

REGULATION 8

MOBILE SOURCE EMISSIONS CONTROL

REGULATION 8.01 Mobile Source Emissions Control Requirements

Air Pollution Control District of Jefferson County Jefferson County, Kentucky

Relates To: KRS Chapter 77 Air Pollution Control

Pursuant To: KRS Chapter 77 Air Pollution Control

Necessity And Function: KRS 77.180 provides that the Air Pollution Control Board may make and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation provides for control of mobile source emissions within Jefferson County, Kentucky.

SECTION 1 Applicability

- 1.1 This regulation applies to the owners or operators of all vehicles, as defined in section 2.16, that are described by one of the following:
 - 1.1.1 Vehicles registered in Jefferson County, Kentucky
 - 1.1.2 Vehicles that have a Federal or State official license plate or display a unit identification in lieu of a standard license plate and are located in Jefferson County, Kentucky, on a regular basis,
 - 1.1.3 Vehicles registered in another Kentucky county but owned by a declared Jefferson County, Kentucky, resident,
 - 1.1.4 Vehicles that are located in Jefferson County, Kentucky, and are owned or operated by a person who has an established residence within Jefferson County, Kentucky, or
 - 1.1.5 Vehicles that are located in Jefferson County, Kentucky, and are owned or operated by a person who routinely conducts, or is engaged in doing, business within Jefferson County, Kentucky.
- 1.2 If the owner or operator of a vehicle that is in compliance for the current year under an official state, local, or municipal mandatory vehicle emissions inspection and maintenance program that is similar to the Jefferson County, Kentucky, program provides proof of compliance to the Administrator, then the requirements under section 4.1.1 and section 4.1.2 shall not apply to that vehicle.

SECTION 2 Definitions

Terms used in this regulation not defined in this Section shall have the meaning given them in Regulation 1.02.

- 2.1 "Administrator" means the Administrator of the Vehicle Emissions Testing Program of Jefferson County, Kentucky, or a designee.
- 2.2 "Board" means the Air Pollution Control Board of Jefferson County as provided for in KRS Chapter 77 Air Pollution Control.
- 2.3 "Certificate" means one of the following permits issued in the form of a vehicle inspection certificate for each motor vehicle to indicate the status of the vehicle in meeting the

applicable exhaust gas emissions standards or exhaust opacity emission standards, evaporative system test requirements, equipment visual inspection requirements, and OBD test requirements:

- 2.3.1 "Compliance Certificate" is a permit that indicates that the emissions from the vehicle complied with either the exhaust gas emissions standards for carbon monoxide and hydrocarbons or the exhaust opacity emission standard, whichever is applicable to that vehicle, and the vehicle complied with the applicable evaporative system test requirements, equipment visual inspection requirements, and OBD test requirements,
- 2.3.2 "Exemption Certificate" is a permit that indicates that the vehicle meets the criteria established by the Administrator to be exempted from the testing requirements for the specified certification year, or
- 2.3.3 "Waiver Certificate" is a permit that indicates that 1 or more of the applicable emission standards or other test requirements for the vehicle is waived during the current certification year.
- 2.4 "Certification month" means the month to which a vehicle is assigned to obtain a certificate.
- 2.5 "Certification year" means the calendar year for which a certificate is required.
- 2.6 "Certified inspector" means a person employed by the Contractor and certified by the Administrator to conduct official vehicle emissions inspections as required by Regulation 8.
- 2.7 "Contractor" means a person, business firm, partnership, or corporation with whom the County of Jefferson, Kentucky, may execute an agreement to provide construction, purchase, lease, renovation, equipment, maintenance, personnel, management, or operation of, or for, the vehicle emissions testing program.
- 2.8 "District" means the Air Pollution Control District of Jefferson County as provided for in KRS Chapter 77 Air Pollution Control.
- 2.9 "Equipment inspection" means an inspection to examine whether a vehicle meets the certified vehicle configuration criteria and is equipped with EPA-required pollution reduction systems, including those for fuel transfer and storage evaporative containment, air injection, exhaust gas catalytic conversion, and exhaust gas discharge to the atmosphere.
- 2.10 "Evaporative system test" means a physical test using specified apparatus and methodologies certified for use by the Administrator to evaluate a vehicle fuel supply system's vapor evaporation control integrity.
- 2.11 "Exhaust gas emissions standards" means the maximum allowable levels of carbon monoxide and hydrocarbons appropriate for the age and type of vehicle tested.
- 2.12 "Exhaust opacity emission standard" means the maximum allowable level of emissions that visibly reduces the transmission of light and obscures objects in the background.
- 2.13 "Fleet" means a group of vehicles owned or leased by 1 person with the responsibility of registering those vehicles.
- 2.14 "Licensed inspector" means a person conducting tests under a fleet self-testing contract as provided for in Section 5.
- 2.15 "Mobile equipment" means road rollers, road graders, farm tractors, unlicensed vehicles on which power shovels are mounted, and other construction equipment customarily used only on the site of construction and are not practical for the transportation of persons or property upon the highways.
- 2.16 "Motor vehicle" or "vehicle" means any automobile, truck, bus, motorcycle, house car, or self-propelled, motor-driven vehicle that is registered, licensed, certificated, or otherwise legally permitted to be used on the public roads in Jefferson County, Kentucky, regardless

