

401 KAR 65:001. Definitions and abbreviations of terms used in 401 KAR Chapter 65.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

RELATES TO: KRS 224.10-100, 224. 20-100, 224.20-110, 224.20-120, 42 USC 7410, 40 CFR Part 50, Appendix J, 40 CFR Part 51

STATUTORY AUTHORITY: KRS 224.10-100

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to promulgate regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the defining of terms to be used in 401 KAR Chapter 65.

Section 1. General definitions. As used in the Division for Air Quality administrative regulations of 401 KAR Chapter 65, unless the content clearly indicates otherwise in a specific administrative regulation, the following terms shall have the following meanings:

- (1) "Air contaminant" has the meaning given it in KRS 224.01-010(1).
- (2) "Air pollutant" means air contaminant.
- (3) "Air pollution" has the meaning given it in KRS 224.01-010(3).
- (4) "Alternative method" means a method of sampling and analyzing for an air pollutant that is not a reference or equivalent method, but which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to produce adequate results for its determination of compliance.
- (5) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (6) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive or control measures.
- (7) "Antitampering program" means an emission control program that provides for inspection of vehicles to detect removal or destruction of factory-installed emission control equipment or devices in vehicles.
- (8) "Antitampering inspection" means a visual inspection conducted at the inspection station to detect the presence of tampering.
- (9) [Not federally approved]
- (10) [Not federally approved]
- (11) [Not federally approved]
- (12) "Automobile or truck" means a vehicle with at least four (4) wheels registered in the Commonwealth having a gross vehicle weight (GVW) of 18,000 pounds or less and licensed to operate upon the public highways for the purpose of transporting persons or property.
- (13) [Not federally approved]

- (14) [Not federally approved]
- (15) [Not federally approved]
- (16) "Cabinet" has the meaning given it in KRS 224.01-010.
- (17) [Not federally approved]
- (18) "Certificate of registration" means the document issued by county clerks pursuant to KRS Chapter 186 indicating that the owner or operator has properly registered the vehicle, or a document issued for that purpose from another state, territory, or country.
- (19) "Certification period" means the period for which a compliance or exemption certificate (other than a permanent exemption certificate) is valid.
- (20) [Not federally approved]
- (21) [Not federally approved]
- (22) [Not federally approved]
- (23) [Not federally approved]
- (24) [Not federally approved]
- (25) "Compliance certificate" is defined in KRS 224.20-710(1).
- (26) "Contractor" is defined in KRS 224.20-710(2).
- (27) "Control system" is defined in KRS 224.20-710(3).
- (28) "Director" means Director of the Division for Air Quality of the Natural Resources and Environmental Protection Cabinet.
- (29) "District" has the meaning given it in KRS 224.01-010.
- (30) [Not federally approved]
- (31) [Not federally approved]
- (32) "Dynamometer" means a device for measuring the horsepower of a motor vehicle engine.
- (33) "Equivalent method" means a method of sampling and analyzing for an air pollutant which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- (34) "Evaporative emission control system" means an unvented fuel cap, motor vehicle fuel tank, vapor vent hoses, and evaporative canister.
- (35) "Evaporative system integrity standard" means the minimum sustainable pressure of water for a given period of time during a test.
- (36) "Exempt solvent" means an organic compound listed in the definition of volatile organic compound as not participating in atmospheric photochemical reactions.

- (37) "Exemption certificate" is defined in KRS 224.20-710(4).
- (38) "Exhaust emission standard" or "emission standard" means the maximum allowable levels during a test of carbon monoxide, hydrocarbons, and the sum of carbon monoxide and carbon dioxide percentages appropriate for the age and type of vehicle tested.
- (39) "Extreme nonattainment county" or "extreme nonattainment area" means a county or portion of a county designated extreme nonattainment for the one (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- (40) [Not federally approved]
- (41) "Fleet" means a group of vehicles owned, leased, or operated by a person who has the responsibility of obtaining the certificates of registration for the vehicles.
- (42) "Fleet operator" means the person who has the responsibility of obtaining the certificates of registration for fleet vehicles.
- (43) [Not federally approved]
- (44) "Functional standard" means the evaporative system integrity standard (pressure standard).
- (45) [Not federally approved]
- (46) [Not federally approved]
- (47) [Not federally approved]
- (48) "Gross vehicle weight" or "GVW" means the manufacturer's gross weight rating of a vehicle.
- (49) [Not federally approved]
- (50) [Not federally approved]
- (51) [Not federally approved]
- (52) [Not federally approved]
- (53) "Hydrocarbon" means an organic compound consisting predominantly of carbon and hydrogen.
- (54) [Not federally approved]
- (55) [Not federally approved]
- (56) [Not federally approved]
- (57) [Not federally approved]
- (58) "Inspection station" is defined in KRS 224.20-710(5).
- (59) [Not federally approved]

- (60) [Not federally approved]
- (61) [Not federally approved]
- (62) [Not federally approved]
- (63) [Not federally approved]
- (64) "Measurable improvement" means any improvement toward achieving the emission or functional standards when compared to the measured results obtained in the initial test.
- (65) [Not federally approved]
- (66) "Marginal nonattainment county" or "marginal nonattainment area" means a county or portion of a county designated marginal nonattainment for the one (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- (67) [Not federally approved]
- (68) [Not federally approved]
- (69) [Not federally approved]
- (70) [Not federally approved]
- (71) [Not federally approved]
- (72) [Not federally approved]
- (73) "Moderate nonattainment county" or "moderate nonattainment area" means a county or portion of a county designated moderate nonattainment for the one (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- (74) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the cabinet.
- (75) [Not federally approved]
- (76) [Not federally approved]
- (77) [Not federally approved]
- (78) [Not federally approved]
- (79) [Not federally approved]
- (80) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
- (81) "Opacity standard" means the maximum allowable opacity for a diesel vehicle during emission standard testing.
- (82) "Operator" means a person who owns, leases, or operates a vehicle.
- (83) "Owner" is defined in KRS 186.010(7).

- (84) [Not federally approved]
- (85) "Particulate matter" means a material, except uncombined water, which exists in a finely divided form as a liquid or a solid as measured by the appropriate approved test method.
- (86) "Particulate matter emissions" means, except as used in 40 CFR Part 60, all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Chapter 1, or by a test method specified in the approved state implementation plan.
- (87) "Person" is defined in KRS 224.01-010(17).
- (88) "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J which has been incorporated by reference in 401 KAR 50:015, and designated in accordance with 40 CFR Part 53, or by an equivalent method designated in accordance with 40 CFR Part 53.
- (89) "PM₁₀ emissions" means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Chapter I, or by a test method specified in the approved state implementation plan.
- (90) [Not federally approved]
- (91) [Not federally approved]
- (92) [Not federally approved]
- (93) "Program area" means the county or the contiguous counties which are designated nonattainment for ozone (except marginal) or carbon monoxide pursuant to 401 KAR 51:010, in which a vehicle inspection and maintenance program has been established, pursuant to 401 KAR 65:010, Section 12.
- (94) [Not federally approved]
- (95) [Not federally approved]
- (96) [Not federally approved]
- (97) "Retest" means any test performed after repair.
- (98) [Not federally approved]
- (99) [Not federally approved]
- (100) "Serious nonattainment county" or "serious nonattainment area" means a county or portion of a county designated serious nonattainment for the one (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.

