

Public Notice – Environmental Regulation

Notice of action: The State Air Pollution Control Board is considering amendments to the Regulation for the Control of Motor Vehicle Emissions in Northern Virginia; specifically, provisions to implement a clean screen program that allows a motor vehicle owner to voluntarily certify compliance with the emissions standards by means of on-road remote sensing.

Regulations affected: The regulation of the board affected by this regulatory action is: Regulation for the Control of Motor Vehicle Emissions in Northern Virginia, 9VAC5-91, Clean Screen (Rev. MN).

Purpose of notice: The board is seeking comments through the Department of Environmental Quality (DEQ) on the (i) proposal, (ii) costs and benefits of the proposal, (iii) effects of the proposal on farm and forest land preservation, and (iv) impacts of the proposal on small businesses. The board is also seeking comment as to whether infrared light remote sensing devices (RSD) are the only technology to be used for clean screening vehicles or whether the regulation should include other technologies such as remote on-board diagnostics (OBD III). To that end, the proposal in 9VAC5-91-185 contains Option A; (language that includes only infrared RSD), and Option B; (language that includes both infrared and OBDIII).

Public comment period: September 24, 2012 to October 25, 2012.

Public comment stage: Notice of Public Comment.

Description of proposal: The current vehicle inspection program in Northern Virginia requires that affected vehicles be presented to emissions inspection stations biennially to receive an emissions inspection. This is accomplished through a network of service stations, repair garages, and other similar facilities that perform the inspections. Cars and trucks weighing up to 10,000 pounds and are 24 years old and newer are subject to an exhaust emissions inspection using ASM equipment which tests cars under "loaded" conditions using a dynamometer. On-Board Diagnostics Systems (OBD) on vehicles so equipped is also inspected. In addition, random testing of vehicles is accomplished using a remote sensing device next to the roadway. Vehicles which fail the on-road test are required to report to an inspection for an out-of-cycle test.

The proposed amendments are being made to conform to state law for the testing of emissions, including remote sensing, from motor vehicles located or primarily operated in Northern Virginia. Section 46.2-1176-1187.3 of the Virginia Air Pollution Control Law (Title 46.2, Chapter 10 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations for the control of motor vehicle emissions and for emissions testing including remote sensing. Specifically, the 2012 amendments to § 46.2-1178 C require the establishment by regulation of a phase-in of on-road testing requirements according to the following schedule: 10% of eligible vehicles subject to

inspection requirements between July 1, 2012, and before July 1, 2013, 20% between July 1, 2013, and before July 1, 2014, and 30% after July 1, 2014.

The major provisions of the proposal are summarized below:

Include definitions that address the requirement for a clean screen program including terms such as: "Clean screen vehicle," "Clean screen notification," "Clean screen vehicle standard," "High emitter values," "Motor vehicle emissions," "On-road clean screen program," "On-road emissions inspector," "On-road emissions measurement," "On-road high emitter emissions standard" and "Specific engine family".

Modify definitions as necessary to incorporate the clean screen program into the existing emissions inspection program including: "Confirmation test," "Emissions inspector," "Enhanced emissions inspection program," "Inspection area," "Inspection fee," and "Remote sensing".

Provide clarity to distinguish between the high emitter program and the clean screen program and the vehicle emission standards for both. Add language that allows the criteria for clean screen vehicle selection and standards to be adjusted to comply with federal program requirements.

Provide language to integrate the clean screen program into the registration requirements of the enhanced emissions inspection program to ensure compliance with any necessary provisions of the existing inspection program.

Add provisions to address the legislative mandate to implement the clean screen program according to the statutory schedule of no more than 10% starting January 2012; no more than 20% starting January 2013; and no more than 30% starting January 2014, and ensure the program is compatible with the timing of the vehicle registration renewal notice from DMV. This also includes provisions so that owners may utilize the clean screen notification as proof of emissions inspection for vehicle registration purposes and language to ensure the contractor identifying clean screen vehicles may charge a fee for such notification that is comparable to the fee currently charged at service stations conducting emissions inspections.

Provide language in the alternate language of 9VAC5-91-185, option B, necessary to allow for an on-road clean screen program utilizing remote onboard diagnostics.

Locality particularly affected: The geographic coverage of the program consists of the counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The amendments to the regulation establish an additional means for an owner to demonstrate a vehicle's compliance with emissions standards with no impact on air quality expected. Therefore, no locality in the program area will bear any disproportionate material air quality impact from any other locality within the program area.

How to comment: DEQ accepts written comments by email, fax, and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ on the last day of the comment period. Both oral and written comments are accepted at the public hearing. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All comments, exhibits and documents received are part of the public record.

To review regulation documents: The proposal and an analysis conducted by DEQ (including a summary, legal basis, purpose, substance, issues, requirements more restrictive than federal, localities particularly affected, public participation, economic impact, alternatives, regulatory flexibility analysis, regulatory advisory panel, and family impact), are available on the DEQ Air Public Notices for Regulations web site (<http://www.deq.state.va.us/Programs/Air/PublicNotices/AirRegulations.aspx>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 am and 4:30 pm of each business day until the close of the public comment period at the following DEQ locations: 1) Main Street Office, 8th Floor, 629 E. Main St, Richmond VA, 804-698-4070, 2) Northern Regional Office, 13901 Crown Ct, Woodbridge VA, 703-583-3800.

Contact for public comments, document requests and additional information: Mary E. Major, Environmental Program Manager, Office of Regulatory Affairs, Department of Environmental Quality, PO Box 1105, Richmond, VA 23218 (phone 804-698-4423, fax 804-698-4510, email mary.major@deq.virginia.gov)

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