of its type or classification of license, registration, permit, or certificate except:

- 2.16.1 Mobile equipment,
- 2.16.2 Fire engines in regular service with a municipal, volunteer, or industrial fire fighting department,
- 2.16.3 Vehicles licensed as "historic" pursuant to KRS 186.043,
- 2.16.4 Trucks licensed pursuant to KRS 186.050(3) with an actual gross weight greater than 18,000 pounds that are not officially licensed or not federal, state, or local government-owned,
- 2.16.5 Vehicles powered only by electricity,
- 2.16.6 Vehicles licensed pursuant to KRS 186.050(4) or KRS 186.050(7) having an actual gross vehicle weight greater than 18,000 pounds, and
- 2.16.7 Vehicles legally classified as mopeds if not required to be registered.
- 2.17 "On-board diagnostics test" or "OBD test" means the test to determine the evaluation status of a vehicle's on-board diagnostic system, evaluate the malfunction indicator light status bit, record status information and any trouble codes in the vehicle test record, and, if applicable, determine if the malfunction indicator light is operating properly.
- 2.18 "Operator" means an individual in control of a vehicle.
- 2.19 "Owner" means a person holding legal title to, or a lease interest in, a motor vehicle.
- 2.20 "Person" means an individual, firm, co-partnership, joint adventure, association, corporation, social club, fraternal organization, estate, trust, receiver, or syndicate; a county, city, municipality, district (for air pollution control or otherwise), or other political subdivision; or a group or combination thereof acting as a unit.
- 2.21 "Registered Repair Technician" means a full-time, professional automotive technician who possesses a nationally-recognized certification for emissions-related diagnosis and repair and who has demonstrated proficiency in the areas of motor vehicle engine performance and vehicle emissions repair by maintaining current registration with the Jefferson County, Kentucky, Vehicle Emissions Testing Program.
- 2.22 "Registered Verifiable Repair Facility" means a motor vehicle repair facility that meets the following:
 - 2.22.1 Is a going concern whose purpose is vehicle repair,
 - 2.22.2 Employs at least one professional automotive technician on a full-time basis who possesses a nationally-recognized certification for emissions-related diagnosis and repair and is proficient in the areas of motor vehicle engine performance and engine repair, and vehicle emissions repair,
 - 2.22.3 Is open to the general public or is covered under a fleet self-testing contract,
 - 2.22.4 Is legally licensed to conduct a motor vehicle repair business, and
 - 2.22.5 Has a listed and published business telephone number.
- 2.23 "Resident" means a person who possesses a valid Jefferson County, Kentucky, motor vehicle operator's license or accepts United States Postal Service registered mail at a Jefferson County, Kentucky, mailing address.
- 2.24 "Similar Program" means a mandatory vehicle emissions testing and control program that meets or exceeds EPA minimum program evaluation protocol criteria required under a carbon monoxide or ozone reduction State Implementation Plan (SIP) or Federal Implementation Plan (FIP).
- 2.25 "Test" or "testing" means the use of analyzers, opacity meters, and diagnostic equipment as appropriate and the application of techniques, methods, policies, and procedures established

or approved by the Administrator to determine compliance with the standards and requirements of Regulation 8.

- 2.26 "Testing center" or "center" means a facility established by the District or the Contractor to conduct vehicle emissions testing.
- 2.27 "Vehicle Emissions Test" or "VET test" means collectively all applicable tests required pursuant to Regulation 8.
- 2.28 "Vehicle Emissions Testing Contract" means a contract between the County of Jefferson, Kentucky, and a Contractor and any amendments to that contract, for the purposes specified in section 2.7.
- 2.28 "Year" means calendar year.

