. If you are representing yourself, you can  
19 state that you are an interested citizen or a member of  
20 the public. Also, for the benefit of the court  
21 reporter, please spell your last name. People who have  
22 requested to speak will be called upon in the order  
23 they registered to make a statement. Maybe not.

24 And therefore, we start with the Illinois EPA's

1 presentation. Before we do that I'd like to record  
2 preliminary documents into the hearing record as  
3 exhibits. For the record, Exhibit 1 is a comment --

4 MR. MOHR: Copy.

5 MR. STUDER: Oh -- I'm sorry. For the record,  
6 Exhibit No. 1 is a copy of the public notice -- of the  
7 notice of public hearing. There we go.

8 Exhibit No. 2A is the Notice of Proposed  
9 Amendments filed with the Secretary of State; Exhibit  
10 No. 2B is the full text of the amendments filed with  
11 the Secretary of State; Exhibit 2C is the Notice of  
12 Proposed Amendments published in the Illinois Register;  
13 and Exhibit No. 2D is the full text of the amendments  
14 published in the Illinois Register.

15 If anyone here has documents that you wish to  
16 enter into the record, when it is your turn to speak  
17 you may give the documents to me and I will have it  
18 entered into the record as an exhibit.

19 I will now turn things over to Kent Mohr to  
20 introduce himself and the panel here today. This will  
21 be followed up by presentations and statements from the  
22 members of the panel.

23 MR. MOHR: My name is Kent Mohr and I am an  
24 attorney for the Illinois EPA.

1           Seated next to me is Michael Hills, an engineer  
2 in the Technical Services Section of the Division of  
3 Mobile Source Programs, Illinois EPA, Bureau of Air.

4           Seated next to Mike is Steve Thorpe, Manager of  
5 the Compliance Assurance Section of the Division of  
6 Mobile Source Programs, Illinois EPA, Bureau of Air.

7           Seated next to Steve is Barb Baxter of the  
8 Field Services Section of the Division of Mobile Source  
9 Programs, Illinois EPA, Bureau of Air.

10           And seated next to Barb is Ron Wohrle, Manager  
11 of the Field Services Section of the Division of Mobile  
12 Source Programs, Illinois EPA, Bureau of Air.

13           After the panel members have made their  
14 presentations, I will discuss various errors that the  
15 Joint Committee on Administrative Rulemaking (or JCAR)  
16 has made in its 1st Notice Version of the proposed  
17 rule. Mike.

18           MR. HILLS: My name is Michael Hills and I'm an  
19 engineer with the Technical Services Section of the  
20 Illinois Environmental Protection Agency's Vehicle  
21 Inspection and Maintenance Program or I/M program.  
22 Today we are presenting proposed amendments to 35 Ill.  
23 Adm. Code Part 276 which outlines the procedures used  
24 in Illinois for vehicle emissions inspections. These

1 amendments will update the test procedures and  
2 compliance requirements to correspond with the current  
3 Vehicle Emissions Inspection Law as passed by the  
4 Illinois General Assembly in August of 2005 and as  
5 amended in June 2006; and to update other requirements  
6 and procedures.

7           Specifically, the Vehicle Emissions Inspection  
8 Law 2005, referred to as the "VEIL of 2005", was  
9 designed to dramatically reduce the cost of the  
10 program; maintain and improve motorist acceptance of  
11 testing; and focus testing on vehicles expected to be  
12 in the Illinois fleet during the 2007 through 2013 time  
13 frame established for the state's testing contract.

14           The primary changes required by the VEIL of  
15 2005 are the full implementation of On-Board  
16 Diagnostic, or OBD, pass/fail testing; the elimination  
17 of the transient loading mode exhaust test (also known  
18 as the IM240 test); the testing of non-OBD compliant  
19 vehicles with steady-state idling exhaust and fuel cap  
20 evaporative system integrity test; and, the elimination  
21 of the fuel cap test for OBD compliant vehicles.

22           In addition to these modifications, in June  
23 2006, Public Act 94-848 was signed into law amending  
24 the VEIL of 2005 by replacing computer-matching with

1 registration denial as the program's enforcement  
2 mechanism.

3 I will be addressing the testing procedure  
4 changes. Specifically, I will address the elimination  
5 of the transient loaded mode, or IM240, test and the  
6 full implementation of the OBD test.

