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**Category:** 45 – Criteria for Plan Revisions for Nonattainment Areas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ANN ARBOR, MICHIGAN 48105

Office of  
Air and Water Programs

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**SUBJECT:** Inspection/Maintenance Policy

**FROM:** David G. Hawkins, Assistant Administrator  
for Air and Waste Management

**MEMO TO:** Regional Administrators, Regions I - X

As you know, the Clean Air Act Amendments of 1977 set forth specific requirements for the implementation of motor vehicle inspection/maintenance (I/M) programs. Attached is a policy paper indicating what EPA will consider a minimally acceptable program wherever I/M is required by the Act. It should aid your efforts to provide for adequate I/M submissions for the State Implementation Plan (SIP) revisions of January 1, 1979. Please continue to contact me if problems in I/M implementation develop.

Enclosure

**cc:** Air and Hazardous Materials Division Directors, Regions I, III - X  
Environmental Programs Division Director, Region II  
Air Programs Branch Chiefs, Regions I - X

Enclosure

Policy for the Development and Implementation of  
Inspection/Maintenance Programs

The Clean Air Act Amendments of 1977 provide new direction for the development and implementation of motor vehicle inspection/maintenance (I/M) programs. If states are not able to demonstrate attainment of the standards for oxidant (Ox) or carbon monoxide (CO) by December 31, 1982, a specific schedule for the implementation of I/M must be included in the State Implementation Plan (SIP) revisions of January 1, 1979 for the plan to meet the requirements of Section 172.<sup>1</sup> The general requirements for the I/M programs are set out in a February 24, 1978 memorandum from the EPA Administrator to the Regional Administrators (reprinted in the Federal Register on May 19, 1978, 43 F.R. 21673). The requirements, for these programs, are explained in more detail below.

A. I/M SIP Revision Development and the January 1, 1979, Submittal

In producing an I/M SIP revision, the states should provide for:

1. an analysis of the benefits and costs of the program;
2. a public information effort;
3. a legislative proposal; and
4. a schedule for I/M implementation.

A copy of suggested steps for development of the SIP revision is attached (Attachment 1). Before the January 1, 1979 submittal, the SIP revision must be adopted by the state air pollution control board or agency head as appropriate. As a part of the SIP revision submittal itself, there must be a commitment by the Governor to implement the I/M program according to the schedule submitted.

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<sup>1</sup> Sections 172(b)(7) and (10) provide that the plan revisions required for nonattainment areas shall –

(7) *identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection; [Emphasis added]*

and shall –

(10) *include written evidence that the state, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedule and timetables for compliance, and are committed to implement and endorse the appropriate elements of the plan; [Emphasis added]*

These plan elements should be prepared in accordance with the guidance on pages 186-188 of the Compilation of Presentations prepared by EPA's Office of Air Quality Planning and Standards (OAQPS) for the "Workshops on Requirements for Nonattainment Area Plans" February-March 1978 (pages 218-220 in the April 1978 edition).

#### B. The I/M Implementation Schedule

The specific items listed below must be included as a part of the States' I/M implementation schedules with specified dates for implementation of each item. The stringency planned for the program and other factors affecting the potential for emission reductions should also be indicated. Additional items if necessary because of local factors may be required by USEPA Regional Offices.

1. Initiation (or continuation) of public information program including publicizing the I/M program in the media, meeting and speaking with affected interest groups, etc.
2. Preparation of a draft legislative package and submittal of legislation package to legislature if additional legislative authority is needed.
3. Certification of adequate legal authority by appropriate state official.
4. Initial notification of garages explaining program and schedule of implementation.<sup>1</sup>
5. Development and issuance of RFPs.\*
6. Award to contractor(s).\*
7. Initiation of construction of facilities.\*
8. Completion of construction of facilities.\*
9. Adoption of procedures and guidelines for testing and quality control including emission analyzer requirements (and licensing requirements for private garages, if applicable \*).
10. Notification of and explanation to garages of actions in step 9.\*
11. Completion of equipment purchase and delivery of equipment.
12. Development and adoption of cutpoints.
13. Initiation of hiring and training of inspectors or licensing of

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<sup>1</sup> Dependent on type of system chosen (state-run centralized, contractor centralized, or decentralized).

garages.<sup>1</sup>

14. Initiation of introductory program (voluntary maintenance with either voluntary or mandatory inspection) if not previously initiated.
15. Initiation of mechanics training and/or information program.
16. Initiation of mandatory inspection.
17. Initiation of mandatory repair for failed vehicles.

If certification of adequate legal authority occurs after January 1979, the States may modify previous commitments to implement and enforce the elements of the schedule to conform to the legal authority.<sup>2</sup> These modifications will be approved by the EPA Regional Offices and must be consistent with the Administrator's February 24, 1978, policy memorandum. The documents should be submitted by January 1, 1979. Any necessary adjustments to the schedule may be made at this time but must be approved by the EPA Regional Offices.

C. Authority to Implement I/M

Normally, adequate legal authority to implement a SIP revision must exist for a revision to be approved. Where a legislature has had adequate opportunity to adopt enabling legislation before January 1, 1979, the Regional Administrator should require certification that adequate legal authority exists for I/M implementation by January 1, 1979. However, for many states there will be insufficient opportunity to obtain adequate legal authority before their legislatures meet in early 1979. Therefore, a certification of legal authority for the implementation of I/M in these states must be made no later than June 30, 1979. An extension to July 1, 1980, is possible, but only when the state can demonstrate that (a) there was insufficient opportunity to conduct necessary technical analyses and/or (b) the legislature has had no opportunity to consider any necessary enabling legislation for inspection/maintenance between enactment of the 1977 Amendments to the Act and June 30, 1979. Certification of adequate legal authority, or other evidence that legal authority has been adopted, must be submitted to the EPA Regional Offices to be included in the SIP revision already submitted. Failure to submit evidence of legal authority by the appropriate deadline will constitute a failure to submit an essential element of the SIP, under Sections 110(a)(2)(I) and 176(a) of the Act.