SECTION 3 Periodic Emissions Testing of Vehicles Required

- 3.1 A certificate shall be obtained for each certification year for all vehicles included within the scope of Section 1.
- 3.2 The District shall assign a certification month each year to all vehicles. When a certification month is assigned to a vehicle, the test applicable to that certification month shall satisfy this regulation only for the year of the original certification month even though obtained in the following year. The District shall notify all owners of the certification month assigned to their vehicles and when their vehicles may be tested. The notice shall advise the owner that legal action may occur for failure to obtain a certificate by the end of the certification month.
- 3.3 Owners of vehicles covered under section 1.1.2 shall submit in writing an initial listing of all vehicles owned or under their control as of the first day of January each year. The listing, in a form as may be prescribed by the Administrator, shall be submitted to the Administrator within 30 days and shall include, as a minimum, the vehicle make, model year, VIN, license plate or equivalent federal number, and a requested certification month for each vehicle. The Administrator shall notify the owner of approval or changes to the requested certification month. Owners shall submit changes to the initial listing to the Administrator by the seventh day of the month following the month in which the changes occurred.

SECTION 4 Exhaust Emission Standards of Performance for Vehicles

- 4.1 Exhaust Emission Standards For Motor Vehicles
 - 4.1.1 Vehicles, except those included in section 4.1.2, shall be tested for exhaust gas emission levels of carbon monoxide (CO), carbon dioxide (CO₂), and hydrocarbons (HC), and shall undergo any other test identified as applicable in Regulation 8.02, Section 1. To pass the exhaust gas emissions test, a vehicle's emissions shall not exceed the standards set in Tables 1 through 5 as applicable based on registration information for vehicle type and weight. All vehicles subject to regulation in Jefferson County, Kentucky, shall be maintained and operated in compliance with this regulation at all times.
 - 4.1.2 Diesel vehicles, 2-cycle motorcycles, and vehicles that the Administrator determines shall not be tested for exhaust gas emissions because of fuel or engine characteristics, shall be tested for opacity of visible emissions. To pass the exhaust opacity test, a vehicle's visible emissions from any exhaust point shall not exceed the standards set in Table 6.
- 4.2 Rejection For Cause
 - 4.2.1 If an operator fails to present the vehicle's Certificate of Registration prior to testing and the test center personnel are not readily able to verify that the vehicle presented for test

- is the proper vehicle, then the test shall not be performed and the vehicle shall be rejected from the testing center.
- 4.2.2 If a vehicle, vehicle contents, load, passengers, or operator causes, or has the appearance of causing, an unsafe condition at the center, then the test shall not be performed until the condition is determined to be safe or is corrected. The vehicle may be rejected from the testing center. These conditions include, but are not limited to, leaking fuel, operator incapacity, operator or passenger misconduct, or leaking of possible toxic or hazardous materials.
- 4.2.3 If the exhaust system of a vehicle subject to exhaust gas emission standards leaks to the extent that the sum of the exhaust outlet CO and CO₂ concentrations recorded for the idle speed reading is less than 6%, then the test shall be invalid. The certified inspector shall attempt to verify the exhaust system integrity using methods approved by the Administrator. If the exhaust system integrity is verified, then the certified inspector may lower the CO plus CO₂ concentration minimum requirement to no less than 1% for motorcycles and 4% for all other vehicles. If the exhaust system integrity cannot be verified, then the vehicle shall be rejected from the testing center.
- 4.2.4 If a vehicle subject to opacity testing has a leaking, defective, or detached exhaust system, then the vehicle shall be rejected from the testing center.
- 4.2.5 If a vehicle experiences repeated stalling, then the vehicle shall be rejected from the testing center.
- 4.2.6 If a vehicle has exhaust system outlets that have been altered from the original manufacture of the vehicle in a manner that proper access by the test equipment required under this regulation is not possible or would require test personnel to violate safe practice policies, then the vehicle may be rejected from the testing center.
- 4.2.7 If a vehicle, when operated in accordance with testing procedures pursuant to Regulation 8.02, would exceed applicable noise standards for employee exposure, then the vehicle may be rejected from the testing center.
- 4.2.8 If a vehicle, when operated in accordance with testing procedures pursuant to Regulation 8.02, would exceed applicable visible opacity standards pursuant to City of Louisville Code § 71.75 Smoke Emission, then the vehicle may be rejected from the testing center.
- 4.2.9 If, for model year 1984 and newer light-duty vehicles and light-duty trucks, the operator refuses to allow under-hood inspection, the vehicle hood will not open, or the fuel cap is not unlocked or is inaccessible, then the vehicle shall be rejected from the testing center.
- 4.2.10 If, for vehicles subject to an exhaust gas emissions test pursuant to Regulation 8.02, the engine idle speed, as measured by a tachometer, is less than 350 rpm or greater than 1100 rpm, then the vehicle shall be rejected from the testing center.
- 4.2.11 If equipment inspection underneath a vehicle is not possible, then the vehicle shall be rejected from the testing center.
- 4.2.12 If the vehicle operator refuses to allow reasonable access by the certified inspector to perform an OBD test, then the vehicle shall be rejected from the testing center.
- 4.2.13 If, when requested by the certified inspector, the vehicle operator refuses to exit the vehicle and go to, and remain in, an area identified by the certified inspector as a safe spot or otherwise vacate the driver's seat to allow the certified inspector to operate the vehicle on the dynamometer, then the vehicles shall be rejected from the testing center.