7 Steve Thorpe will cover the changes in the  
8 enforcement mechanism from computer matching to  
9 registration denial; the economic hardship,  
10 outside-affected county compliance and reciprocity  
11 procedures; and fleet self-testing.

12 Barb Baxter will be addressing the new  
13 grievance procedures.

14 Finally, Ron Wohrle will be discussing updates  
15 to the waiver procedures and repair performance  
16 reporting.

17 I will now provide more detail on the changes  
18 to the Illinois vehicle emissions test procedures.

19 The primary change to the vehicle emissions  
20 test procedures with these amendments is the  
21 elimination of the IM240 test. Therefore, all  
22 references to the IM240 test are being removed from  
23 these procedures. The key justification for the  
24 elimination of this test procedure was based upon

1 federal guidance suggesting its removal and modeling  
2 projections showing negligible emission reduction  
3 benefits and significant long-term costs for continued  
4 use of this test.

5           Based on modeling projections of the expected  
6 Illinois fleet for 2012, approximately 90 percent of  
7 the volatile organic compound or VOC reductions would  
8 come from OBD equipped vehicles. Given the fact that  
9 the IM240 test was only used on pre-1996, non-OBD  
10 equipped vehicles which are a small portion of the  
11 vehicles subject to testing in the future - 27 percent  
12 in 2007 to 5 percent in 2013, and that the cost was  
13 significantly higher than OBD testing, the legislature  
14 eliminated the requirement for any transient loaded  
15 mode testing in the Illinois program.

16           The Agency transitioned into full  
17 implementation of OBD pass/fail testing for 1996 and  
18 newer OBD equipped vehicles over a 17-month period.  
19 This transition was completed on January 1, 2004, at  
20 which time all OBD equipped vehicles were required to  
21 pass the OBD inspection and were no longer subject to  
22 an exhaust test.

23           Therefore, the amendments discussed today do  
24 not have a significant impact on the OBD test

1 procedures specified in 35 Ill. Adm. Code 276 Subpart  
2 B. The only revision in this Subpart was to eliminate  
3 the printing of the "OBD advisory only" paragraph on  
4 the OBD test report. This paragraph is no longer  
5 applicable with the implementation of the OBD  
6 pass/fail.

7 The next speaker is Steve Thorpe, who is the  
8 Manager of the Compliance Assurance section. He will  
9 discuss the implementation of registration denial and  
10 changes to other Agency procedures.

11 MR. THORPE: In June 2006, the VEIL of 2005 was  
12 further amended to implement a registration denial  
13 enforcement mechanism. Since the inception of vehicle  
14 emissions testing in Illinois in 1986, the program's  
15 computer-matching enforcement mechanism required the  
16 Illinois Secretary of State to suspend the driving  
17 privileges of vehicle -- of the vehicle registration,  
18 or both, of any vehicle owner that failed to comply  
19 with the emissions program requirements. Therefore,  
20 beginning January 1, 2008, the Illinois Secretary of  
21 State has been required to deny the issuance or renewal  
22 of any vehicle registration for a vehicle that has not  
23 complied with the requirements of the VEIL of 2005.

24 Because of these changes in the enforcement

1 mechanism, the procedures utilized to provide proof of  
2 compliance with the test requirement have been greatly  
3 simplified. More specifically, 35 Ill. Adm. Code 276,  
4 Subpart C (Emissions Compliance Certificate) has been  
5 modified by repealing the requirement for six separate  
6 compliance certificates and replacing these with one  
7 catch-all compliance certificate.

8           This simplification of the enforcement  
9 mechanism negated the need for a separate compliance  
10 certificate for each type of compliance. Under  
11 registration denial, this certificate is no longer  
12 necessary as the vehicle license plate and renewal  
13 sticker provide all necessary compliance information.  
14 This same logic applies to the replacement of all the  
15 separate compliance certificates with all encompassing  
16 Emissions Compliance Certificate.

