



**AIR QUALITY CONTROL ADVISORY COUNCIL  
AGENDA  
December 10, 2018**

Maryland Department of the Environment  
Aeris Conference Room (1<sup>st</sup> Floor MDE Lobby)  
1800 Washington Boulevard  
Baltimore MD 21230

<https://global.gotomeeting.com/join/256845373>

United States: +1 (646) 749-3129

Access Code: 256-845-373

- |           |                             |   |
|-----------|-----------------------------|---|
| 8:15 a.m. | Welcome and Introductions   | John Quinn, Advisory Council Chair<br>Tad Aburn, Air Director |
| 8:25 a.m. | Approval of Meeting Minutes | John Quinn  |

**Action Items for Discussion/Approval:**

- |           |  |               |
|-----------|--|---------------|
| 8:30 a.m. | Low Emissions Vehicle Program<br>COMAR 26.11.34        | Justin Mabrey |
| 9:00 a.m. | Vehicle Emissions Inspection Program<br>COMAR 11.14.08 | Daniel Newell |

**Briefings:**

- |            |   |                  |
|------------|---|------------------|
| 9:30 a.m.  | Hot Topics -<br>2018 End of Season Ozone Report, Greenhouse<br>Gas Reduction Act, VW Settlement, 126 SIP Petition | Tad Aburn        |
| 10:30 a.m. | Maryland 2018 Air Quality Litigations   | Megan Ulrich     |
| 10:40 a.m. | Maryland Methane Initiatives  | Joshua Shodeinde |
| 11:00 a.m. | Adjourn   |                  |

Next Meeting Dates:

March 11, 2019    June 10, 2019    September 16, 2019    December 16, 2019

11/19/18

FACTS ABOUT...  
**Amendments to COMAR 26.11.34**  
**Low Emissions Vehicle Program**

11/20/18

An update to the Low Emissions Vehicle Program to stay consistent and identical to the California regulations that are Incorporated by Reference.

### **Purpose**

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The purpose of these amendments is to update COMAR 26.11.34.02 Incorporation by Reference to reflect the changes made to the California regulations since their last update.

### **Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)**

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The amendments pertaining to the Low Emissions Vehicle Program will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's State Implementation Plan (SIP).

### **Background**

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Vehicles sold in the United States must be certified under one of two certification programs: the federal program (Tier 3) or the California program (the Clean Car Program). Section 177 of the Clean Air Act Amendments of 1990 provides states the ability to adopt the California program in lieu of the federal program as long as the adopted state program is identical to the California program and the state allows two model years lead time from adoption to implementation.

The Maryland Clean Cars Act of 2007 required the Maryland Department of the Environment (MDE) to adopt regulations implementing the California Clean Car Program (also referred to as the California Low Emissions Vehicle Program-CAL LEV) in Maryland. Maryland's implementing regulations adopted, through incorporation by reference, the applicable California regulations. The Cal LEV program is a dynamic, changing program in which many of the relevant California regulations are continuously updated. To retain California's standards, Maryland must remain consistent with their regulations, hence when California updates its regulations, Maryland must reflect these changes by amending our regulations.

The proposed changes have been approved by the California Air Resources Board on September 28, 2018 and are in the process of being adopted by the Office of Administrative Law. The other Section 177 states are in the process of adopting these changes as well. The proposed regulatory changes approved by the California Air Resources Board require Maryland to update the Incorporation by Reference section. These updates will have minimal, if any, impact on the cost or implementation of the program in Maryland.

## Sources Affected and Location

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These amendments apply to automobile manufacturers that produce new motor vehicles for sale in Maryland. All vehicle types that have a gross vehicle weight rating of less than 14,000 pounds are affected.

## Requirements

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The proposed amendments update Maryland's program requirements to be consistent with California's program requirements. This action is necessary since some of the California regulations that are incorporated into the Maryland regulation have been updated since 2017.

The update to the California regulations is the removal of the "deemed to comply" provision as it regards to the greenhouse gas emission (GHG) requirements under the current Environmental Protection Agency's (EPA) GHG regulations under 40 CFR Parts 85, 86, and 600. In 2012, California adopted regulations that allowed vehicle manufacturers that complied with the (EPA) GHG regulations to be "deemed to comply" with California's requirements. Essentially this allowed vehicle manufacturers to only need to comply with the EPA's requirement in order to meet California's requirement. In August of 2018, EPA proposed changes to weaken the national GHG program.

