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**TITLE 326 AIR POLLUTION CONTROL BOARD****FIRST NOTICE OF COMMENT PERIOD**

LSA Document #06-284(APCB)

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAMS IN LAKE AND PORTER COUNTIES****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to [326 IAC 13-1.1](#) concerning amendments to the motor vehicle inspection and maintenance (I/M) program in Lake and Porter counties. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 13-1.1](#).

**AUTHORITY:** [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING****Basic Purpose and Background**

The Lake and Porter County I/M program began in 1984, and it continues to contribute to the improvement in air quality in these counties. To help ensure continued compliance with the National Ambient Air Quality Standard for ozone in Lake and Porter counties and to contribute to regional attainment efforts, IDEM is considering certain enhancements to this program. These include an alternate test to the second generation on-board diagnostics test (OBDII) and the addition of a liquid leaks test for older model cars to help detect gasoline leaks that contribute to volatile organic compounds (VOCs) in the air.

**Second Generation On-Board Diagnostics (OBDII)**

All automotive manufacturers are required to meet federal OBDII vehicle emission standards that went into effect in 1996. OBDII requires that the on-board computer monitors actively perform diagnostic tests on vehicle emission systems. The system detects emission system malfunctions resulting in emissions at or above the applicable vehicle emission standard. The Federal Test Procedure (FTP) sets maximum allowable emissions levels. A Malfunction Indicator Lamp (MIL) on the vehicle's dashboard should illuminate if a system or component either fails or deteriorates to the point where the vehicle emissions could rise above the applicable FTP standard. If a vehicle's MIL is on, the gas cap pressure test will be performed as part of the initial I/M test, but the vehicle test result will be "fail". OBDII equipped vehicles will also be rejected as "OBD System Not Ready" if the vehicle has three or more readiness monitors that are not set for vehicles model year 1996 through model year 2000, or two or more readiness monitors that are not set for vehicles model year 2001 and later. If the MIL is off and no diagnostic trouble codes are detected, the vehicle passes the OBD test, the test is complete, and the Vehicle Inspection Report is printed, informing the motorist that their vehicle passed the test.

Some OBDII equipped vehicles are currently rejected because their readiness monitors will not set correctly or have other nonemission related problems (i.e., electrical short, MIL malfunction, computer problems). IDEM is considering an amendment to [326 IAC 13-1.1-10\(a\)\(7\)](#) to provide the option of retesting an OBDII equipped vehicle on the dynamometer to determine whether or not the vehicle's emissions actually exceed the applicable FTP standard. The vehicle may be tested on the dynamometer if the vehicle has failed the initial OBDII test and the owner has made a good faith effort to repair the vehicle. If the vehicle's emissions are at or below the applicable FTP vehicle emission standard, the vehicle shall pass the test.

IDEM does not anticipate that this rule amendment will have a negative impact on air quality since OBDII equipped vehicles are required to meet more stringent FTP standards than older vehicles and tend to have lower emissions as a result. IDEM also does not anticipate that a large number of vehicles will be affected by this rule amendment and it will result in a convenience to the motorist.

**Gross Liquid Leaks**

Gross liquid leaks can originate from a number of points on a vehicle, such as leaking fuel injectors, carbureted fuel systems with leaking gaskets, defective fuel shut-off valves, or faulty fuel pumps, fuel tanks, or tank connectors, or other possible sources. Many gross liquid leak vehicles are readily detectable either visually or by odor. Tank pressure testing and the use of leak detection sniffers are effective methods in determining the source of liquid leaks.

Vehicles leaking gasoline and gasoline vapor are a major contributor of excessive VOC emissions, and correcting these leaks through a gross liquid leak inspection program will significantly reduce the amount of VOC emissions from these vehicles. U.S. EPA's emissions model, Mobile6.2, projects leaks from vehicles defined as having gross liquid leaks to be 70% of the mobile on-road evaporative emissions inventory or 40% of the total VOC. Evaporative emissions increase substantially during high temperature episodes that are often associated

with high ozone levels.

IDEM is proposing to amend [326 IAC 13-1.1-7](#) to require vehicle testing facilities to conduct a gross liquids leak test on all vehicles model year 1995 and older, since these vehicles typically exhibit the majority of the gross liquid leaks. Gross liquid leak testing shall be accomplished by automatically screening vehicles during the transient exhaust test. Suspect vehicles shall then proceed to the waiver bay or other designated area for follow-up inspection using special equipment and visual inspection. All identified gross liquid leak vehicles must be repaired before the vehicle can receive an additional vehicle emissions test. Waivers shall not be issued to vehicles that have gross liquid leaks due to concerns for the vehicle owners safety and the environment.

IDEM is seeking comments on these changes to the Lake and Porter counties motor vehicle inspection and maintenance programs.

#### **Alternatives To Be Considered Within the Rulemaking**

Alternative 1. Addition of an option to retest an OBDII equipped vehicle on a dynamometer in the Lake and Porter counties I/M program.

1. Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
2. Is this alternative imposed by federal law or is there a comparable federal law? No, this is a state initiative.
3. If it is a federal requirement, is it different from federal law? Not applicable.
4. If it is different, describe the differences. Not applicable.

Alternative 2. Addition of a test for liquid leaks to the Lake and Porter counties I/M program.

1. Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
2. Is this alternative imposed by federal law or is there a comparable federal law? No, this is a state initiative.
3. If it is a federal requirement, is it different from federal law? Not applicable.
4. If it is different, describe the differences. Not applicable.

#### **Applicable Federal Law**

40 CFR 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) contains requirements for revisions to the SIP. 40 CFR 86 (Control of Emissions from New and In-Use Highway Vehicles and Engines) contains requirements for I/M programs.

#### **Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. Because this alternative is not expected to affect many vehicles, IDEM anticipates that the fiscal impact to the State and regulated community will be negligible. For motorists affected by this option, there should be a savings in cost and time.

Potential Fiscal Impact of Alternative 2. Because this alternative is not expected to affect many vehicles, IDEM anticipates that the fiscal impact to the State and regulated community will be negligible.

#### **Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at [www.in.gov/idem/ctap](http://www.in.gov/idem/ctap).

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf  
IDEM Compliance and Technical Assistance Program  
OPPTA - MC60-04  
100 N. Senate Avenue  
W-041  
Indianapolis, IN 46204-2251  
(317) 232-8578  
[selyusuf@idem.in.gov](mailto:selyusuf@idem.in.gov)

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen  
IDEM Small Business Assistance Program Ombudsman  
External Affairs - MC50-01  
100 N. Senate Avenue  
IGCN 1301  
Indianapolis, IN 46204-2251  
(317) 234-3386  
[elevenha@idem.in.gov](mailto:elevenha@idem.in.gov)

#### **Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Christine Pedersen, Rules Development Section, Office of Air Quality at (317) 233-6868 or (800) 451-6027 (in Indiana).

## **STATUTORY AND REGULATORY REQUIREMENTS**

[IC 13-14-8-4](#) requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

## **REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#06-284(APCB) Motor Vehicle Inspection and Maintenance Programs  
Christine Pedersen Mail Code 61-50  
c/o Administrative Assistant  
Rules Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Tenth Floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

## **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by September 15, 2006.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Kathryn A. Watson, Chief  
Air Programs Branch  
Office of Air Quality

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