17           However, the Emissions Compliance Certificate  
18 will have value as a back-up to demonstrate compliance  
19 with the emissions test requirement at the time of  
20 registration renewal. Any time a vehicle complies with  
21 the emissions test requirement, either through passing  
22 an inspection, obtaining a waiver, or getting a  
23 temporary extension, a compliance record is sent  
24 electronically to the Illinois Secretary of State



1 notifying it that the vehicle's registration can now be  
2 renewed. However, on occasion, the internet based  
3 system that transmits the compliance records to the  
4 Illinois Secretary of State will become inoperative for  
5 short periods. During these outages, the Emissions  
6 Compliance Certificate becomes the back-up method of  
7 providing proof of compliance at the time of  
8 registration renewal. The certificate contains a  
9 barcode that an Illinois Secretary of State technician  
10 can use to certify the compliance status of the  
11 vehicle.

12           Additionally, Subpart C, Section 276.311  
13 (Change of Assigned Test Month) was repealed because  
14 the Agency no longer issues an assigned test month  
15 under registration denial. All vehicles are now  
16 required to test based on their registration expiration  
17 month, or Test By Date. The Illinois Secretary of  
18 State has instituted a procedure to accommodate these  
19 motorists by allowing registration expiration month  
20 extensions.

21           The implementation of registration denial also  
22 changed the motorist notification requirements.  
23 Specifically, the VEIL of 2005 was amended to require  
24 only one motorist notification for the test

1 requirement. This notification is to be sent by the  
2 Illinois Secretary of State 30 days prior to the  
3 beginning of the month in which the vehicle's  
4 registration is due to expire.

5 35 Ill. Adm. Code 276, Subpart I (Notices) has  
6 been modified to reflect the changes in the  
7 notification requirement specified in the VEIL of 2005,  
8 including the elimination of the Warning notice.

9 Economic Hardship Extension Requirements:  
10 Subpart D was changed to update the Economic Hardship  
11 Extension to a 1-year exemption certificate,  
12 corresponding with the simplification of the  
13 notification process in Subpart C.

14 Outside of Affected Counties Annual Exemption:  
15 When the VEIL of 2005 was amended to add registration  
16 denial as the enforcement mechanism, it provided to  
17 owners of vehicles located and being primarily operated  
18 outside the affected counties and in an area not  
19 requiring testing the ability to receive a 1-year  
20 emissions compliance certificate without inspection.  
21 This removed the requirement for a Temporary Extension  
22 and the need for a 7-month extension.

23 Therefore, the Agency developed the Outside of  
24 Affected Counties Annual Exemption Requirements in

1 Section 276.405, which specifies the documentation the  
2 Agency will accept as proof of the vehicle's location.  
3 The Agency will use this documentation to determine if  
4 the vehicle is located outside the affected counties  
5 and in an area that does not require testing. If the  
6 vehicle is located in another jurisdiction outside  
7 Illinois which requires vehicle emissions testing, the  
8 Agency will require the motorist to comply with the  
9 emissions test requirement by following reciprocity  
10 procedures specified in 35 Ill. Adm. Code 276, Subpart  
11 J.

12 Fleet Self Testing Requirements:

13 Pursuant to the VEIL of 2005, any owner or  
14 lessee of a fleet of 15 or more motor vehicle that are  
15 subject to inspection may apply to the Agency for a  
16 permit to establish and operate a private official  
17 inspection station.

18 35 Ill. Adm. Code 276, Subpart G (Fleet Self  
19 Testing Requirements) has been modified to reflect the  
20 changes in the VEIL of 2005. One key change is the  
21 removal of an obsolete provision allowing use of  
22 previous fleet self testing equipment for a 5-year  
23 period beginning with the last major program change in  
24 1998. Additionally, we have clarified that any fleet

1 self tester in the current program must utilize  
2 equipment approved by the Agency, and which must meet  
3 the same performance, maintenance and calibration  
4 requirements as all other test stations in the vehicle  
5 inspection network. Other changes in this subpart were  
6 made to reflect the implementation of registration  
7 denial.

8           Finally, the procedures to obtain fleet  
9 inspection permits, suspend or revoke such permits, and  
10 fleet self testing operating requirements have all been  
11 modified for clarity and consistency.

12           Reciprocity Procedures:

13           35 Ill. Adm. Code 276, Subpart J (Reciprocity  
14 with Other Jurisdictions) details the requirements for  
15 compliance determination for vehicles registered in an  
16 affected county in Illinois that are being primarily  
17 operated in another jurisdiction which requires vehicle  
18 emissions testing; or vehicles registered in another  
19 jurisdiction outside Illinois which requires vehicle  
20 emissions testing, but are being primarily used in a  
21 vehicle emissions inspection area in Illinois.

