

TITLE 326 AIR POLLUTION CONTROL BOARD

PROPOSED RULE AS PRELIMINARILY ADOPTED

LSA Document #08-674

DIGEST

Amends 326 IAC 13-1.1-1 to add criteria to determine if an antique vehicle is exempt from the Lake County and Porter County motor vehicle inspection and maintenance program. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: August 27, 2008, Indiana Register (DIN: 20080827-IR-326080674FNA).

Second Notice of Comment Period: February 11, 2009, Indiana Register (DIN: 20090211-IR-326080674SNA).

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Date of First Hearing: July 1, 2009.

Proposed Rule: July 29, 2009, Indiana Register (DIN: 20090729-IR-326080674PRA).

Notice of Second Hearing: July 29, 2009, Indiana Register (DIN: 20090729-IR-326080674PHA).

Date of Second Hearing: November 4, 2009.

326 IAC 13-1.1-1

SECTION 1. 326 IAC 13-1.1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 13-1.1-1 Definitions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 9-13-2-3; IC 13-15; IC 13-17

Sec. 1. The following definitions apply throughout this rule:

(1) "Antique vehicle" ~~has the meaning set forth in IC 9-13-2-3.~~ **means a vehicle that meets the following criteria:**

(A) The vehicle must be:

(i) at least twenty-five (25) years old; and

(ii) registered and plated as a historic motor vehicle with the Indiana

bureau of motor vehicles.

(B) The vehicle is driven a maximum of three thousand (3,000) miles per calendar year.

(C) Federally required pollution control equipment for that make and model year vehicle must be in place.

(D) The vehicle must be presented at a clean air car check vehicle emission test site in accordance with the applicable test cycle to verify that the requirements of this subdivision have been met.

- (2) "Basic inspection/maintenance (I/M)" means an I/M program that meets the requirements for a basic I/M program as defined in 40 CFR 51, Subpart S*.
- (3) "Bureau" means the bureau of motor vehicles.
- (4) "Centralized" means a vehicle emissions testing facility capable of performing enhanced I/M, OBDII, and basic I/M idle testing on motor vehicles.
- (5) "Certificate of compliance" means a certificate issued to motor vehicle owners or operators:
- (A) passing the emissions test and tampering inspection; or
 - (B) receiving a waiver pursuant to this rule, which must be presented to the bureau in order to receive a certificate of registration.
- (6) "Certified configuration" means an engine or engine-chassis design that has been certified by the U.S. EPA under 40 CFR 86* prior to the production of vehicles with that design.
- (7) "Certified inspection and maintenance (I/M) emissions repair technician" means a technician that has satisfactorily completed approved department certified I/M emission repair technician training.
- (8) "Certified inspector" means a contracted employee that has satisfactorily completed approved department certified inspector training.
- (9) "Contractor" means any:
- (A) offeror or organization selected as a result of the state procurement process to operate a vehicle emission testing program; and
 - (B) employees of the offeror or organization in clause (A).
- (10) "Dedicated alternative fuel vehicle" means a vehicle that is not capable of running on gasoline at any time.
- (11) "Department" means the department of environmental management or its contractor.
- (12) "Diagnostic trouble code" means a code number generated by a vehicle's on-board computer that corresponds to a specific vehicle component malfunction.
- (13) "Dual fuel vehicle" means a vehicle capable of operating on either:
- (A) gasoline; or
 - (B) one (1) of the fuels stated in section 4(b) of this rule.
- (14) "Enhanced I/M" means an I/M program that meets the requirements for an enhanced I/M program as defined in 40 CFR 51, Subpart S*.
- (15) "Facility" means a motor vehicle testing location, either mobile or stationary:

- (A) operated by the contractor; and
 - (B) established in accordance with this rule.
- (16) "Fleet" means a group of light-duty motor vehicles, medium-duty motor vehicles, or a combination thereof owned or operated by:
- (A) an individual;
 - (B) a company;
 - (C) a corporation; or
 - (D) a federal, state, or local government unit.
- (17) "Heavy-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating (GVWR) greater than nine thousand (9,000) pounds.
- (18) "Idle test" means a single speed idle test as described in 40 CFR 51, Subpart S, Appendix B*.
- (19) "I/M" means inspection/maintenance.
- (20) "I/M 240" means a transient emission test as described in 40 CFR 51, Subpart S, Appendix B*.
- (21) "I/M 93" means a version of I/M 240 that:
- (A) is shorter in duration by utilizing only phase I (ninety-three (93) second drive trace) of the I/M 240 driving cycle; and
 - (B) allows a second attempt to pass.
- (22) "Light-duty motor vehicle" means a motor vehicle with a GVWR less than or equal to six thousand (6,000) pounds.
- (23) "Medium-duty motor vehicle" means a motor vehicle with a GVWR of:
- (A) six thousand one (6,001) pounds or greater; and
 - (B) less than or equal to nine thousand (9,000) pounds.
- (24) "Motor vehicle" means a self-propelled vehicle used on the public roads.
- (25) "Motor vehicle emission inspector" means an individual meeting the requirements of section 15 of this rule.
- (26) "Motor vehicle model year" or "model year" means the date of manufacture of the original motor vehicle within the annual production period of the motor vehicle as designated by the manufacturer.
- (27) "Motorcycle" means a motor vehicle:
- (A) having a seat or saddle for the rider; and
 - (B) designed to travel on not more than three (3) wheels in contact with the ground.
- (28) "OBDII" means second generation on-board diagnostics systems.
- (29) "Pressure test" means a test that pressurizes the evaporative system to check for leakage as described in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000** and 40 CFR 51*.
- (30) "Purge test" means a test that measures the total purge flow occurring in the vehicle's evaporative system during the transient dynamometer emission test as described in "IM240 & Evap Technical Guidance", EPA420-R-00-007, April 2000** and 40 CFR

51*.

(31) "Recall" means a voluntary emissions recall as described in 40 CFR 85.1902(d)*.

(32) "Show vehicle" means a vehicle that meets the following criteria:

(A) The vehicle must be exhibited at a car show at least twice a calendar year as verified through car show registration or entrance forms.

(B) The vehicle shall be restricted to the addition of three thousand (3,000) miles per calendar year to the vehicle.

(C) The condition of the vehicle must be show quality, indicated by the interior and exterior of the vehicle maintained in good condition.

(D) The vehicle must be presented at a clean air car check vehicle emission test site in accordance with the applicable test cycle to verify that it is still a show vehicle.

(33) "Tampering check" means a visual inspection of the following:

(A) Catalytic converters.

(B) Fuel filler caps.

(C) Positive crankcase ventilation (PCV) systems.

(D) Evaporative systems.

(34) "VIN" means vehicle identification number.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

**This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 13-1.1-1; filed Jun 21, 1995, 4:00 p.m.: 18 IR 2730; filed Dec 23, 1998, 4:44 p.m.: 22 IR 1463; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1570; filed Aug 26, 2004, 11:30 a.m.: 28 IR 76; filed Mar 20, 2008, 11:11 a.m.: 20080416-IR-326060284FRA*)