California has removed the "deemed to comply" provision of its regulations due to the potential weakening of EPA's GHG regulation. This California regulatory change will require vehicle manufacturers to now demonstrate compliance with California's GHG regulation independent of EPA's GHG regulation. This will ensure that the GHG reductions, that California and the other Section 177 states are relying on, will meet Maryland's State goals of reducing greenhouse gas emissions by 40 percent by 2030 as set forth in the Greenhouse Gas Reduction Act of 2016.

This proposed action will be requested as an Emergency Action in order for the implementation and continued compliance to be credited and continuous into 2019 and remain consistent with California's enforcement ability. Emergency status is effective for 180 days. A formal adoption process with a public hearing is proposed in order to seamlessly transition the emergency approval to a final effective state regulation.

## Projected Emission Reductions

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There are no projected emission reductions associated with this update. This update only ensures that the emission reductions already agreed upon by California, the Section 177 states as well as the auto manufacturers when developing California's GHG program will still provided.

## Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public

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No additional burden or cost is expected as a result of these amendments. These amendments will have no economic impact on the Department. They will also have no impact on the Motor Vehicle

Administration's registration, data management, and dealer oversight activities related to this program.

### **Economic Impact on Small Businesses**

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The proposed amendments will not impact small business, because they will not change the stringency of current regulations.

### **Is there an Equivalent Federal Standard to this Proposed Regulatory Action?**

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Yes, the EPA's national GHG emission standards for light-duty vehicles apply to the same types of vehicles under 40 CFR Parts 85, 86, and 600. The California standards are currently equivalent to and aligned with the federal program. California and the other Section 177 States, including Maryland, adopted a compliance provision to allow vehicle manufactures to meet the California Clean Cars GHG requirements by complying with the EPA GHG requirements. However, EPA has proposed to alter the national GHG standards. The proposed amendments incorporate the current compliance provision requirements as codified by California and removes conflict if EPA's national GHG standards are altered as proposed.

### **Documents to be Incorporated by Reference**

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Two existing reference documents will have a new adopted date with California's adoption. The two changes occur under COMAR 26.11.34.02.B #(6) & #(7)

Two Documents to be incorporated:

Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as [effective October 8, 2015] *adopted on September 28, 2018*

Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.3 Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as [effective December 31, 2012] *adopted on September 28, 2018*

# **Title 26 DEPARTMENT OF THE ENVIRONMENT**

## **Subtitle 11 AIR QUALITY**

### **Chapter 34 Low Emissions Vehicle Program**

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103, Annotated Code of Maryland

#### **.02 Incorporation by Reference.**

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1)–(5) (text unchanged)

(6) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.2 Exhaust Emission Standards and Test Procedures-2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as [effective October 8, 2015] *adopted on September 28, 2018*.

(7) Title 13, California Code of Regulations (CCR), Division 3, Chapter 1, Article 2, §1961.3 Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as [effective December 31, 2012] *adopted on September 28, 2018*.

(8)–(79) (text unchanged)

11/14/2018

## FACTS ABOUT...

### **Amendments to the Vehicle Emissions Inspection Program (VEIP) under COMAR 11.14.08**

A joint action of Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA) and the Maryland Department of the Environment (MDE).

#### **Purpose**

The purpose of these amendments is to modernize and enhance the Vehicle Emissions Inspection Program (VEIP) to improve motorist convenience while minimizing the impact on air quality. This action delays the initial VEIP inspection date for new vehicles and exempts heavy duty vehicles that cannot undergo the on board diagnostics (OBD) test, thereby establishing an OBD-only VEIP. The enhancements improve customer service, and allow Marylanders to benefit from recent air quality progress in the State.

The amendments delay the initial VEIP inspection for new vehicles by one year. Currently, new vehicles undergo a VEIP test at three years of age. The amendments change the initial VEIP inspection date to at least 48 months after the vehicle's model year.

The amendments also exempt heavy duty vehicles weighing 8,501 to 14,000 lbs. prior to model year 2008, and 14,001 to 26,000 lbs. prior to model year 2013 from VEIP inspections. These heavy duty vehicles were designed and manufactured without OBD systems, and are quickly being retired from Maryland's vehicle population. Model year 2013 and newer vehicles weighing 14,001 to 26,000 lbs that are currently idle tested will become subject to the more comprehensive OBD test. The OBD test is currently conducted on 1996 and newer light duty vehicles and 2008 and newer heavy duty vehicles 8,501 to 14,000 lbs. This proposed action will conclude the outdated procedure of idle testing, and will allow Maryland to further streamline operations with the implementation of OBD-only testing.

In addition, existing regulations are being amended to enhance and clarify the VEIP, and make stylistic and technical corrections.