22           The only significant change to the reciprocity  
23 procedures for vehicles registered in an Illinois  
24 vehicle emissions inspection area is the removal of the

1 requirement that the vehicle will not be returning to  
2 an Illinois vehicle emissions inspection area within 7  
3 months after the vehicle's assigned test month. This  
4 was removed because the registration denial enforcement  
5 mechanism is not based upon assigned test month, but is  
6 now based on the registration expiration date.

7           In dealing with non-exempt vehicles outside  
8 Illinois' vehicle emissions inspection areas, the  
9 Agency will no longer require a written request from  
10 the motorist to test the vehicle at an Illinois test  
11 program inspection station. All that is required is  
12 that the motorist purchase a test voucher at the  
13 station for a voluntary test. The motorist can then  
14 submit the results of the voluntary test to the  
15 jurisdiction requiring the emissions inspection by  
16 providing the vehicle inspection report.

17           The Agency eliminated the requirement for  
18 written authorization because, as specified in 625 ILCS  
19 5/13C-15, vehicle tests outside of Illinois' vehicle  
20 emissions inspection areas should be treated as  
21 voluntary inspections and should be subject to the  
22 applicable \$20 fee.

23           The next speaker is Barb Baxter with the field  
24 services section. She will discuss the changes to the

1 Agency's grievance procedures.

2 MS. BAXTER: 35 Ill. Adm. Code 276, Subpart H  
3 (Grievance Procedure) details the process the motorist  
4 and the Agency must follow regarding a disagreement  
5 relating to the failure of an emissions test; or a  
6 denial of a waiver.

7 The main addition to these procedures is the  
8 requirement that, in the case of a waiver denial, the  
9 Agency may investigate the claim of a motorist of the  
10 unavailability of parts needed to complete the  
11 necessary repairs. If the motorist states he cannot  
12 obtain the parts necessary for a waiver, he must  
13 provide documentation showing the unavailability of  
14 such parts from at least three independent sources, one  
15 of which shall be the original equipment manufacturer.  
16 If the motorist meets these requirements, the Agency  
17 may override the original decision and grant the  
18 waiver.

19 The next speaker is Ron Wohrle, who is the  
20 Manager of the Field Services section. He will discuss  
21 the changes to the Waiver and Repair Facility reporting  
22 procedures.

23 MR. WOHRLE: The only major change in the  
24 waiver requirements with the implementation of the VEIL

1 of 2005 was the removal of the requirement that  
2 "repairs have resulted in an improvement in the vehicle  
3 emissions as determined by comparison of initial and  
4 final retest results." This change was made because  
5 under the OBD test, there are no exhaust emissions  
6 readings to compare between the initial and final  
7 retests. 35 Ill. Adm. Code 276.401 was updated to show  
8 the removal of this requirement.

9 Additional changes to clarify and implement the  
10 waiver requirements include:

11 A) The required evidence of repair work will  
12 include a description of diagnostic procedures and  
13 justification that repairs performed were appropriate  
14 for the emissions failure. This will ensure that only  
15 emissions-related repairs will be included in the  
16 minimum expenditure total.

17 B) Providing that emission-related repairs  
18 performed not more than 30 days prior to the current  
19 test eligibility date, or assign date, may be applied  
20 to the \$450 minimum expenditure if the repairs were  
21 appropriate for the diagnostic trouble codes present at  
22 the time of the initial failure.

23 C) Requiring proof that the vehicle's  
24 malfunction indicator light, or MIL, is operative prior

1 to waiver issuance. Without an operational MIL, the  
2 motorist will not be aware of possible future emissions  
3 component malfunctions.

4 D) Requiring passing of the fuel cap test  
5 for vehicles subject to a steady-state idle exhaust  
6 test for waiver issuance.

7 E) Allowing waivers to be issued to a  
8 vehicle owner's agent. In the event the vehicle owner  
9 is not present, a waiver may be issued to the vehicle  
10 owner(s) designee if specific written authorization  
11 from the vehicle owner(s) on a form prescribed by the  
12 Agency is presented at the time of the waiver  
13 application.

