

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #08-674

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On July 1, 2009, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 13-1.1. Comments were made by the following parties:

Auto Clubs Council of Indiana, Inc. (ACC)
Hagerty Plus (HP)
Improving Kids' Environment (IKE)
Specialty Equipment Market Association (SEMA)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: This is a rule that has caused a great deal of confusion. Whether or not this reaction is founded, it deserves real consideration by this Board. If there is an alternative by which the goals of IDEM might be met without causing consternation among car hobbyists, it is worth exploring. We look forward to an opportunity to work toward a viable, long-term opportunity that suits IDEM and all interested parties. (HP)

Comment: SEMA supports the goal of improved air quality and believes that further emission reductions from mobile sources are possible. We are convinced that these amendments would cause definite and unnecessary burdens on Indiana citizens for no verifiable emissions reduction benefit. We recommend a withdrawal of these amendments and retention of the current emissions test exemption as currently constituted. (SEMA)

Comment: We would like to request extending action on this ruling and allowing the Auto Clubs Council of Indiana, Hagerty, and SEMA to each appoint a representative to work with the Indiana Department of Environmental Management staff to compose a more equitable and reasonable rule that might be acceptable to everybody. (ACC)

Comment: If there are further discussions with interested parties, we would be pleased to participate in those. (IKE)

Response: IDEM has agreed to meet with interested parties in order to determine if there are any alternatives that should be taken in the rulemaking prior to final adoption of the rule and will be sure to include the Auto Clubs Council of Indiana, Hagerty Plus, Improving Kids' Environment, and Specialty Equipment Market Association in the discussions.

Comment: This particular rule change is very important for Indiana to maintain federal approval of the vehicle inspection and maintenance program and to make sure that all vehicles that should be tested under that program in fact are tested. The program applies only to Lake

and Porter Counties and also applies only to cars built in 1976 and after. When the rule was initially adopted, a car that was 25 years old or older would not have even been in the program, so this is an issue that has now come about because it is 2009 instead of the 1980's or 1990's. The proposed rule clarifies what constitutes an antique vehicle. Antique cars are exempted from the emissions testing program, old cars are not, and old cars, in fact, are among the most important to test. That does not mean that newer cars cannot also be emitting excessively, but old cars certainly are ones we are concerned about. This change will not affect any person's ability to own or enjoy an antique car, as long as it meets a reasonable definition. Improving Kids' Environment supports the rule change and we urge you to go ahead and propose the rule today. This is an important rule for Indiana's program and we urge you to go ahead with it. (IKE)

Response: The commenter is correct in that this rule is very important for Indiana to maintain federal approval of the Lake and Porter county motor vehicle inspection and maintenance (I/M) program; however, the existing definition of "antique vehicle" that exempts vehicles that are at least 25 years old from I/M testing requirements represents a relaxation of the ozone state implementation plan and is not federally approvable. The commenter is also correct in that the I/M rule, 326 IAC 13-1.1, only applies to light-duty and medium-duty motor vehicles that are model years 1976 and newer that are primarily operated in Lake County or Porter County. In addition, IDEM agrees that this rulemaking will not affect any person's ability to own or enjoy an antique vehicle.

IDEM agrees that when the I/M testing program was initially adopted in 1984, a motor vehicle that was 25 years old or older would not have been tested and the exemption of antique vehicles was not necessary at that time. Antique vehicles were added as a specific exemption in a 2006 rulemaking (LSA # 06-284(F)). However, the current definition of "antique vehicle" is overly broad and results in approximately 4,600 of the oldest, potentially highest polluting cars and trucks in the testable fleet in Lake and Porter counties being exempted from testing requirements solely because they are at least 25 years old. This rulemaking will clarify the intent of the prior rulemaking which was to allow vehicles registered as antique vehicles with a historic vehicle license plate and used primarily as demonstration, display, or rally vehicles to be exempt from testing. It will ensure continued compliance with the national ambient air quality standard for ozone and will contribute to regional ozone attainment efforts.