#### **Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)**

These amendments will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Maryland's State Implementation Plan.

## **Background**

VEIP has been a cornerstone air quality program in Maryland for three decades. Several key programs and advancements in technology have resulted in much cleaner air in Maryland since VEIP began in 1984. These improvements in air quality allow Maryland to move forward with the current customer service enhancements to the VEIP.

There have been several advancements in vehicle technology since the VEIP program started. New vehicle emission standards have grown dramatically more stringent and vehicles now maintain the lower emissions levels over a longer period of time. VEIP testing methods have also grown more advanced. Computerized OBD testing is now possible on the vast majority of vehicles in Maryland. This type of testing is much more thorough, while much less complicated to perform than older test types.

Additionally, other key programs in Maryland have resulted in substantial improvements in air quality. Maryland has implemented aggressive pollution controls on Maryland power plants, cars and trucks, and many other sources. These controls have been very effective towards attaining and maintaining air quality standards. Maryland currently complies with the fine particulate standard statewide and is extremely close to meeting the new ozone standard that will begin to be implemented in the next year. There are also other emerging opportunities to further clean the air with electric vehicles, other “Zero Emission Vehicles” and other technological advances on emission controls for many other mobile sources.,

## **Sources Affected and Location**

Approximately 1.5 million vehicles are inspected in the VEIP annually. In fiscal year 2020, it is expected that the initial inspection would be delayed by one year for approximately 101,257 new vehicles, and a similar number in future years. An estimated 19,425 pre-OBD heavy duty vehicles would become exempt in 2020 as the final step toward implementing OBD-only testing.

## **Emissions**

The air quality impact from the proposed action is expected to be negligible. The U.S. EPA supports the proposed amendments.

## **Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public**

These enhancements will provide on-going economic benefits to the public by reducing the amount of inspection fees paid. The economic benefit to the public and corresponding loss in revenue to MDOT MVA for fiscal year 2020 (September 1, 2019 start date) is an estimated \$2,353,708. MDOT MVA will experience a net loss of about \$2,293,367 because of the fee reductions. Cost savings to the public and loss in revenues to MDOT MVA would continue thereafter under this regulation change. The proposed action is not expected to have significant economic impact on any other

entity, including MDE.

**Economic Impact on Small Businesses**

The proposed action would have minimal economic impact on small businesses that are vehicle repair facilities due to potentially fewer vehicles requiring repairs.



11.14.08 (COMAR online October 18, 2018)

## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 14 MOTOR VEHICLE ADMINISTRATION — VEHICLE INSPECTIONS

#### Chapter 08 Vehicle Emissions Inspection Program

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, and 2-301—2-303; Transportation Article, §§12-104(b), 23-202(a), 23-206.2, 23-206.4, and 23-207; Annotated Code of Maryland

**.01 Scope and Applicability.**

A. Scope. The Vehicle Emissions Inspection Program requires all subject vehicles to be inspected biennially as scheduled by the [Motor Vehicle] Administration.

B. Applicability. (1) (text unchanged)

(2) Table 1. *On Board Diagnostics* Test [Procedure] Applicability.

[

	Gross Vehicle Weight (pounds)	Vehicle Model Year	Test Type
a)	8,500 and under		
		1996 and newer	On-board diagnostics test
b)	8,501—14,000	1977—2007	Idle exhaust emissions test, catalytic converter check, and gas cap leak test
		2008 and newer	On-board diagnostics test
c)	14,001—26,000	1977 and newer	Idle exhaust emissions test, catalytic converter check, and gas cap leak test

]

	<i>Gross Vehicle Weight (pounds)</i>	<i>Vehicle Model Year</i>
a)	<i>8,500 and under</i>	<i>1996 and newer</i>
b)	<i>8,501—14,000</i>	<i>2008 and newer</i>
c)	<i>14,001—26,000</i>	<i>2013 and newer</i>

**.02 Incorporation by Reference.**

In this chapter, the following documents are incorporated by reference:

- A. Clean Air Act, 42 U.S.C §7521, §7525, §7541, and §7545, [January 3, 2006,] as amended;
- B. 40 CFR §85.1902(d), [July 1, 2005,] as amended;
- C. 40 CFR §85.2207, [July 1, 2007, ] as amended;
- D. 40 CFR §85.2222, [July 1, 2007, ] as amended;
- E. 40 CFR §85.2231, [July 1, 2007, ] as amended; and
- F. 40 CFR Part 51, Subpart S, [July 1, 2007, ] as amended.