- (101) "Severe nonattainment county" or "severe nonattainment area" means a county or portion of a county designated severe nonattainment for the one (1) hour national ambient air quality standard for ozone in 401 KAR 51:010.
- (102) [Not federally approved]
- (103) [Not federally approved]
- (104) "Standard" means an emission standard, a standard of performance, or an ambient air quality standard as promulgated in 401 KAR Chapters 50 to 65, including the emission control requirements necessary to comply with 401 KAR Chapter 51.
- (105) "Standard conditions":
- (a) For source measurements means twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg);
 - (b) For the purpose of air quality determinations means twenty-five (25) degrees Celsius and a reference pressure of 760 mm Hg.
- (106) "State implementation plan" means the most recently prepared plan or revision required by 42 USC 7410 which has been approved by the U.S. EPA.
- (107) "Tampering" means removing, disconnecting, or rendering inoperative or ineffective any emission control device or element of design installed on or in a motor vehicle, and with which the vehicle was certified by the U.S. EPA.
- (108) [Not federally approved]
- (109) "Test equipment" means the analyzers and diagnostic equipment used to test a vehicle's compliance with the emission and functional standards, approved by the U.S. EPA, pursuant to 40 CFR 51.358 and 51.359, and Appendices A and D to Subpart S of 40 CFR 51, which are incorporated by reference in 401 KAR 65:010.
- (110) "Test" or "testing" means the use of test equipment and the application of techniques and methods, approved by the cabinet, to determine compliance with the allowable exhaust emission standards, the functional standards, and the antitampering standards.
- (111) "Testing period" means a three (3) month period of time for testing a vehicle that is subject to the requirements in 401 KAR 65:010. This period begins biennially, ninety (90) days prior to the date a vehicle's registration expires, occurring during applicable odd- or even-numbered years.
- (112) "Total suspended particulate" or "TSP" means particulate matter as measured by the method T described in 40 CFR Part 50, Appendix B which has been incorporated by reference in 401 KAR 50:015.
- (113) [Not federally approved]
- (114) [Not federally approved]

- (115) "Uncombined water" means water which can be separated from a compound by ordinary physical means and which is not bound to a compound by internal molecular forces.
- (116) "Urban county" means a county which is a part of an urbanized area with a population of greater than 200,000 based upon the 1980 census. If a portion of a county is a part of an urbanized area, then the entire county shall be classified as urban with respect to the administrative regulations of the Division for Air Quality.
- (117) "Urbanized area" means an area defined as such by the U.S. Department of Commerce, Bureau of Census.
- (118) [Not federally approved]
- (119) [Not federally approved]
- (120) "Vehicle" is defined in KRS 224.20-710(6).
- (121) "Vehicle emission control program" is defined in KRS 224.20-710(7).
- (122) "Vehicle identification number" or "VIN" means the number assigned to the vehicle by the vehicle's manufacturer or the assigned or replacement vehicle identification number approved by the Department of Vehicle Regulation pursuant to KRS Chapter 186.
- (123) "Vehicle inspection and maintenance program" means an emission control program implemented in a program area.
- (124) "Vehicle repair facility" means a repair facility which is open to the general public for the repair of automobiles or other vehicles, is legally licensed to be in business, has a published telephone number, and has a federal employer's identification number (FEID number) or Kentucky business tax number if there is no FEID number.
- (125) "Vehicle inspection and repair form" means the form issued to the owner or operator of a vehicle which fails the compliance test.
- (126) "Volatile organic compound" or "VOC" means an organic compound that participates in atmospheric photochemical reactions. This includes an organic compound other than the following compounds: methane; ethane; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methylene chloride; 1,1,1-trichloroethane (methyl chloroform); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,1,2-trichloro- 1,2,2-trifluoroethane (CFC-113); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC- 115); 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1, chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; and perfluorocarbon compounds which fall into these classes:
- (a) Cyclic, branched, or linear, completely fluorinated alkanes;
 - (b) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

- (c) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (d) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOCs shall be measured by test methods that have been approved by the cabinet and the U.S. EPA. If a method used also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

(127) [Not federally approved]

Section 2. Abbreviations. The abbreviations used in the administrative regulations of 401 KAR Chapter 65 shall have the following meanings:

AOAC - Association of Official Analytical Chemists.

ANSI - American National Standards Institute.

ASTM - American Society for Testing and Materials.

BOD - Biochemical oxidant demand.

BTU - British Thermal Unit.

°C - Degree Celsius (centigrade).

Cal - calorie.

cfm - cubic feet per minute.

CFR - Code of Federal Regulations.

CH₄ - methane.

CO - Carbon monoxide.

CO₂ - Carbon dioxide.

COD - Chemical oxidant demand.

dscf - dry cubic feet at standard conditions.

dscm - dry cubic meter at standard conditions.

°F - Degree Fahrenheit.

ft - feet.

g - gram.

gal - gallon.

gr - grain.

hr - hour.

HCL - Hydrochloric acid.

Hg - mercury.

HF - Hydrogen fluoride.

H₂O - water.

H₂S - Hydrogen sulfide.

H₂SO₄ - Sulfuric acid.

in - inch.

J - joule.

KAR - Kentucky Administrative Regulations.

kg - kilogram.

KRS - Kentucky Revised Statutes.

l - liter.

lb - pound.

m - meter.

m³ - cubic meter.

min - minute.

mg - milligram.

MJ - megajoules.

MM - million.

mm - millimeter

mo - month.

Ng - nanograms.
 N₂ - Nitrogen.
 NO - Nitric oxide.
 NO₂ - Nitrogen dioxide.
 NO_x - Nitrogen oxides.
 oz - ounce.
 O₂ - oxygen.
 O₃ - ozone.
 ppb means parts per billion.
 ppm means parts per million.
 ppm (w/w) means parts per million (weight by weight).
 mg - microgram.
 psia - pounds per square inch absolute.
 psig - pounds per square inch gage.
 S - at standard conditions.
 sec - second.
 SIP - State implementation plan.
 SO₂ - Sulfur dioxide.
 sq - square.
 TAPPI - Technical Association of the Pulp and Paper Industry.
 TSP - Total suspended particulates.
 TSS - Total suspended solids.
 U.S. EPA - United States Environmental Protection Agency.
 UTM - Universal Transverse Mercator.
 VOC - Volatile organic compound.
 yd - yard.

(20 Ky.R. 451; Am. 1601; eff. 11-29-93; 21 Ky.R. 1774; 2149; eff.4-6-95; 1707;
 2027; eff. 6-6-96; 25 Ky.R. 1458; 2855; eff. 6-9-99; 27 Ky.R. 2879;
 eff.8-15-2001.)

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	OCT 20, 1992	JUN 23, 1994	59 FR 32343
1st Revision	MAY 04, 1995	JUN 13, 1995	60 FR 31087
2nd Revision	JUN 19, 1996	JAN 21, 1997	62 FR 2915
3rd Revision	SEP 05, 2001	SEP 24, 2002	67 FR 59785

401 KAR 65:005. Liquefied petroleum gas carburetion systems.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

Relates to: KRS Chapters 224,234

Pursuant to: KRS 13.082, 224.033, 224.021, 234.321

Necessity and Function: KRS 234.321 requires the Department for Natural Resources and Environmental Protection to establish emission standards for liquefied petroleum gas carburetion systems. This regulation complies with that requirement.

Section 1. General Provisions.

