

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)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
276.102	Amendment
276.105	New
276.201	Amendment
276.210	New
276.405	Amendment
- 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 an amendment to the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13C) (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

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

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.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois EPA relied on P.A. 97-0106 to compose this rulemaking. Copies are available for review with the Illinois EPA at 1021 N. Grand Avenue East, Springfield, Illinois 62794.
- 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? No
- 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:

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ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 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 tested in accordance with the VEIL of 2005 and this Part.
 - B. Reporting, bookkeeping or other procedures required for compliance: The rule requires vehicle emissions inspectors to perform vehicle emissions tests in accordance with the procedures and other requirements established by the rule. There are no new reporting or bookkeeping procedures proposed in this rulemaking.
 - C. Types of Professional skills necessary for compliance: For motorists, none. Vehicle emissions inspectors must be trained in performing vehicle emissions tests and maintenance of any vehicle emissions test equipment.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011.

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

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 276

PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE
OF INSPECTIONS OF MOTOR VEHICLE EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section	
276.101	Purpose and Applicability
276.102	Definitions
276.103	Abbreviations
276.104	Incorporations by Reference
<u>276.105</u>	<u>Sunset Provisions</u>

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section	
276.201	General Description of Vehicle Emissions Inspection Procedures
276.202	Pollutants to be Tested – Exhaust Test
276.203	Dilution – Steady-State Idle Exhaust Test
276.204	Steady-State Idle Exhaust Emissions Test Procedures
276.205	Evaporative System Integrity Test Procedures
276.206	Engine and Fuel Type Modifications
276.207	Transient Loaded Mode Exhaust Emissions Test Procedures (Repealed)
276.208	On-Road Remote Sensing Test Procedures
276.209	On-Board Diagnostic Test Procedures
<u>276.210</u>	<u>Visual Inspection Test Procedures</u>

SUBPART C: EMISSIONS COMPLIANCE CERTIFICATE

Section	
276.301	General Requirements
276.302	Determination of Affected Counties
276.303	Emissions Compliance Certificate Design and Content
276.304	Initial Emissions Inspection Stickers or Certificates (Repealed)

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 276.305 Exempt Emissions Inspection Stickers or Certificates (Repealed)
- 276.306 Renewal Emissions Inspection Stickers or Certificates (Repealed)
- 276.307 Temporary Emissions Inspection Stickers or Certificates (Repealed)
- 276.308 Corrected or Interim Emissions Inspection Stickers or Certificates (Repealed)
- 276.309 Waiver Emissions Inspection Stickers or Certificates (Repealed)
- 276.310 Emissions Inspection Sticker and Certificate Display and Possession (Repealed)
- 276.311 Change of Assigned Test Month (Repealed)
- 276.312 Economic Hardship Extension Stickers or Certificates (Repealed)

SUBPART D: WAIVER, ECONOMIC HARDSHIP EXTENSION, AND OUTSIDE OF
AFFECTED COUNTIES ANNUAL EXEMPTION REQUIREMENTS

Section

- 276.401 Waiver Requirements
- 276.402 Low Emissions Tuneups (Repealed)
- 276.403 Denial or Issuance of Waiver
- 276.404 Economic Hardship Extension Requirements
- 276.405 Outside of Affected Counties Annual Exemption Requirements

SUBPART E: TEST EQUIPMENT SPECIFICATIONS

Section

- 276.501 General Requirements
- 276.502 Steady-State Idle Exhaust Test Analysis Systems Functional Requirements
- 276.503 Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
- 276.504 Evaporative System Integrity Test Functional Requirements and Performance Criteria
- 276.505 Transient Loaded Mode Test Systems Functional Requirements (Repealed)
- 276.506 Transient Loaded Mode Test Systems Performance Criteria (Repealed)
- 276.507 On-Road Remote Sensing Test Systems Functional Requirements and Performance Criteria
- 276.508 On-Board Diagnostic Test Systems Functional Requirements and Performance Criteria

SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section

- 276.601 Steady-State Idle Test Equipment Maintenance

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 276.602 Steady-State Idle Test Equipment Calibration
- 276.603 Evaporative System Integrity Test Maintenance and Calibration
- 276.604 Record Keeping
- 276.605 Transient Loaded Mode Test Equipment Maintenance and Calibration (Repealed)
- 276.606 On-Road Remote Sensing Test Systems Maintenance and Calibration
- 276.607 On-Board Diagnostic Test Systems Maintenance and Calibration

SUBPART G: FLEET SELF TESTING REQUIREMENTS

- Section
- 276.701 General Requirements
- 276.702 Fleet Inspection Permit
- 276.703 Fleet Inspection Permittee Operating Requirements
- 276.704 Private Official Inspection Station Auditing and Surveillance
- 276.705 Fleet Station Auditing and Surveillance (Renumbered)

SUBPART H: GRIEVANCE PROCEDURE

- Section
- 276.801 General Requirements
- 276.802 Procedure for Filing Grievance
- 276.803 Agency Investigation
- 276.804 Review of Agency's Determination