4.3 Emission Control Systems

An owner who presents a vehicle for an appeal conducted by the District shall agree to comprehensive diagnostics checks and tampering inspection by a Master Automobile Technician currently certified by the Automotive Service Excellence and employed by the District. An owner of a vehicle covered under testing agreements or contracts with the District or the Contractor shall agree to comprehensive diagnostics checks, tampering inspection, and hearing processes as may be provided for in the contracts and agreements.

- 4.3.1 No waiver certificate shall be issued by a District Master Automobile Technician when apparent tampering or malmaintenance of emission control systems or components is observed. The owner of the vehicle shall provide documentation to the Administrator that the identified problems have been corrected by a repair technician recognized by the District pursuant to section 2.21 or section 2.22.2. The corrective work is subject to inspection and verification as prescribed by the Administrator prior to obtaining any additional tests or appeals and prior to the issuance of a waiver. The cost to correct tampering problems shall not be considered in meeting waiver cost criteria under Table 7.
- 4.3.2 No waiver certificate shall be issued for a vehicle covered under a fleet owner self-testing contract unless specifically approved by the Administrator. All test results and documentation of corrective action shall be submitted to the Administrator no later than 14 days following the certification month. The Administrator may provide for an administrative hearing process for fact finding that may include requiring that the vehicle, engine, and emission control systems be inspected, tested, and diagnosed by a District Master Automobile Technician as in an appeal to determine whether to issue a waiver certificate. Court processing shall be delayed by the District pending the Administrator's approval or denial of a waiver.
- 4.3.3 No waiver certificate shall be issued for any vehicle covered under a contractor fleet testing agreement when apparent tampering or malmaintenance of emission control systems or components is observed. This inspection for tampering and malmaintenance shall be performed by a person employed by the Contractor who is certified by the Administrator to perform the work.

SECTION 5 Testing Of Fleet Vehicles

- 5.1 A fleet owner may contract with the District to become a self-tester to test vehicles. To qualify for fleet self-testing status, a fleet owner shall meet all terms and requirements of a Fleet Owner Self-Testing Contract prescribed by the District. The contract shall require, as a minimum, that the fleet owner:
 - 5.1.1 Use exhaust and evaporative emissions analysis equipment meeting or exceeding the BAR-90 with Louisville-specific software specifications equivalent to, or better than, equipment specified in the Vehicle Emissions Testing Contract,
 - 5.1.2 Use an automated Pressure Test System that is controlled by the BAR-90 computer for performing the Evaporative System Integrity Test,
 - 5.1.3 Assure that the test equipment provides a record-keeping mechanism to record results of all tests,
 - 5.1.4 Maintain an in-house program for the maintenance, service, and repair of the fleet owner's vehicles,
 - 5.1.5 Require those individuals in the fleet owner's employ who test the fleet owner's vehicles

- to complete successfully the Inspector's Training Program conducted by the District, and to be licensed annually by the District,
- 5.1.6 Establish a program for the training and re-training of mechanics involved in the emissions testing and repair of vehicles,
 - 5.1.7 Make available to the District at reasonable times the results of the tests performed by the fleet owner,
 - 5.1.8 Provide a procedure for integrating the results of the tests performed by the fleet owner into the record keeping system of the Contractor,
 - 5.1.9 Allow the District or the Contractor to perform quality assurance activities as defined in Section 8, and
 - 5.1.10 Enter into a contract with the District that details the equipment and procedures to be used by the fleet owner and provides for penalties for noncompliance with its terms.
- 5.2 A fleet owner may enter into a written agreement with the District and the Contractor for testing by the Contractor outside public testing hours or at other than the public testing centers.
- 5.3 The fee for testing of a fleet vehicle shall be not less than the fee established by Section 6 and may be subject to a surcharge not to exceed the Contractor's additional cost of fleet tests.
- 5.4 The fleet owner may repair failed fleet vehicles in accordance with this regulation.
- 5.5 Fleet self-tests shall be performed by inspectors licensed in accordance with provisions established by the Administrator that shall be consistent with the requirements for certified inspectors.