14 Repair Facility Performance Reporting:

15 The Agency has been providing a compiled report  
16 (otherwise known as the repair shop report card) since  
17 the implementation of enhanced vehicle emissions  
18 testing in early 1999. The purpose of this report card  
19 is to help motorists who have failed an emissions test  
20 locate a repair shop that can diagnose and repair  
21 emissions-related failures.

22 The Agency has adopted a new Subpart to  
23 35 Ill. Adm. Code 276 which lays out the procedures for  
24 collecting and reporting repair data resulting from a



1 vehicle inspection failure or OBD readiness reject.  
2 35 Ill. Adm. Code 276, Subpart K (Repair Facility  
3 Performance Reporting) specifies the methods and  
4 procedures for collecting repair data and reporting  
5 repair shop performance. Additionally, this Subpart  
6 includes enforcement provisions which exclude repair  
7 shops from the compiled report for improper  
8 advertisement, solicitation, test fraud, and/or  
9 violations of the website user agreement. Finally,  
10 this section provides a dispute resolution process for  
11 those cases where the repair shops feel that they have  
12 been wrongly excluded from the report.

13 MR. MOHR: Thank you, Ron.

14 After an Agency files a rulemaking with the  
15 Secretary of State's Index Department, the Index  
16 Department and JCAR review the rule, make necessary  
17 changes to formatting, and then publish a 1st Notice  
18 version of the proposed rule in the Illinois Register.  
19 Unfortunately, for this proposed rule, during that  
20 process, JCAR made various substantive errors in its  
21 1st Notice version, which was published in the Illinois  
22 Register on January 3, 2011 at 35 Illinois Register 14.

23 In an effort to have these errors corrected,  
24 the Illinois EPA has informed JCAR that the following

1 corrections should be made to its 1st Notice version of  
2 the proposed rule:

3           1. Section 276.102, Line 400 should read,  
4 "Preconditioning mode" means a period of steady-state  
5 loaded mode or, the terms "loaded mode or" should be  
6 struck.

7           2. After the Illinois EPA's proposed changes  
8 to Section 276.501, Lines 1718 through 1734 should  
9 read: Compliance with Illinois vehicle test standards  
10 shall be determined by following the test procedures  
11 set forth in Subpart B of this Part and by utilizing  
12 the following:

13                   A. Steady-state idle test equipment  
14 meeting the specifications set forth in Sections  
15 276.502 and 276.503 of this Part; and

16                   B. Evaporative system test equipment  
17 meeting the specifications set forth in Section 276.504  
18 of this Part; or

19                   C. On-road remote sensing test equipment  
20 meeting the specifications set forth in Section 276.507  
21 of this Part; or

22                   D. OBD test equipment meeting the  
23 specifications set forth in Section 276.508 of this  
24 Part.

1           The formatting of this Section was incorrect.

2           3. Revisions to Section 276.804 are missing.

3   This Section is also missing from JCAR's version of the  
4   Notice of Proposed Amendments. The revisions in this  
5   Section changes the citation to the Administrative  
6   Review Law and reads as follows: Section 276.804  
7   Review of Agency's Determination. The Agency's written  
8   determination shall be subject to review in the circuit  
9   court in accordance with the provisions of the  
10  Administrative Review Law (735 ILCS 5/3-101 et.seq.).

11          4. Section 276.301, Line 1330, the term  
12  "thereof" should not be stricken.

13                   The Agency is in the process of  
14  discussing these necessary changes to the rule and  
15  expects to finalize an agreement with JCAR soon.

16                   This concludes the Agency's presentation  
17  regarding its proposed amendments to 35 Ill. Adm. Code  
18  276. Dean.

19                   MR. STUDER: Thank you, Kent.

20                   For the record, let the record indicate  
21  that there are no members of the public that are here  
22  at this hearing, and given that the record will remain  
23  open until April 1st, and this hearing is adjourned.

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CERTIFICATION

I, ROBIN L. STRANIMEIER, RPR, Illinois CSR, do  
HEREBY CERTIFY that the foregoing record was made  
before me on February 23, 2011 at 157 North Main  
Street, Room 208, Administrative Building,  
Edwardsville, Illinois.

IN WITNESS WHEREOF, I have hereunto set my hand  
the 28th day of February, 2011.

\_\_\_\_\_  
Robin L. Stranimeier  
Notary Public  
CSR #084-004700