- (1) Applicability. This regulation is applicable only to motor vehicles utilizing liquefied petroleum gas for fuel which are required to be equipped with carburetion systems approved by the department in order to be eligible for tax exemptions as set forth in KRS 234.321.
- (2) Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 234.321.
 - (a) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.
 - (b) "Light-duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at 6,000 pounds gross vehicle weight or less or designed primarily for transportation of persons and having a capacity of twelve (12) persons or less.
 - (c) "Heavy-duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds gross vehicle weight or designed primarily for transportation of persons and having a capacity of more than twelve (12) person.
 - (d) "Gross vehicle weight" means the manufacturer's gross weight rating.
- (3) Vehicle modification to use liquefied petroleum gas:
 - (a) In addition to all other standards or requirements imposed, any modification of a motor vehicle which allows that vehicle to use liquefied petroleum gas (LPG) for fuel shall not in its operation and function, or malfunction:
 1. Cause any emission into the ambient air of any noxious or toxic matter that would not be emitted in the operation of such motor vehicle or motor vehicle engine operating without such a modification; or
 2. Cause any unsafe condition which may endanger the motor vehicle, or its occupants or other persons or property.
 - (b) In cases where a modification of a vehicle has been made which enables gasoline and/or liquefied petroleum gas to be used as fuel, evidence satisfactory to the department must be presented to the department must be presented to the department that the modification will not cause increased emissions by the vehicle

when that vehicle is being fueled by gasoline.

- (c) The reactivity of the exhaust gases must not be increased by any modification to a carburetion system, which modification allows the use of liquefied petroleum gas or fuel.

(4) Application for approval:

- (a) An application for approval of any carburetion system which uses liquefied petroleum gas may be to the department by any manufacturer.

- (b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

1. Identification and description of the carburetion systems, vehicles and engines with respect to which approval is required.
2. A complete description of all modifications and additions to the engine or vehicle.
3. Emission data on such vehicles and engines tested in accordance with the applicable exhaust emission test procedures.
4. A description of tests performed to ascertain compliance with the general standards, and the result of such test.
5. A statement listing the name and location of the testing facility, its qualifications to perform such tests, a certification that such testing facility was at the time the test was performed, approved to conduct such tests by the U.S. Environmental Protection Agency.
6. A statement of recommended maintenance procedures and equipment necessary to assure that the carburetion system, vehicle and engine in operation conform to the requirements of this regulation, and a description of the program for training of personnel for such maintenance.
7. An agreement that any modifications made to the system in the field will be properly identified and reported to the department. To meet this requirement, the model number shall be permanently marked on the carburetor. An adhesive label listing the information in subparagraphs 8. to 12. of this paragraph shall be furnished for installation on the air cleaner.
8. Manufacturer's name and address.
9. Accepted by the Department for Natural Resources and Environmental Protection for use on engine sizes . . . cubic inch to . . . cubic inch.
10. Spark timing.
11. Idle speed.
12. Mixture adjustment (if used).

- (c) If, after a review of the data submitted by the manufacturer, the department determines that a carburetion system to use liquefied petroleum gas conforms to this regulation, it will issue an approval with respect to such system.

Section 2. Standards for Exhaust Emissions. The applicable exhaust emission standards for liquefied petroleum gas carburetion systems are as follows:

- (1) Light-duty vehicles.
 - (a) Hydrocarbons emissions shall not exceed 0.41 grams per vehicle mile.
 - (b) Carbon monoxide emissions shall not exceed 3.4 grams per vehicle mile.
 - (c) Oxides of nitrogen emissions shall not exceed 0.4 grams per vehicle mile.
- (2) Heavy-duty vehicles.
 - (a) Hydrocarbons plus oxides of nitrogen (as NO₂) emissions shall not exceed sixteen (16) grams per brake horsepower hour.
 - (b) Carbon monoxide emissions shall not exceed forty (40) grams per brake horsepower hour.

Section 3. Test Procedures for Vehicle and Engine Exhaust Emissions.

- (1) The department will approve carburetion systems which a manufacturer has successfully tested at a facility which is determined to be qualified for performing such testing by the U.S. Environmental Protection Agency. All testing procedures shall be conducted in accordance with the procedures established by the department.
- (2) At least one (1) vehicle in each engine displacement class for which the exemption is sought must be tested for emission data. Each manufacturer, however, must accumulate data on a minimum of two (2) vehicles for each carburetor model to qualify for approval.

DISPLACEMENT CLASSES

Class	Engine Displacement
A	Under 140 Cubic Inches
B	140-200 cubic inches
C	200-250 cubic inches
D	250-300 cubic inches
E	300-375 cubic inches
F	Over 375 cubic inches

- (3) Carburetion systems shall be installed in accordance with manufacturer's specifications and instructions in order to qualify for the exemption.

Effective Date: June 6, 1979

Date Submitted Date Approved Federal

	to EPA	by EPA	Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092

401 KAR 65:010. Vehicle emission control programs.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-710 to 224.20-765, 40 CFR Part 51, Appendices A to D, 42 USC 7410, 42 USC 7511a
STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-710 to 224.20-765, 40 CFR 51.350 to 51.373, 42 USC 7410, 42 USC 7511a
NECESSITY, FUNCTION AND CONFORMITY: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides the requirements for vehicle emission control programs in the Commonwealth.

Section 1. Applicability. (1) The owner or operator of a 1968 or newer model year vehicle shall not renew a certificate of registration for that vehicle in a county located in a program area unless a current certificate of compliance, issued pursuant to Section 8(1) of this administrative regulation, or a current exemption certificate issued pursuant to Section 3 of this administrative regulation, is presented to the county clerk. This administrative regulation shall apply to:

(a) Owners or operators, including fleet operators, of vehicles that are registered in a county that has been designated nonattainment for ozone (except marginal) or carbon monoxide, pursuant to 401 KAR 51:010; and

(b) Owners or operators of vehicles owned exclusively by a county; city; urban-county; board of education; emergency and ambulance vehicles operated by nonprofit corporations organized by the local, state, or federal government; and vehicles owned exclusively by a nonprofit volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, when the vehicles are assigned to a person or office located in a program area.

(2) The provisions for tampering shall become applicable:

(a) On the date the vehicle emission control program commences testing vehicles in those program areas that had an antitampering program in effect before January 31, 1991; and

(b) Beginning two (2) years after a vehicle emission control program commences testing vehicles in other program areas.

(3) The contractor who enters an agreement with the cabinet to operate an emission inspection station shall be subject to the applicable requirements of this administrative regulation.

(4) Personnel of a permitted inspection station shall be subject to the requirements of Section 11 of this administrative regulation.

(5) Vehicles registered in a nonattainment county governed by a vehicle inspection and maintenance program implemented by a local air pollution control agency established pursuant to KRS Chapter 77 shall be exempt from this administrative regulation.

Section 2. Inspection Frequency and Notification. (1) Inspection frequency.

(a) Owners or operators of vehicles subject to this administrative regulation shall present their vehicles biennially for testing at a permitted inspection station located in the program area according to the following schedule based on the vehicle identification number:

1. A vehicle with an even model year shall be tested in even-numbered years; and

2. A vehicle with an odd model year shall be tested in odd-numbered years.

(b) A vehicle shall not be tested to receive a compliance certificate pursuant to Section 8(1) of this administrative regulation, or shall not receive an exemption certificate pursuant to Section 3 of this administrative regulation, prior to the vehicle's testing period, except as provided in Section 3(2) and (3) of this administrative regulation.