Prior to the respective deadlines for initiating mandatory inspection and mandatory repair of failed vehicles, the state, local government, or regional agency should adopt whatever legally enforceable requirements are

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<sup>1</sup> Dependent on type of system chosen (state-run centralized, contractor centralized, or decentralized).

<sup>2</sup> See footnote on page 1.

necessary to ensure that vehicles are not used unless they comply with the inspection/maintenance requirements. Written evidence of adoption of these requirements should be submitted to the EPA Regional Offices, to be included in the SIP revision already submitted by January 1, 1979.<sup>1</sup>

D. I/M Implementation Deadlines

Implementation of I/M "as expeditiously as practicable" shall be defined as implementation of mandatory repair for failed vehicles no later than two and a half years after passage of needed legislation or certification of adequate legal authority for new centralized systems and one and a half years after legislation or certification for decentralized systems or for centralized systems which are adding emission inspections to safety inspections. For the normal legislation deadline of June 30, 1979, new centralized programs must start by December 31, 1981, and all others must start by December 31, 1980. For the case of the latest possible legislation date, July 1, 1980, this means that a new centralized program must start by December 31, 1982, while all other programs must start by December 31, 1981. Where I/M can be implemented more expeditiously, it must be. Each state implementation schedule must be looked at individually to determine if it is as expeditious as practicable. Implementation dates ordered by courts, if earlier than these dates, take precedence.

E. Geographic Coverage

I/M should focus on metropolitan areas and should include the entire urbanized area and adjacent fringe areas of development. Boundaries of the area affected may be adjusted if an equivalent emission reduction is achieved. For urbanized areas of 200,000 population or greater which need I/M to obtain an extension of the 1982 attainment date, full mandatory I/M must be implemented by the deadlines indicated above. Statewide programs are encouraged, especially for those states which are small and highly urbanized.

It should be emphasized that all nonattainment areas must have SIPs which are adequate to attain and maintain the National Ambient Air Quality Standards (NAAQS) by 1982 or by no later than 1987 should an acceptable nonattainment demonstration be made. For areas under 200,000, EPA will not at this time automatically require I/M schedules in 1979 as a condition for SIP approval or an extension. However, areas under 200,000 still have to attain and maintain NAAQS as expeditiously as practicable, and I/M is encouraged as a means of helping to provide for an adequate SIP. EPA will review the need for I/M in areas under 200,000 after the 1979 SIP revisions are submitted, and will consider additional requirements at that time.

F. Emission Reductions Required for I/M

I/M programs must produce at least a 25 percent reduction in light duty vehicle (LDV) exhaust emissions of hydrocarbons and a 25 percent reduction in LDV emissions of carbon monoxide by December 31, 1987, compared

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<sup>1</sup> See footnote on page 1.

to what emissions would be without I/M on the basis of the most recent motor vehicle emission factors. However, the choices of stringency factor to be used and other actions affecting the potential for emission reduction should be made by the states. States should of course be encouraged to develop programs which produce more emission reduction when possible. The final revision to Appendix N (40 C.F.R., Part 51) when promulgated (along with its minimum program requirements) should be used to determine if the program described in the implementation schedule will meet the minimum 25 percent CO/25 percent HC criterion. Should a program not need to be this stringent to attain and maintain the NAAQS by 1982, the I/M program need be only as stringent as needed to assure conformity with NAAQS. Should a state want to emphasize control of one particular pollutant at the expense of the other, the plan for such an I/M program must be submitted to the appropriate EPA Regional Office for approval.

G. Minimum Program Requirements

In addition to the emission reduction requirement above, all I/M programs must:

1. provide for regular periodic inspections of all vehicles for which emission reductions are claimed;<sup>1</sup>
2. provide for maintenance and retesting of failed vehicles to provide for compliance with applicable emission standards;
3. prohibit registration or provide some equally effective mechanism to prevent vehicles which do not comply with the applicable exhaust emission requirements from operating on public roads;
4. provide for quality control regulations and procedures for the inspection system including:
  - a. minimum specifications for emission analyzers
  - b. required calibrations of all types on analyzers and
  - c. minimum record keeping;
5. provide for either a mechanics training program or a program to inform the public of service establishments with approved emission analyzers; and
6. inform the public of the reason for the I/M program plus the locations and hours of inspection stations.

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<sup>1</sup> Random roadside checks, while a useful addition to an I/M program, are not an acceptable substitute for regular periodic inspections.

Decentralized systems must also comply with the following requirements.

1. All official inspection facilities must be licensed. Provisions for the licensing of inspection facilities must insure that the facility has obtained, prior to licensing, analytical instrumentation which has been approved for use by the appropriate state, local, or regional government agency. A representative of the facility must have received instructions in the proper use of the instruments and in vehicle testing methods and must have demonstrated proficiency in these methods. The facility must agree to maintain records and to submit to inspection of the facility. The appropriate government agency must have provisions for penalties for facilities which fail to follow prescribed procedures and for misconduct.
2. Records required to be maintained should include the description (make, year, license number, etc.) of each vehicle inspected, and its emissions test results. Records must also be maintained on the calibration of testing equipment.
3. Summaries of these inspection records should be submitted on a periodic basis to the governing agency for auditing.
4. The governing agency should inspect each facility periodically to check the facilities' records, check the calibration of the testing equipment.