SUBPART I: NOTICES

- Section
- 276.901 General Requirements
- 276.902 Vehicle Emissions Test Notice
- 276.903 Warning Notice (Repealed)
- 276.904 Second Warning Notice (Repealed)

SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

- Section
- 276.1001 Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection
- 276.1002 Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Emissions Inspection and Located in an Affected County

SUBPART K: REPAIR FACILITY PERFORMANCE REPORTING

276.1101 Requirements for Collecting and Reporting Data Pertaining to the Repair of Vehicles that Failed or Were Rejected from an Emissions Inspection

276.TABLE A Transient Driving Cycle (Repealed)

276.TABLE B Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) Measurements (Repealed)

AUTHORITY: Implementing the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C] and authorized by Sections 13C-10 and 13C-20 of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C-10 and 13C-20].

SOURCE: Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 20 Ill. Reg. 8456, effective June 14, 1996; amended at 22 Ill. Reg. 18867, effective September 28, 1998; amended at 26 Ill. Reg. 8113, effective May 17, 2002; amended at 35 Ill. Reg. 11268, effective June 28, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 276.102 Definitions

- a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] and the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13C].
- b) The following definitions apply to this Part:

"Accuracy" means the combination of bias and precision errors, technically defined as uncertainty, that quantifies the differences between a measured and true value.

"Affected county" means any county or portion thereof, as defined in Section 13C-5 of the Vehicle Emissions Inspection Law of 2005.

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Agency" means the Illinois Environmental Protection Agency or its designee.

"Calibration gas" means a gas of known concentration used to establish the response curve of the exhaust gas analyzer.

"Diagnostic trouble code (DTC)" means an alphanumeric code that is set in a vehicle's onboard computer when a monitor detects a condition likely to indicate the existence of an emission related malfunction of the vehicle.

"Drift" means the amount of change in analyzer reading over a period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Economic hardship extension" means a one year extension to the test-by date that may be granted to the owners of a vehicle in order for the owners to comply with the requirements of the Vehicle Emissions Inspection Law of 2005.

"Emissions compliance certificate" means a certificate issued to an owner of a vehicle registered in an affected county who successfully complies with the Vehicle Emissions Inspection Law of 2005 and the requirements of this Part. As required by the context, this means an emissions compliance certificate, annual exemption certificate or emissions inspection certificate.

"Emission control devices" means those components of a vehicle that were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Evaporative system integrity test" means a test of the fuel cap portion of a vehicle's evaporative system, which consists of either a fuel cap leak flow test, a fuel cap pressure decay test, or a fuel cap visual functional test, as applicable.

"Exhaust gas analyzer" means a device that has the capability to identify unknown concentrations of particular constituents in motor vehicle

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

exhaust gases by comparison with known concentrations of analytical gases.

"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

"Fleet inventory" means those vehicles that have been registered with the Agency for the purpose of fleet self-testing and that have been assigned a test eligibility date.

"Fleet vehicle" means any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester" or "fuel cap tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a 10 second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Full-service official inspection station" means an inspection station that offers the full range of emissions inspection services and customer service functions, including waiver inspections.

"HC hangup" means hydrocarbons that cling to the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of 2500 \pm 300 RPM.

"Household income" means the gross income of all household members, except wage or salary income earned by dependent minors under 18 years of age. A head of household and his or her spouse are not considered as minors. Gross income includes wages, interest, annuities, pensions, social security, retirement, disability, public aid, alimony, child support, unemployment benefits, workers' compensation, and any other indirect income such as utility allowances.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Low income" means the household income during the preceding 12 month period was not more than 150 percent of the latest available poverty guidelines established by the U.S. Department of Health and Human Services for the contiguous United States and the District of Columbia.

"Malfunction indicator light" or "MIL" means the light found on the dashboard of OBD-equipped vehicles that is required to be illuminated

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

when the OBD system detects malfunctions likely to result in emissions exceeding applicable emission standards. The MIL must display the phrase "Check Engine" or "Service Engine Soon". The word "Powertrain" may be substituted for "Engine". Alternatively, the ISO engine symbol may be substituted.

"National Institute of Standards and Technology gas" or "NIST gas" means a standard gas maintained or made available by the National Institute of Standards and Technology for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law of 2005.

"Non-fleet vehicle" means any non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"On-board diagnostic readiness code" means a status flag stored by a vehicle's onboard computer that indicates whether a given monitor has been run (i.e., whether the component or system in question has been checked to determine if it is functioning properly).

"On-board diagnostic test" means the electronic retrieval of stored readiness status, diagnostic trouble codes, and MIL illumination status from a vehicle's OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.

"On-road remote sensing test" means the observation, measurement, and recording of vehicle exhaust emission concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) present in each in-use vehicle while traveling on roadways or in specified areas by equipment that is not connected to the vehicle.