(c)1. If a vehicle is inspected after the vehicle's testing period to receive a compliance or exemption certificate, the owner or operator shall pay the additional fee provided in Section 7(3) of this administrative regulation in addition to any other applicable fee.

2. The owner or operator of the vehicle brought for inspection shall be exempt from the additional fee for testing after the testing period provided in Section 7(3) of this administrative regulation if he has acquired title to that vehicle less than twelve (12) months prior to the date of inspection, or if he has established residence in the program area less than twelve (12) months prior to the date of inspection. In order to have this fee waived, the owner or operator of the vehicle shall present appropriate documentation (such as the title to the vehicle or the vehicle's latest certificate of registration) to the cabinet or contractor representative collecting the fees.

(d) The owner or operator shall pay the applicable fees, pursuant to Section 7 of this administrative regulation, when each vehicle is presented for testing. A compliance certificate, exemption certificate, or vehicle inspection and repair form shall not be issued until all applicable fees are paid, except as provided in paragraph (f) of this subsection and Section 7(5) of this administrative regulation.

(e) An owner or operator of a vehicle that has been issued an exemption certificate by the cabinet or contractor, shall be exempt from paragraph (a) of this subsection for the period of time indicated on the exemption certificate, pursuant to Section 3 of this administrative regulation.

(f) Federal, state and local agencies and public or private corporations with vehicles bearing official license plates, assigned to an office or individual in the program area, shall identify a contact person and shall submit, in writing, to the cabinet an initial listing of all assigned vehicles as of January 1 of each year for an annual testing of vehicles.

1. The listing shall be submitted to the contractor by January 31 of each year and shall include for each vehicle, at a minimum, the vehicle make, model year, VIN, license plate number, and a requested testing period.

2. The contractor shall notify the contact person responsible for approval of changes to the requested testing period by February 15 of each year.

3. The vehicles shall be subject to applicable emission and functional standards and the antitampering standard of Section 4 of this administrative regulation, to the applicable testing requirements of Section 5 of this administrative regulation, and to the fees provided in Section 7 of this administrative regulation. Fees shall be paid at the time of testing or in a schedule acceptable to the contractor and the cabinet.

(2) Notification.

(a) The cabinet shall notify owners of the testing period assigned to their vehicles by mailing a notice to each owner's address as listed with the Kentucky Transportation Cabinet and shall publish a legal notice or classified advertisement at least one (1) day each month in the newspaper with the largest circulation that is distributed in the program area.

(b) The mailed notice shall advise owners that, pursuant to KRS 224.20-720(2), the county clerk shall not renew a vehicle's certificate of registration without a compliance certificate or an exemption certificate issued by a permitted inspection station located in the program area, and shall notify owners that a vehicle shall be rejected from the inspection station if tampering has occurred.

(c) In addition to the information required in paragraph (b) of this subsection, the notice in the newspaper shall also advise the public of their obligation to have each vehicle tested prior to having the vehicle's certificate

of registration renewed and shall specify the testing period for vehicles with certificates of registration due for renewal in the next three (3) months.

(d) Failure of the owner or operator to receive a notice shall not excuse the owner or operator from complying with this administrative regulation.

Section 3. Exemption Certificates. A person shall not issue or use an exemption certificate in violation of this administrative regulation. The following types of exemption certificates shall be issued by the contractor or the cabinet pursuant to the procedures in this section:

(1) Permanent exemption certificate.

(a) The owners or operators of vehicles equipped to operate exclusively on fuels other than gasoline or diesel fuel shall present the vehicle for inspection by the contractor during the initial testing period.

(b) If the cabinet confirms that the vehicle is not equipped to operate with gasoline or diesel fuel, a permanent exemption certificate shall be issued.

(c) The owner or operator of a vehicle, for which a permanent exemption certificate has been issued, shall not operate the vehicle if it is altered so that it may operate using gasoline or diesel fuel, without presenting the vehicle for testing at a permitted inspection station within thirty (30) days after the vehicle has been altered.

(2) Temporary exemption certificate.

(a) A temporary exemption certificate shall be issued by the cabinet if the owner or operator demonstrates and affirms to the cabinet, pursuant to subsection (4) of this section, that the vehicle will not be available for testing during the testing period. The owner or operator of a vehicle shall not seek a temporary exemption certificate to avoid testing which would otherwise be required.

(b) The owner or operator shall notify the cabinet when the vehicle will be available for testing and provide the VIN, proof of ownership, and the driver's license of the owner.

(c) The temporary exemption certificate shall expire thirty (30) days after the date the owner or operator indicates that the vehicle will be available for testing, except that the cabinet may extend the temporary exemption certificate upon further demonstration and affirmation by the owner or operator that the vehicle remains unavailable for testing. A temporary exemption certificate shall not be valid beyond the last day of the certification year in which it was issued.

(d) Prior to the expiration of a temporary exemption certificate, the owner or operator shall present the vehicle and the current temporary exemption certificate to a permitted vehicle inspection station when the vehicle is available for testing, and shall pay the test fee specified in Section 7(1) of this administrative regulation and the additional fee specified in Section 7(3) of this administrative regulation.

(e) The owner or operator shall obtain a compliance certificate or a repair cost exemption certificate, as applicable, before the temporary certificate expires. Failure of the owner or operator to obtain a compliance certificate or exemption certificate prior to the expiration of the temporary exemption certificate shall result in the cabinet's denial of another temporary exemption certificate and shall subject the owner or operator to penalties for failure to comply with KRS 224.20-710 to 224.20-765.

(3) Certification period exemptions.

(a) An exemption certificate shall be issued by the cabinet if the owner or operator demonstrates and affirms to the satisfaction of the cabinet, pursuant to subsection (4) of this section, that the vehicle will not be operated in the program area for more than thirty (30) days during a certification period.

(b) The owner or operator shall present to the cabinet the documentation demonstrating that the vehicle will not be operated in the program area, the VIN, proof of ownership, the driver's license number or Social Security number of the owner, and the location of the vehicle during the certification period. Except

as provided in Section 7(5), the owner or operator shall pay the exemption certificate fee specified in Section 7(5) of this administrative regulation.

(c) An exemption certificate shall be issued by the cabinet for a given certification period if the owner or operator demonstrates to the satisfaction of the cabinet that the vehicle has a valid compliance or exemption certificate issued by an equivalent emission control program approved by the U.S. EPA as part of a state implementation plan. The certificate shall be valid for the period that the certificate would have been valid if it had been issued pursuant to this administrative regulation.

(4) Acceptable proof for temporary and certification period exemptions.

(a) Requests for a temporary or certification period exemption shall be in the form of an affidavit signed by the owner or operator, stating the reason and the length of time the vehicle will be located out of the program area, or otherwise unavailable for testing, and shall include the address where the vehicle will be located during the period.

(b) Military personnel who are on active duty and who will be stationed 150 miles or more from a program area during a certification period may be granted an exemption if the cabinet receives a copy of the military orders or letter from their commanding officer or executive officer verifying that the assignment is 150 miles or more from the program area and that the assignment will continue during the period for which the exemption is requested.

(c) Owners or operators of vehicles subject to this administrative regulation who are registered as full-time students at a college, university, or other school, which is 150 miles or more from a program area, may be granted an exemption if the school's registrar verifies in writing the student's registration and the period of enrollment.