SECTION 6 Fees And Surcharges

- 6.1 The test fee per paid test shall be as follows:
- 6.1.1 Before July 1, 1999, \$8.25, and
 - 6.1.2 On and after July 1, 1999, \$11.00.
- 6.2 An additional fee of \$2.00 shall be assessed per paid test for vehicles tested later than the assigned certification month.
- 6.3 The appeal fee shall be equal to the test fee. The appeal fee shall be paid in cash prior to an appeal being conducted. The appeal fee shall be processed in accordance with the Vehicle Emissions Testing Contract.
- 6.4 A fee shall be collected before the first test is performed. If the vehicle fails the first test, the first re-test shall be free. Any test performed in addition to the first test and first re-test shall require payment of the test fee. In addition, an appropriate, properly completed Vehicle Repair Form for the last failed test shall be submitted at the time of a re-test.
- 6.5 Test fees shall be collected by the Contractor and processed in accordance with the Vehicle Emissions Testing Contract.
- 6.6 A \$10.00 fee for restoration extensions shall be collected before the extension is issued. An extension shall be issued for a vehicle when the Administrator determines that an extension is appropriate. The Administrator shall establish criteria by policy for granting restoration extensions. Application for a restoration extension shall require an on-site visit for visual inspection of inability to comply for vehicles having personalized license plates. The extension shall not exceed 6 months and may be renewed following an on-site re-inspection. The inspection shall not result in registration denial or revocation on subsequent renewals.
- 6.7 The District shall have the right to audit the Contractor's records and procedures to substantiate that the Contractor is properly collecting and accounting for test fees and

surcharges.

SECTION 7 Forms And Certificates

7.1 Forms Approved

The Contractor shall use only forms and certificates approved by the District. Other materials or information may be given to the operator or sent to vehicle owners or operators only if approved by the District.

7.2 Vehicle Test Report

The operator of each vehicle tested shall be given a vehicle test report that contains at least the following information:

- 7.2.1 Testing center identification,
- 7.2.2 Date and time of test,
- 7.2.3 Identification number of the person conducting the test,
- 7.2.4 Vehicle license number,
- 7.2.5 Vehicle model year and make,
- 7.2.6 Vehicle Identification Number (VIN),
- 7.2.7 Vehicle odometer reading,
- 7.2.8 If applicable, notice of rejection from the testing center and reason for rejection,
- 7.2.9 Exhaust emission test results (hydrocarbons and carbon monoxide, or opacity),
- 7.2.10 Equipment visual inspection results,
- 7.2.11 Evaporative system test results,
- 7.2.12 OBD test performed, including all trouble codes set by the vehicle's on-board diagnostics system,
- 7.2.13 Applicable emissions standards,
- 7.2.14 Whether the vehicle has passed or failed each part of the test,
- 7.2.15 Whether the test results are from the first test, free re-test, or subsequent re-test,
- 7.2.16 All other information required on the form,
- 7.2.17 A unique, encoded test identification number, and
- 7.2.18 Overall test results.

7.3 Compliance Certificate

A compliance certificate shall be issued only when the vehicle has been tested for, and demonstrated compliance with, all applicable sections of the testing procedure at an official testing facility, including, but not limited to, exhaust gas emissions standards with readings that are below or equal to the applicable standards in Tables 1 through 5, exhaust opacity emission standards with a reading below or equal to the applicable standard in Table 6, evaporative system test requirements, equipment visual inspection requirements, and OBD test requirements.

7.4 Vehicle Repair Forms

- 7.4.1 A Vehicle Repair Form shall be given to the operator of each vehicle failing a test. The form shall be completed and submitted at the time of re-test. The owner shall show on the Vehicle Repair Form, and support with appropriate documentation, the following items:
 - 7.4.1.1 Proof that repairs were performed. Repairs made earlier than 1 month prior to the first test failure for the current certification year (month) shall not be included,
 - 7.4.1.2 Proof that the repair costs have been incurred by the owner, and
 - 7.4.1.3 Proof that the repairs are related to the type and cause of failure shown on the vehicle

test report.