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Preconditioning mode" means a period of steady-state high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

"Private official inspection station" means a vehicle emission inspection facility operated by a registered owner or lessee of 15 or more non-exempt fleet vehicles.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span gas" means a gas of known concentrations that is used to check or adjust the analyzer response characteristics to those determined by the calibration gases.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a high idle preconditioning mode and a second-chance idle mode.

"Test-by date" or "TBD" means the date by which the vehicle is due to have an emissions inspection and corresponds to the date the vehicle's registration will expire. For non-expiring vehicle registrations, the TBD is the date of the vehicle's purchase anniversary month or, if not available, the month the vehicle was added to the Illinois Secretary of State's registration database.

"Test cycle" means the two-year period between a vehicle's test eligibility dates.

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Test eligibility date" or "TED" means the first day of the third month prior to the vehicle's TBD.

"Vehicle emissions test notice" means a notice sent by the Agency to the owners of a vehicle informing the owners of the need to comply with the requirements of the Vehicle Emissions Inspection Law of 2005.

"Vehicle inspection report" means a report issued to the motorist indicating the results of an emission inspection or waiver determination.

"Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects that would prevent the fuel cap from operating properly.

"Visual inspection test" means a visual examination of a vehicle's MIL consisting of verifying the status of the MIL in the key-on/engine off position followed by verifying the status of the MIL in the key-on/engine on position to determine the status of the MIL and existence of an emission related malfunction with the vehicle.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with test standards after two or more attempts to do so, as provided for in this Part.

"Waiver inspection" means an inspection conducted by a waiver inspector to determine waiver eligibility.

"Waiver inspector" means a person authorized by the Agency to conduct waiver inspections and to approve or disapprove applications for a waiver.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 276.105 Sunset Provisions

Sections 276.203, 276.204, 276.205, 276.502, 276.503, 276.504, 276.601, 276.602, and 276.603 of this Part shall not apply after January 31, 2012.

(Source: Added at 36 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section 276.201 General Description of Vehicle Emissions Inspection Procedures

Compliance with steady-state idle, evaporative system integrity, OBD, visual inspection, and on-road sensing test standards contained in 35 Ill. Adm. Code 240 shall be determined by use of test procedures and other requirements as applicable, as set forth in this Part, and shall be performed to the extent practicable. The test procedure applicable to each non-exempt vehicle shall be based on the model year and vehicle type as supplied by the manufacturer. If this information is not available from the manufacturer, the model year and vehicle type shall be based on registration information as supplied by the Illinois Secretary of State.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 276.210 Visual Inspection Test Procedures

a) Applicability

Beginning February 1, 2012, the visual inspection test may be substituted for the OBD test for those vehicles identified in Section 13C-25(h) of the Vehicle Emissions Inspection Law of 2005. The visual inspection test consists of a two-part test. The first part of the visual inspection test consists of a visual examination of the MIL in the key-on/engine off position. The second part of the visual inspection test consists of a visual examination of the MIL in the key-on/engine on position. The visual inspection test shall be performed in accordance with subsections (b) and (c) of this Section.

b) Test Procedures

1) Key-on/engine off

The key-on/engine off test starts with the ignition in the key-off/engine-off position. The ignition shall then be turned to the key-on/engine off position. The inspector shall observe whether the MIL is illuminated.

2) Key-on/engine on

The key-on/engine on test starts with the ignition in the key-on/engine off position. The ignition shall then be turned to the key-on/engine on position. The inspector shall observe whether the MIL is continuously

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

illuminated.

- c) Pass/Fail Determination
A pass or fail determination is made for each part of the visual inspection test identified in subsection (b) of this Section based on a comparison of such test results to the visual inspection test standards contained in 35 Ill. Adm. Code 240.202.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART D: WAIVER, ECONOMIC HARDSHIP EXTENSION, AND OUTSIDE OF AFFECTED COUNTIES ANNUAL EXEMPTION REQUIREMENTS

Section 276.405 Outside of Affected Counties Annual Exemption Requirements

- a) The owner of a vehicle that is located and being primarily operated outside of the affected counties and, ~~or~~ in other jurisdictions in which vehicle emission inspections are not required, may be issued a one year emissions compliance certificate allowing the motorist to renew the registration without having an emissions inspection. Written proof of the vehicle's location must be provided by one of the following:
- 1) Tax bill;
 - 2) Utility bill;
 - 3) Tuition bill;
 - 4) Storage receipt;
 - 5) Military orders; or
 - 6) Other written proof deemed acceptable by the Agency.
- b) Vehicles obtaining a one year emissions compliance certificate under this Section will be subject to inspection by the next TBD unless the motorist complies with subsection (a) of this Section.

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- c) A vehicle owner who is currently in the military and deployed outside the affected counties may be issued a one year emissions compliance certificate under this Section if written proof as specified in Section 276.405(a)(5) or (a)(6) is provided.

(Source: Amended at 36 Ill. Reg. _____, effective _____)