(d) Owners or operators of vehicles subject to this administrative regulation may request temporary or certification period exemption certificates by mail provided the owner or operator and vehicle meet the applicable requirements of this subsection. The cabinet shall grant or deny a request within twenty (20) days of receipt of the request.

(5) Repair cost exemption certificates. A repair cost exemption certificate, valid for the stated certification period, may be issued to the owner or operator of a vehicle subject to this administrative regulation if the following criteria have been met and the vehicle does not meet the applicable standards in Section 4 of this administrative regulation:

(a) The vehicle has achieved at least a measurable improvement in the amount of emissions for each pollutant or opacity standard for which the vehicle was failed, as measured from the first exhaust emission test.

(b) A visual inspection and, if available, an on-board diagnostics check identifies no further necessary repairs which may result in an improvement in the vehicle's emissions. Repairs that the cabinet may require include, but are not limited to:

1. Replace the air filter;
2. Replace the positive crankcase ventilation valve;
3. Replace the evaporative canister;
4. Replace the NO_x sensor;
5. Adjust the air-to-fuel mixture;
6. Adjust the idle speed;
7. Adjust or repair the choke;
8. Repair float, power valves, needles, seats, and jets;
9. Repair vacuum hoses;
10. Replace spark plugs;
11. Replace plug wires;
12. Replace distributor, rotor cap, or points;
13. Adjust dwell or timing;
14. Replace oxygen sensor; and
15. Repair or replace the exhaust gas recirculation valve, carburetor, fuel injector, catalytic converter, electronic control module computer, or

secondary air system, if the repair or replacement is covered under a manufacturer's or dealer warranty.

(c) The owner or operator of the vehicle which failed the retest has spent at least the following amounts for repairs on the applicable model year vehicle in attempting to have the vehicle pass a retest in the applicable program area:

1. For 1980 or older model years, the owner or operator has spent at least seventy-five (75) dollars;
2. For 1981 and newer model years, the owner or operator has spent at least \$200;
3. For vehicles covered by 42 USC 7541(b), the owner or operator has spent at least \$200.
4. For a diesel vehicle, the owner or operator has spent at least seventy-five (75) dollars.

(d) The costs applied toward a cost exemption certificate shall be only for repairs based on appropriate diagnostics to correct problems related to an emission test failure, and shall not include costs to replace or repair components as a result of tampering. The cost of repairs to correct leaking, defective, or detached exhaust systems shall not be included in receiving a repair cost exemption certificate.

(e) Available warranty coverage shall be used to obtain needed repairs before expenditures can be counted towards the costs limits required by a cost exemption certificate. The owner or operator of a vehicle within the statutory age and mileage coverage under 42 USC 7541(b) shall present a written denial of warranty coverage from the manufacturer or authorized dealer for the repair costs to be included in the cost limits counted toward the cost exemption certificate.

(f) Labor costs shall not be applied toward a cost exemption certificate for repairs performed on a vehicle by the owner or operator of that vehicle except as provided in Section 6(2)(f) of this administrative regulation.

(g) An owner or operator may appeal the denial of a repair cost exemption certificate pursuant to the provisions of Section 10 of this administrative regulation.

Section 4. Standards of Performance for Vehicles. (1) The owner or operator of a vehicle subject to this administrative regulation shall be issued a compliance certificate, pursuant to Section 8(1) of this administrative regulation, if the vehicle meets the applicable emission, functional, and antitampering standards of this subsection and the applicable testing requirements of Section 5 of this administrative regulation.

(a) Exhaust emissions standard. The maximum allowable levels of carbon monoxide (CO) and hydrocarbons (HC), as measured by the idle exhaust emissions test, pursuant to Section 5(3) of this administrative regulation, for the applicable vehicle type, model year, pollutant, and gross vehicle weight (GVW) shall be as listed in the following table:

Vehicle Model Year	Vehicles Registered as Automobiles		* Vehicles having GVW of 6,000 lbs or less		Vehicles with GVW greater than 6,000 lbs but equal to 10,000 lbs or less		Vehicles with GVW greater than 10,000 lbs but equal to 18,000 lbs or less	
	HC (ppm)	CO (%)	HC (ppm)	CO (%)	HC (ppm)	CO (%)	HC (ppm)	CO (%)
1968	950	8.5	1300	8.0	1500	9.0	1500	9.0
1969	900	8.5	1200	8.0	1100	8.0	1300	8.5
1970	850	8.4	1100	8.0	1100	8.0	1300	8.5
1971	850	8.1	1000	8.0	1000	8.0	1200	8.5
1972	800	8.0	1000	7.8	950	7.5	1000	7.0
1973	800	7.8	1000	7.8	950	7.5	1000	7.0
1974	800	7.6	950	7.8	950	7.5	1000	7.0
1975	700	7.5	900	7.0	950	7.5	1000	7.0
1976	700	6.5	700	7.0	900	7.5	1000	7.0
1977	650	6.3	700	7.0	850	7.5	900	6.5
1978	600	5.5	700	6.3	700	6.0	900	6.5
1979	600	4.5	450	5.5	650	5.5	900	6.5
1980	250	2.5	450	4.0	550	5.0	900	6.5
1981	220	1.2	350	1.7	450	4.0	500	3.5
1982	220	1.2	220	1.2	400	2.5	400	3.0
1983	220	1.2	220	1.2	350	2.0	400	3.0
1984	220	1.2	220	1.2	220	1.5	250	1.5
1985 & newer	220	1.2	220	1.2	220	1.2	250	1.5

* Other than vehicles registered as automobiles.

(b) Evaporative system integrity standard (pressure standard). For 1981 and newer model gasoline vehicles, the pressure standard for the evaporative emission control system shall be a minimum sustainable pressure of eight (8) inches of water for a maximum period of two (2) minutes, as measured by the evaporative system integrity test, pursuant to Section 5(4) of this administrative regulation.

(c) Antitampering standard. Vehicles shall be inspected by inspection station or cabinet personnel for tampering, pursuant to Section 5(2) of this administrative regulation. A vehicle which shows evidence of tampering shall be determined as not achieving this standard.

(2) Emission standard for diesel vehicles. A diesel vehicle shall not emit visible emissions in excess of ten (10) percent opacity for ten (10) or more consecutive seconds, as measured by the test equipment pursuant to Section 5(5) of this administrative regulation, when tested at idle engine speed.

(3) Rejection of vehicles. A vehicle shall be rejected from the inspection station if:

(a) The inspection station or cabinet personnel are unable to determine readily that the vehicle presented at the inspection station is the vehicle identified in the VIN, certificate of registration, or license tag; or

(b) The vehicle, its contents, load, passengers, or operator causes, or has the appearance of causing, an unsafe condition at the inspection station. The test shall not be performed until the condition is corrected. The conditions for rejection shall include, but shall not be limited to, the following:

1. Leaking fuel;
2. The leaking of potentially toxic or hazardous materials, other than normal drive-train fluid;
3. Operator incapacity;
4. Operator or passenger misconduct;
5. For vehicles that are preconditioned on a dynamometer, the vehicle tire cords are visible;
6. The vehicle has a space-saver spare tire mounted on the drive axle;
7. The vehicle is pulling a detachable trailer or load;
8. The vehicle stalls repeatedly;
9. The vehicle has leaking, defective, or detached exhaust systems;
10. The vehicle has exhaust tailpipes altered from those of the original manufacturer of the vehicle so that proper access by the test equipment required in Section 5 of this administrative regulation is not possible; or
11. The inspection would cause inspection station personnel to be in an unsafe position, as determined by the contractor. Inspection station personnel shall document all rejections and the reasons for the rejection.