7.4.2 A person performing self-repairs on a vehicle shall indicate on the Vehicle Repair Form provided by the Administrator the repairs performed and the total costs. The person shall certify that all repairs, checks, and adjustments were properly performed in accordance with requirements stipulated on the form or on instructions for the form by signing and printing the person's name and date on the Vehicle Repair Form. If the Administrator determines that the work claimed to have been completed was not done or was not done in accordance with stipulations on the Vehicle Repair Form, the Administrator may withhold issuance of, or revoke, a compliance or waiver certificate. The certification is subject to challenge of proof and investigation by the Administrator if the certification results in issuance of a compliance or waiver certificate.

7.4.3 A person performing hired repairs on a vehicle shall indicate on the Vehicle Repair Form the repairs performed and the total costs. The person shall certify that all repairs, checks, and adjustments were properly performed by signing and printing the name of the person performing the repairs, the repair technician's VET identification number, the repair facility's name, the repair facility's VET identification number, the repair date, and the business telephone number on the Vehicle Repair Form. If issuance of a compliance or waiver certificate or an appeal to the District results from this certification, then the certification is subject to challenge of proof and investigation by the Administrator. If the Administrator determines that the work claimed to have been completed was not done or is an act of tampering as defined by EPA, then the Administrator or the Administrator's designee may withhold issuance of, or revoke, a compliance or waiver certificate, remove the repair facility from a listing of verifiable repair facilities, initiate documentation of tampering cases for transmittal to EPA and other parties concerned with this conduct, and take other actions that may serve to correct the questionable actions as well as preventing, where possible, future similar actions. The Administrator shall provide for a fact-finding administrative hearing process as part of the investigation under this section.

7.5 Waiver Certificate

7.5.1 A vehicle shall be eligible for a scheduled appeal for diagnostics investigation to determine whether the vehicle is eligible for a waiver certificate when the vehicle fails a re-test and the following have occurred:

7.5.1.1 If the vehicle is within statutory age or mileage limits provided for under the Act Section 207(b), then any available warranty coverage has been used or written denial of warranty coverage from the manufacturer or an authorized dealer is obtained, and

7.5.1.2 All required repairs have been completed and the repair costs shown on the Vehicle Repair Form equal or exceed the applicable amount in Table 7.

7.5.2 If the vehicle emissions control systems have been tampered with or are in a tampered condition, then waivers shall not be issued. The costs of tampering-related repairs shall not apply toward minimum dollar expenditures for waiver qualification.

7.5.3 Repair costs shall be relevant to the cause of vehicle failure and, if the repairs can be visually confirmed, then the repairs shall be subject to inspection. Repair receipts shall be provided showing that required repairs were completed.

7.5.4 Emissions testing failure repairs for model year 1980 and newer vehicles shall be completed by a Registered Repair Technician. The Administrator shall provide the mechanism for registering Registered Repair Technicians.

- 7.5.5 The applicable minimum repair cost expenditure shall be the amount specified in Table 7. The cost of testing shall not apply toward the minimum dollar expenditure criteria in Table 7.
- 7.5.6 A waiver may be issued by the District only when a measurable improvement in vehicle emissions occurs compared to the initial failure readings. In certain situations where a measurable improvement is impossible, an appeal to the District for a waiver shall be available. Waiver certificates are subject to withholding or revocation under section 7.4.2 and section 7.4.3.
- 7.6 Exemption Certificate
An exemption certificate shall be issued for a vehicle when the Administrator determines that the vehicle is exempt from testing requirements. Application for exemption shall be processed only when on an original form provided by the District. The application shall be made under oath.
- 7.7 Rejected Vehicles
Owners of vehicles that are rejected from the testing center shall be given a Rejection Notice stating the general reason for rejection. Rejection status shall be indicated in the program database for later reference.
- 7.8 Failure Notice
Owners of vehicles that are tested and fail to meet the standards set in this regulation and that do not meet the requirements for a waiver certificate or that have a waiver certificate revoked shall be issued a Failure Notice. Vehicles that fail any portion of the VET test shall be given a Failure Notice that shall state the applicable standard and the reason for failure. Owners of vehicles that fail the VET test shall be required to have repairs relevant to the cause of the failure performed prior to the vehicle being re-tested.

SECTION 8 Quality Assurance

The District shall monitor the operation of each testing center with unannounced, unscheduled, and unidentified inspections to check all aspects of test operations including, but not limited to, the calibration and maintenance of the analyzers and opacity meters, test procedures, facility appearance, service given by testing center personnel, and any records. The District may require that the use of an exhaust analyzer, opacity meter, or other test equipment be suspended if there is a malfunction or incorrect calibration of the testing equipment.

