

ENVIRONMENTAL PROTECTION AGENCY

SECOND NOTICE OF PROPOSED AMENDMENTS

- 1) Name of agency: Illinois Environmental Protection Agency (IEPA)
- 2) Title and citation of the proposed Rules: Procedures To Be Followed In The Performance Of Inspections Of Motor Vehicle Emissions; 35 Ill. Adm. Code 276
- 3) Date, issue and page number of the Illinois Register in which the First Notice was published: October 21, 2011, Issue 43, Page 16918
- 4) Text and location of changes made during the First Notice period: None
- 5) Response to any recommendations made by the Administrative Code Division: The IEPA did not receive any substantive recommendations from the Administrative Code Division.
- 6) Whether the rulemaking includes an incorporation by reference, the location in the rulemaking of the incorporation, and a copy of the cover page of the material and the specific material incorporated: No
- 7) Final Regulatory Flexibility Analysis:
 - a) Summary of the issues raised by small businesses during the First Notice period: Lisa R. Pierce, President, Alpha & Omega Delivery, Inc. asked whether the proposed amendments had any impact on her business. The IEPA responded by indicating that her vehicles were not subject to this rule.
 - b) A description of actions taken on any alternatives suggested by small business during the First Notice period: No alternatives were suggested.
- 8) Methods used to comply with the small business, not for profit corporation and small municipality requirements of 5 ILCS 100/5-30 and 1 IAC 220.285: This rulemaking is expected to impact small businesses, small municipalities, and not for profit corporations to the extent that if these entities own vehicles located in one of the two ozone non-attainment areas of Illinois and are subject to the emissions inspection requirement, these entities will need to have their vehicles tested. However, this is an existing requirement of the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13C). This proposed rulemaking does not change this requirement. Also, there is no direct cost to a vehicle owner for an emissions inspection test. The only cost to a vehicle owner is for emission-related repairs due to the failure of an emissions inspection test. As a result of the VEIL of 2005's (P.A. 97-0106) exemption of certain heavy-duty vehicles and removal of the corresponding steady-state idle and evaporative system integrity emissions inspection tests, this rulemaking proposes to remove these emissions test procedures. Consequently, owners of such heavy-duty vehicles are not subject to the emissions test requirement nor the possibility of emissions-related repair costs. Also, where owners of

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vehicles could not receive the on-board diagnostic (OBD) test because of the vehicle's design or known OBD communication or software problems and had to receive a steady-state idle and evaporative system integrity emissions test, the VEIL of 2005 (P.A. 97-0106) established a visual inspection test as a new substitute for the OBD test. Thus, this rulemaking establishes a new visual inspection test procedure, but this has no new implications for a vehicle owner. Therefore, this rulemaking has a positive indirect effect on small businesses, small municipalities, and not for profit corporations.

- 9) Evaluation of comments received during First Notice:
- a) A list of all persons and organizations making comments on the proposed rulemaking: Lisa R. Pierce, President, Alpha & Omega Delivery, Inc.

A list of specific criticisms, suggestions and comments raised by interested persons, and the Agency's analysis of each of these criticisms, suggestions and comments: Lisa R. Pierce, President, Alpha & Omega Delivery, Inc. asked whether the proposed amendments had any impact on her business. The IEPA responded by indicating that her vehicles were not subject to this rule.
 - b) Any changes made to the rules by the Agency as a result of criticisms, suggestions and comments made by interested persons: None
 - c) The names of all persons or organizations requesting a public hearing and the date of any public hearings held on the proposed rulemaking: The IEPA did not receive a request for a public hearing. The IEPA held public hearings on the proposed rulemaking on November 17, 2011, in Chicago, Illinois, and November 30, 2011, in Collinsville, Illinois.
- 10) Justification and rationale for the rulemaking:
- a) Citations to changes in Illinois law that require the rulemaking: This rulemaking implements an amendment to the VEIL of 2005 (P.A. 97-0106).
 - b) An explanation of changes in agency policies and procedures that require the rulemaking: None
 - c) Citations to federal laws, rules or regulations, or to funding requirements, that require the rulemaking: None
 - d) Citations and copies of court orders or decisions that require the rulemaking: None
 - e) A complete explanation of any other reasons for the proposed rulemaking: None

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- 11) Name, address, phone and fax numbers of Agency's representative who will respond to Joint Committee questions:

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- 12) If requested by the Joint Committee, a State Mandate Act Questionnaire: N/A
- 13) If requested by the Joint Committee, an analysis of the economic and budgetary effects of the proposed rulemaking: Enclosed
- 14) Any new or revised forms referenced in the proposed rulemaking if the forms are not included within the rulemaking: None