Section 5. Test Procedures for Vehicles. (1) Operator procedures for gasoline vehicles. The operator shall operate the vehicle for testing pursuant to the conditions specified in this section and at the direction of inspection station personnel as follows:

(a) Unless otherwise directed, the operator shall remain in the vehicle while the vehicle is in the test lane.

(b) During testing, the engine shall be at normal operating temperatures and shall not be overheating (as indicated by a gauge or warning light or boiling radiator), with all accessories turned off.

(c) Vehicles shall be approximately level during testing.

(d) If the engine stalls during testing, the test shall be restarted.

(2) Antitampering inspection.

(a) The inspection station personnel shall perform an antitampering inspection on all 1975 and newer model year vehicles presented to the inspection station for compliance with KRS 224.20-710 to 224.20-765. The procedure shall consist of a visual inspection for the presence of tampering.

(b) If tampering is found, the owner or operator shall be so informed and shall be issued a vehicle emission repair form. Tampered vehicles shall not

complete the applicable exhaust emission and function test procedures until the vehicle has been repaired.

1. Missing or damaged components shall be repaired, regardless of expense. The cost of repair or replacement of these components is not subject to a repair cost exemption certificate provided in Section 3(5) of this administrative regulation.

2. Upon repair or replacement of tampered, inoperable, missing or malfunctioning components (except for an unvented fuel cap), the owner or operator shall present the vehicle for inspection and the completed vehicle inspection and repair form, signed by a mechanic of a vehicle repair facility, demonstrating that the components have been repaired or replaced and are in proper operating condition.

(3) Idle exhaust emission test procedure for gasoline vehicles. The idle exhaust emissions test shall measure vehicle exhaust gas emissions for carbon monoxide (CO), carbon dioxide (CO₂), and hydrocarbons (HC) and shall be performed pursuant to 40 CFR 51, Subpart S and Appendices B and C to Subpart S, as published in the July 1, 1996, edition of the Code of Federal Regulations, which is incorporated by reference in Section 13 of this administrative regulation, and the following:

(a) Analyzers shall be warmed up, in stabilized operating condition, and adjusted according to manufacturer's specifications.

(b) If the vehicle is capable of being operated with gasoline or other fuels, the test shall be conducted using gasoline.

(c) Multiple exhaust vehicles shall be tested by sampling all exhaust points simultaneously or by other methods approved by the cabinet.

(d) Inspection station personnel shall attach the tachometer. With the engine operating at idle speed, the emergency brake on, and the transmission in "neutral" for vehicles with manual transmissions or "park" for vehicles with automatic transmissions, the sampling probe of the gas analytical system shall be inserted at least ten (10) inches into the tail pipe. If the probe cannot be inserted at least ten (10) inches, exhaust pipe extension boots shall be used.

(e) First chance to pass. The initial idle mode shall have a maximum duration of ninety (90) seconds and a minimum duration of thirty (30) seconds.

1. The analysis shall begin after an initial time delay of ten (10) seconds. If, within thirty (30) seconds the hydrocarbon reading is equal to or less than 100 parts per million and the carbon monoxide reading is five-tenths (0.5) percent or less, the vehicle shall pass the test. If these readings are not obtained within the first thirty (30) seconds, the test shall be continued for up to an additional sixty (60) seconds. If at any time during the sixty (60) second period, the readings for both hydrocarbons and carbon monoxide meet the emission standards for the applicable vehicle model year and GVW, the vehicle shall pass the test.

2. If at any time during the test the carbon monoxide (CO) plus carbon dioxide (CO₂) concentration falls below six (6) percent, the test shall be voided. If the low concentration is due to the engine size or operating temperature, the lane operator may over ride the CO plus CO₂ concentration and continue the test.

(f) Second chance to pass. If the vehicle does not pass the procedure in paragraph (e) of this subsection, the test probe shall be removed, and the owner or operator shall be given the option of accepting that the vehicle has failed the test and requires repairs, or accepting the offer of a second chance to pass a test, after being preconditioned on a dynamometer. If the owner or operator chooses to have the vehicle tested a second time, the test timer shall be reset to zero, and a second chance test shall be performed after using one (1) of the following preconditioning procedures:

1. The power axle of the vehicle shall be mounted on a dynamometer. For dynamometer preconditioning, vehicles with front wheel drive shall be driven by the lane operator or other contractor designee. The mode timer shall initiate when the dynamometer speed is within the limits specified for the vehicle engine

size. The mode shall continue for a minimum of thirty (30) seconds. The dynamometer test schedule for engine preconditioning prior to a second-chance idle test shall be within the following limits:

	<u>Engine Size</u>	<u>Roll Speed</u>	<u>Normal Loading</u>
horsepower	4 or fewer cylinders	22 - 25 mph	2.8 - 4.1 brake
horsepower	5 - 6 cylinders	29 - 32 mph	6.8 - 8.4 brake
horsepower	7 or more cylinders	32 - 35 mph	8.4 - 10.8 brake

2. Full-time four (4) wheel drive vehicles shall be preconditioned with the engine speed at 2500 revolutions per minute (2500 rpm) plus or minus 300 revolutions per minute (± 300 rpm) for thirty (30) seconds with the transmission in either "park" or "neutral."

3. Immediately following the preconditioning mode and when the vehicle's wheels are no longer moving, the mode timer shall be started and run for a period not to exceed ninety (90) seconds. The test probe shall be reinserted and the procedures described in paragraph (f) of this subsection shall be repeated.

4. If any pair of readings shows passing scores for both hydrocarbons and carbon monoxide, the vehicle shall pass the test. If all readings exceed the hydrocarbon limit or the carbon monoxide limit, or both, the vehicle shall fail the test. The operator shall be informed of the results, and the lane operator shall suggest that the owner or operator of the vehicle take a pamphlet that suggests various types of repairs for vehicles that fail the test.

(4) Evaporative system integrity test (pressure test).

(a) An evaporative system integrity test shall be performed on all 1981 and newer model gasoline powered vehicles presented for the purpose of compliance with this administrative regulation as follows:

(b) Inspection station personnel shall direct the operator of the motor vehicle to shut off the vehicle's engine. The operator shall allow inspection station personnel access to the motor vehicle engine compartment by releasing the hood latch or other method.

(c) Inspection station personnel shall disconnect all components and lines leading from the fuel tank at the junction of the evaporative canister. All lines and components, other than the main vent line, shall be sealed and made air tight. Vehicles with evaporative canisters that are inaccessible to inspection station or cabinet personnel, due to factory design of the vehicle, shall have the pressure test portion of this administrative regulation waived by the cabinet. A missing or damaged evaporative canister shall result in failure of the pressure test.

(d) The main vent line shall be pressurized to fourteen (14) inches of water, not to exceed twenty-six (26) inches of water system pressure, with commercial grade nitrogen. After the pressure is stabilized, the main vent line shall be sealed and the system pressure monitored for a maximum of two (2) minutes. An evaporative system that maintains a constant internal pressure equal to or greater than eight (8) inches of water for a duration of two (2) minutes shall be deemed acceptable.