SECTION 9 Quality Control Procedures

- 9.1 Written procedures shall be established by the Contractor to insure that all VET test equipment is used, inspected, maintained, and calibrated in accordance with requirements set forth by the Administrator.
- 9.2 All tests involving measurements shall be performed with equipment approved by the Administrator.
- 9.3 The District and the Contractor shall, independently, regularly conduct performance audits on testing equipment and personnel to insure adherence to established rules and procedures and to evaluate changes to those rules and procedures to improve the testing program. Audits shall include overt and covert monitoring of testing equipment and personnel.
- 9.3.1 Overt performance audits shall include inspection of the Contractor's written procedures and observation of the Contractor's stations, equipment, and personnel.
- 9.3.1.1 Overt performance audits on testing facilities shall occur at least monthly. Facility

audits shall include appearance, customer service, data handling procedures, document security, availability of informational brochures, and conformance to Contractor- and District-written procedures and requirements.

- 9.3.1.2 Overt performance audits on testing equipment shall occur at least twice per lane per year. Performance audits shall include tampering checks of testing equipment, gas audits using National Institute of Standards and Technology (N.I.S.T.) traceable gases, leak checks, dynamometer functional audits, evaporative and purge flow testing equipment checks, OBD test equipment checks, and whether written procedures are followed during equipment use.
- 9.3.1.3 Overt performance audits on inspection personnel shall occur at least twice per lane per year and shall include both observation and completion of a written evaluation for each inspector.
- 9.3.2 Covert performance audits shall include remote observation and testing site visits to examine testing facilities, equipment, and personnel.
 - 9.3.2.1 Covert performance audits on testing facilities shall occur at least once per year per number of inspection personnel and shall include observation and documentation of each visit.
 - 9.3.2.2 Covert performance audits on personnel shall occur at least once per year per number of inspection personnel. Covert vehicles covering the full range of covered vehicle types and technology groups listed in section 2.16 that have been altered from original certified configuration and set to fail shall be used.
- 9.4 Documentation of audits shall be full and complete, including covert vehicle preparation and return to certified configuration. Records shall be sufficient to support legal action.

SECTION 10 Certified Inspector Requirements

- 10.1 All inspection personnel working under the Vehicle Emissions Testing Contract shall receive formal training and be certified by the Administrator at least annually to perform inspections.
 - 10.1.1 All inspection personnel must successfully complete a training course approved by the District. The course shall include:
 - 10.1.1.1 Causes and effects of air pollution,
 - 10.1.1.2 Purpose, function, and goals of the vehicle emissions program,
 - 10.1.1.3 Vehicle emissions control regulations and procedures,
 - 10.1.1.4 Design, function, inspection methods of vehicle emissions system, and recognition of tampering,
 - 10.1.1.5 Details of testing procedure design,
 - 10.1.1.6 Operation, maintenance, and calibration of testing equipment,
 - 10.1.1.7 Quality control of testing procedures,
 - 10.1.1.8 Safety and health issues related to the testing process, and
 - 10.1.1.9 Methods of providing courteous, fair, and efficient service to the public.
 - 10.1.2 All inspection personnel shall have passed a written examination with at least 80% correct answers and successfully completed an unassisted, hands-on demonstration of testing equipment and procedures by performing inspections for which the inspection personnel are to be certified. Failure of either examination shall cause failure of the entire certification process. Successful completion of the entire training course and examinations is required for certification or re-certification.
- 10.2 Identification

When inspection personnel are on duty and in contact with the public, they shall wear identification tags visible to the public.

10.3 Conflict of Interest

10.3.1 Neither the Contractor nor any employee of the Contractor shall be engaged in the business of manufacturing, selling, maintaining, or repairing vehicles. The Contractor may maintain or repair vehicles owned by the Contractor.

10.3.2 Neither the Board members nor any employee of the District shall have any financial interest in the vehicle testing contract nor any interest in providing testing centers or equipment for the Vehicle Emissions Testing program.

SECTION 11 Enforcement

11.1 Criminal Complaint

An owner who fails to obtain a certificate by the end of the certification month may be subject to a criminal complaint in Jefferson District Court.

11.2 Penalties

A person who violates this regulation shall be guilty of a violation and shall be fined no more than 500 dollars for each offense. Taxation of court costs shall be mandatory upon conviction and shall not be probated or suspended.

Adopted v1/1-5-83; effective 1-5-83; amended v2/9-21-83, v3/10-26-83, v4/3-21-84, v5/1-1-85, v6/12-18-85, v7/12-17-86, v8/4-17-91, v9/2-17-93 effective 3-1-93, v10/10-15-97, v11/3-17-99.

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1 st Revision:	11/10/97	01/05/99	64 FR 415
2nd Revision:	05/21/99	[insert date]	[insert FR]

TABLE 1 TO REGULATION 8.01

**Exhaust Gas Emissions Standards for Vehicles Registered as Automobiles
Applicable to Idle Mode and Loaded Mode Tests**

Model Year	HC(ppm)	CO(%)
Pre-68	1200	8.0
1968	900	7.5
1969	900	7.5
1970	800	7.5
1971	800	7.5
1972	700	7.5
1973	700	7.5
1974	700	7.5
1975	600	6.5
1976	600	6.0
1977	600	6.0
1978	500	5.5
1979	500	4.5
1980	300	2.5
1981 and Newer	220	1.2

TABLE 2 TO REGULATION 8.01

**Exhaust Gas Emissions Standards for Vehicles, Other than Vehicles Registered as
Automobiles, Registered for a GVW Less than 10,000 Pounds
Applicable to Idle Mode and Loaded Mode Tests**

Model Year	HC(ppm)	C0(%)
Pre-68	1200	8.0
1968	1100	7.5
1969	1100	7.5
1970	1000	7.5
1971	1000	7.5
1972	900	7.5
1973	900	7.5
1974	800	7.5
1975	800	6.5
1976	700	6.5
1977	700	6.5
1978	700	6.0
1979	500	5.5
1980	500	4.0
1981	400	2.5
1982 and Newer	220	1.2

TABLE 3 TO REGULATION 8.01

**Exhaust Gas Emissions Standards for Vehicles Registered
for a GVW from 10,000 Pounds to Less than 14,000 Pounds**

Model Year	HC(ppm)	C0(%)
Pre-69	1300	8.0
1969	1100	7.5
1970	1100	7.5
1971	1000	7.5
1972	950	7.5
1973	950	7.5
1974	950	7.5
1975	950	7.5
1976	900	7.5
1977	850	7.5
1978	700	6.0
1979	700	6.0
1980	550	5.0
1981	450	3.5
1982	400	3.0
1983	350	3.0
1984	350	2.0
1985 and Newer	220	1.2

TABLE 4 TO REGULATION 8.01

Exhaust Gas Emissions Standards for:

- 1. Vehicles Registered as Buses,**
- 2. Vehicles Registered for a GVW from 14,000 Pounds to 18,000 Pounds, and**
- 3. Vehicles Registered for a GVW Greater than 18,000 that are Included by Sections 1.1.2, 2.16.4, or 2.16.6 (Government Owned or Officially Licensed)**

Model Year	HC(ppm)	CO(%)	Model Year	HC(ppm)	CO(%)
Pre-1969	1300	8.0	1982	500	4.0
1969	1100	7.5	1983	350	3.0
1970	1100	7.5	1984	350	3.0
1971	1000	7.5	1985	300	2.0
1972	1000	7.5	1986	300	1.5
1973	950	7.5	1987	250	1.5
1974	950	7.5	1988	250	1.5
1975	950	7.5	1989	250	1.5
1976	900	7.5	1990	250	1.5
1977	900	7.5	1991	250	1.5
1978	900	6.0	1992	250	1.5
1979	900	6.0	1993	220	1.2
1980	900	6.0	and Newer		
1981	500	5.0			

TABLE 5 TO REGULATION 8.01

**Exhaust Gas Emissions Standards
for Vehicles Registered as Motorcycles**

Model Year	HC(ppm)	CO(%)
Pre 1980	1600	8.0
1980 and Newer	1000	4.0

TABLE 6 TO REGULATION 8.01

**Exhaust Opacity Emissions Standards for Vehicles Powered
Solely by Diesel or Two-Cycle Engines**

Idle Exhaust Limits		
Vehicle Type	Model Year	Opacity
Idle Mode Opacity Standard		
Motorcycles	All 2-cycle	5%
Diesels	All	5%
Loaded Mode Opacity Standards		
Diesels	All	20%

TABLE 7 TO REGULATION 8.01

**Minimum Repair Cost Expenditure Criteria
for Waiver Consideration in Section 7.5**

Vehicles Including Motorcycles

Vehicle Model Year	Documented Parts & Labor Expenditure
1980 and Older	\$ 75
1981 and Newer	\$ 200