(e) At the end of the two (2) minute monitoring period the unvented fuel cap shall be removed and the monitoring equipment shall be observed for a decrease of internal pressure.

(f) Inspection station personnel shall:

1. Remove all monitoring equipment from the main vent line;
2. Remove all seals from all other components and lines disconnected from the evaporative canister; and
3. Reconnect the system in the configuration in which the vehicle was presented for inspection.

(g) Upon successful completion of paragraphs (d) and (e) of this

subsection, the vehicle shall pass the test.

(h) If any of the following occurs, the vehicle shall fail the test. The operator shall be informed of the results, and the repairs recommended to correct the system deficiencies shall be included on the vehicle emission repair form.

1. An internal system pressure of fourteen (14) inches of water is not obtained;

2. The internal system pressure drops below eight (8) inches of water at any time during the two (2) minute monitoring period; or

3. Upon removal of the unvented fuel cap, a decrease in internal pressure is not observed.

(i) The cost of repairs performed on the evaporative emission control system, that are not a result of tampering, may be applied to a repair cost exemption certificate, pursuant to Section 3(5) of this administrative regulation.

(5) Test procedures for diesel vehicles. The operator of a diesel vehicle shall allow the vehicle to be operated for testing pursuant to the conditions specified in Section 5(1) of this administrative regulation and the following:

(a) Diesel-powered vehicles shall be inspected with an opacity meter that is a full-flow, direct reading, continuous reading light extinction type using a collimated light source and photo-electric cell, accurate to within plus or minus five (5) percent.

(b) Separate measurements shall be made on each exhaust outlet on diesel vehicles equipped with multiple exhaust outlets. The reading taken from the outlet giving the highest reading shall be used for comparison with the standard for the vehicle being tested.

(c) A diesel vehicle shall meet the opacity standard specified in Section 4(2) of this administrative regulation to pass the test. If the vehicle fails the test, the operator shall be so informed and the repairs required to correct the deficiency shall be included on the vehicle inspection and repair form.

(6) If trouble codes are identified by the on-board diagnostic (OBD) system, the owner or operator shall be so informed and the lane operator shall suggest that the owner or operator of the vehicle take a pamphlet that suggests various types of repairs for vehicles that fail the test.

Section 6. Testing of Fleet Vehicles. (1) The owner or operator of a fleet may apply for a permit to operate a fleet inspection station to test the vehicles that are in that fleet. A fleet inspection station shall not be operated without a fleet inspection permit issued by the cabinet. The owner or operator of a fleet inspection station shall comply with this section.

(a) The fleet owner or operator shall submit a complete application for a permit to the cabinet, using Form DEP-V001, Permit Application to Operate a Fleet Vehicle Inspection Station, which has been incorporated by reference in Section 13 of this administrative regulation.

(b) The permit shall be valid for one (1) year and may be renewed by the cabinet. For renewal of the permit, the fleet operator shall submit to the cabinet an updated fleet inspection station application form at least forty-five (45), but no more than sixty (60) days, prior to the permit's expiration.

(c) The fee for a fleet inspection station permit or permit renewal shall be \$200, pursuant to Section 7(7)(d) of this administrative regulation.

(2) The fleet operator shall:

(a) Submit to the cabinet a schedule for the testing of the fleet vehicles and payment of the inspection fees, pursuant to Section 7(7)(a) through (c) of this administrative regulation;

(b) Test the vehicles in the fleet according to the schedule in the fleet inspection permit. The schedule shall contain the following information:

1. The number of vehicles to be tested;

2. The VINs of the vehicles to be tested;

3. The months the vehicles will be tested; and

4. The operating hours and location of the fleet inspection station;

- (c) Use the forms and compliance certificates issued by the cabinet;
 - (d) Issue exemption certificates pursuant to Section 3 of this administrative regulation;
 - (e) Use test equipment and procedures approved by the cabinet pursuant to Sections 4 and 5 of this administrative regulation and assure that the test equipment provides a recordkeeping mechanism to record the results of all tests;
 - (f) Maintain records of all operations associated with the testing of the fleet vehicles, including but not limited to the repairs to fleet vehicles that failed the test;
 - (g) Make available to the cabinet and the contractor the results of the tests performed by the fleet inspection station;
 - (h) Provide a procedure for integrating the results of the tests performed by the fleet operator into the recordkeeping system of the contractor who operates the vehicle emission control program in the program area where the fleet is located;
 - (i) Perform the daily and hourly quality assurance procedures that are prescribed in the contract between the cabinet and the contractor, each day the analyzers are in operation, and allow the cabinet or the contractor to perform the other quality assurance activities as prescribed in the contract; and
 - (j) Maintain an in-house program for the maintenance of vehicles.
- (3) A fleet operator may enter into an agreement with the contractor who holds the contract for testing vehicles within the program area where the fleet is located, for testing the fleet vehicles by the contractor outside public testing hours or at mobile inspection stations. The agreement shall not be implemented unless it has been approved by the cabinet.

Section 7. Fees. (1) The fee for testing a vehicle shall be based upon the contract that is awarded and the cabinet's costs of implementing the vehicle emission control program in the program area, unless other fees are also applicable. Except as provided in subsection (5) of this section, the fee shall be paid each year that an owner or operator is required to obtain a compliance or exemption certificate.

(2) Unless the vehicle is tested at a fleet inspection station or pursuant to an agreement with the contractor, the fee shall be collected before the testing commences or before an exemption certificate is issued. If the vehicle fails the first test, the first retest shall be provided at no cost if the appropriate vehicle inspection and repair form is satisfactorily completed and returned. Each test performed in addition to the first test and first retest shall be subject to the additional fee specified in subsection (5) of this section. The owner or operator shall submit the properly completed vehicle inspection and repair form for the last failed test at the time of the new test.

(3) The fee for having a vehicle tested before or after its testing period shall be five (5) dollars.

(4) The fee for the issuance of a duplicate compliance certificate or exemption certificate, pursuant to Section 9 of this administrative regulation, shall be five (5) dollars.

(5) The fee for issuing an exemption certificate shall be equal to the cost of the test, except that a fee shall not be charged for the following exemption certificates:

- (a) A permanent exemption certificate;
- (b) Exemption certificates issued to military personnel pursuant to Section 3(4)(b) of this administrative regulation.

(6) The additional fee for the issuance of a compliance certificate or exemption certificate, the year after a temporary exemption certificate was issued to an owner or operator, who did not present the vehicle for testing prior to the expiration of the temporary exemption certificate, shall be twenty-five (25) dollars.

(7) Fees for testing fleet vehicles.

(a) The fee for a compliance or exemption certificate for a fleet vehicle which is tested at a fleet inspection station shall be no less than the fee established by the contract between the cabinet and the contractor.

(b) The fee for a compliance or exemption certificate for a fleet vehicle which is tested by the contractor under an agreement implemented pursuant to Section 6(3) of this administrative regulation, shall be no less than the fee established by the contract between the cabinet and the contractor. The contractor may charge an additional fee which shall not exceed the contractor's additional cost of testing the fleet.

(c) The fees for compliance or exemption certificates issued to fleet vehicles may be paid on a weekly or monthly basis, or as otherwise approved by the cabinet or agreed to by the contractor and the fleet operator, as applicable.

(d) The fee for renewal of a fleet inspection station shall be \$200.

Section 8. Forms and Certificates. The contractor shall use only forms, compliance certificates, and other materials that are approved by the cabinet. The following documents may be issued to the owner or operator according to this administrative regulation.

(1) Compliance certificate. The operator of each vehicle which meets the applicable emission, functional, and antitampering standards specified in Section 4 of this administrative regulation, complies with the testing requirements of Section 5 of this administrative regulation, and has paid the applicable fee specified in Section 7 of this administrative regulation shall be issued a compliance certificate. The compliance certificate shall contain at least the following information:

- (a) Inspection station identification;
- (b) Date and time of test;
- (c) Identification number of the inspector;
- (d) Vehicle license number;
- (e) VIN, vehicle model year, and vehicle make;
- (f) Applicable emission standards;
- (g) Emission test results (hydrocarbon, carbon monoxide, sum of carbon monoxide and carbon dioxide percentage, and if applicable, oxides of nitrogen);
- (h) Applicable pressure standards;
- (i) Evaporative integrity test results (minimum sustained pressure);
- (j) Whether the test results are from the first test, first retest, or subsequent retest; and
- (k) A unique, encoded test identification number.

(2) Vehicle inspection and repair forms.

(a) A vehicle inspection and repair form shall be issued to the operator of each vehicle which fails a test. The contractor shall indicate the recommended repairs to be performed. The vehicle inspection and repair form is incorporated by reference in Section 13 of this administrative regulation. The form shall be completed and returned to the inspection station personnel at the time of the retest. The owner shall indicate the following items on the vehicle inspection and repair form with supporting documentation:

1. Proof that repairs were performed and repair costs were incurred which were reasonable. Repairs made earlier than thirty (30) days prior to the first test failure for the current testing period shall not be included; and

2. A list of the repairs in sufficient detail for the contractor to determine that the repairs are related to the type of failure shown on the vehicle inspection and repair form.

(b) The person performing repairs on a vehicle shall indicate on the repair form the repairs performed and the itemized costs. The person shall affirm that all the repairs, checks, and adjustments were properly performed in accordance with requirements on the form by signing and printing his name and the date of repairs on the vehicle inspection and repair form. If the repairs were performed by a mechanic at a vehicle repair facility, the repair facility's name, federal employer's identification number (FEID number), or Kentucky business tax

number if there is no FEID number, repair date, and business telephone number shall be included on the vehicle inspection and repair form. In the appeals process, if the cabinet determines that the work claimed to have been completed was not done or was not in accordance with stipulations on the vehicle inspection and repair form, the cabinet may withhold issuance of a repair cost exemption certificate, and the owner or operator may be subject to penalties under KRS 224.20-765.

Section 9. Duplicate Certificates. The cabinet may issue a duplicate compliance, exemption, temporary exemption, or repair cost exemption certificate if the original certificate is lost. The owner shall notify the cabinet as soon as possible after the loss is noticed. The fee for a duplicate certificate shall be as prescribed in Section 7(4) of this administrative regulation.

Section 10. Request for reconsideration. (1) An owner or operator may request a reconsideration of the denial of a repair cost exemption certificate if the following conditions have been met:

(a) The owner or operator has spent at least the amount specified in Section 3(5)(c) of this administrative regulation and no measurable improvement in emissions was achieved; or

(b) The owner or operator has spent less than the amount specified in Section 3(5)(c) of this administrative regulation and a mechanic employed at a repair facility affirms that no additional repairs can be performed that would improve the vehicle's emissions or that additional repairs would result in a total repair cost greater than the amount specified in Section 3(5)(c) of this administrative regulation for the vehicle age.

(2) Requests for reconsideration of a denial of a cost repair waiver shall be made in writing and delivered to the contractor's inspection station manager or other contractor designee who shall promptly forward the request to the cabinet and a cabinet retest date shall be scheduled and performed. The results of the retest shall be a final determination of the cabinet.

Section 11. Inspection Station Personnel Requirements. (1) All inspection station personnel shall successfully complete a training course approved by the cabinet. The training course shall include at least the following components:

(a) Causes and affects of air pollution;

(b) The purposes, functions, and goals of the vehicle emission inspection program;

(c) KRS 224.20-710 to 224.20-765 and this administrative regulation;

(d) Technical details of the test procedures and the rationale for their design;

(e) Emission control device function, configuration, and inspection;

(f) Test equipment operation, calibration, and maintenance;

(g) Quality control procedures and their purpose;

(h) Methods of providing courteous, fair, and efficient service to the public; and

(i) Safety and health issues related to the inspection process.

(2) Successful completion of the training course shall be determined by a written examination with a score of eighty (80) percent or more and successful performance of a complete unassisted vehicle inspection demonstrating proper procedures. The written examination may be administered and the demonstration observed by the training course provider.

(3) The cabinet shall certify all contractor personnel that successfully complete the requirements of subsection (2) of this section. The certification shall expire two (2) years from the date of issuance. Contractor personnel whose certifications have expired are prohibited from inspecting vehicles until they complete the training requirements in this section and are recertified.

(4) Inspection station personnel shall wear identification tags visible

to the public.

(5) Neither the contractor nor any employee of the contractor shall engage in the business of manufacturing, selling, maintaining, or repairing vehicles. The contractor may maintain or repair his own vehicles.

Section 12. Vehicle Emission Control Program Areas, Established. (1) The cabinet shall establish a vehicle emission control program in counties in which the entire county has been designated moderate ozone nonattainment in 401 KAR 51:010.

(2) The vehicle emission control programs established pursuant to this administrative regulation shall continue upon redesignation of the program areas to attainment for ozone in 401 KAR 51:010.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Form DEP-V001, Permit Application to Operate a Fleet Vehicle Inspection Station", July 15, 1993;

(b) "Form DEP-V002, Vehicle Inspection and Repair Form", July 15, 1993;

(c) 40 CFR 51.350 to 51.373 (Subpart S), "Inspection/Maintenance Program Requirements", as published in the Code of Federal Regulations, 40 CFR Part 51, July 1, 1996;

(d) "Appendix A to Subpart S, Calibrations, Adjustments and Quality Control", as published in the Code of Federal Regulations, 40 CFR Part 51, July 1, 1996;

(e) "Appendix B to Subpart S, Test Procedures", as published in the Code of Federal Regulations, 40 CFR Part 51, July 1, 1996;

(f) "Appendix C to Subpart S, Steady-State Short Test Standards", as published in the Code of Federal Regulations, 40 CFR Part 51, July 1, 1996; and

(g) "Appendix D to Subpart S, Steady-State Short Test Equipment", as published in the Code of Federal Regulations, 40 CFR Part 51, July 1, 1996.

(2) The material incorporated by reference may be obtained, inspected, or copied at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403, (502) 573-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky 41105-1507, (606) 920-2067;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky 42104, (270) 746-7475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(f) London Regional Office, 875 S. Main Street, London Kentucky 40741-9011, (606) 878-0157;

(g) Owensboro Regional Office, 3032 Alvey Park Drive West, Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(h) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky 42003, (270) 898-8468.

(20 Ky.R. 454; Am. 817; 952;1603; eff. 11-29-93; 24 Ky.R. 656; 1302; eff. 1-12-98; 27 Ky.R. 2882; eff. 8-15-2001.)

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	FEB 03, 1998	DEC 8, 1998	63 FR 67586
1st Revision	SEP 05, 2001	SEP 24, 2002	67 FR 59785