**.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Administration" means the *Maryland Department of Transportation* Motor Vehicle Administration [of the Maryland Department of Transportation].

(2) (text unchanged)

(3) "Audit" means a periodic quality assurance check, performed by the Administration or the Department, on equipment, records, and personnel regulated under this chapter.

(4) "Auditor" means an employee *or designee* of the Administration or the Department who performs audits.

(5) "Certificate" means a vehicle inspection report issued *electronically or on paper* by the [contractor, a fleet inspection station, or the] Administration *or a designee of the Administration*, which certifies that:

(a)—(b) (text unchanged)

(6) "Certified emissions repair facility" means a business certified by the Department which:

(a) (text unchanged)

(b) Meets the requirements of [Regulation .18] *Regulation .19* of this chapter.

(7) "Contractor" means a business under contract with the State to operate and manage the vehicle emissions inspection [stations] *program*.

(8)—(14) (text unchanged)

(15) "Emissions standard" means a requirement that [limits the quantity, quality, rate, or concentration of emissions from a vehicle] *relates to the operation or maintenance of a motor vehicle to assure continuous emissions reduction*.

(16) (text unchanged)

(17) "Fleet inspection station" means an establishment licensed by the Department to perform certain emissions inspections [and that is either:

(a) An establishment that owns or operates at least 25 vehicles subject to this chapter; or

(b) A dealer with annual sales of at least 25 vehicles subject to this chapter.

(18) "Gross vehicle weight rating (GVWR)" means the total vehicle weight, including load, as designated by the vehicle manufacturer.

(19) "Highway" has the meaning stated in Transportation Article, §11-127, Annotated Code of Maryland].

[(20)] (18)—[(21)] (19) (text unchanged)

[(22)] (20) "Inspector" means [an employee of the contractor who performs emissions inspections at a vehicle emissions inspection station, or a master certified emissions technician who performs emissions inspections at a fleet inspection station] *a person authorized to perform official vehicle emissions inspections under this chapter*.

[(23)] (21) "Master certified emissions technician" means an individual who meets the provisions of [Regulation .17] *Regulation .18* of this chapter.

[(24)] (22)—[(26)] (24) (text unchanged)

(25) *Motorist assistance center* means a resource center operated by the contractor that provides technical emissions-related repair guidance to motorists and vehicle repair technicians.

[(27)] (26)—[(28)] (27) (text unchanged)

(29) "Period of permitted operation" means the period beginning with the Wednesday on or before an initial inspection failure and ending 17 weeks after the Wednesday on or before the initial inspection failure.

(30) "Qualified hybrid vehicle" has the meaning stated in Transportation Article, §23-202(b)(3)(i), Annotated Code of Maryland.]

[(31)] (28) (text unchanged)

[(32)] "Referee inspection" means an emissions inspection conducted by the Administration or the Department for the purpose of resolving disputes or gathering data.]

[(33)] (29) (text unchanged)

[(34)] "Remote sensing equipment" means equipment capable of measuring vehicle exhaust emissions as the vehicle is driven past the equipment.]

[(35)] "Sample dilution" means an inspection result where an exhaust sample contains less than 6 percent carbon monoxide plus carbon dioxide, preventing a valid idle exhaust emissions test, as described in 40 CFR Part 51, Subpart S.]

[(36)] (30)—[(37)] (31) (text unchanged)

[(38)] "Vehicle emissions inspection program customer service representative" means an employee of the Administration or the contractor who is assigned to a vehicle emissions inspection station and who is responsible for processing waiver applications, issuing waivers, and resolving technical issues and differences.]

[(39)] (32) "Waiver [certificate]" means a [certificate which indicates] *determination made by the Administration or a designee of the Administration that [a vehicle has met] the [waiver] provisions set forth in Regulation [.06] .07 of this chapter have been met*.

[(40)] (33) (text unchanged)

**.04 Exemptions.**

A. (text unchanged)

B. Exempt vehicles include the following vehicles:

[(1) Before October 1, 2012, a qualified hybrid vehicle;]

[(2)] (1)—[(3)] (2) (text unchanged)

[(4) A motorcycle registered] (3) *Registered* as a Class D motorcycle;

[(5)] (4)—[(13)] (12) (text unchanged)

[(14) Not self-propelled] (13) *Registered as a Class R low speed vehicle*;

[(15)] (14)—[(16)] (15) (text unchanged)

[(17)] (16) Of a gross vehicle weight of 8,500 pounds or less and a model year earlier than 1996; [or]

(17) *Of a gross vehicle weight of 8,501 through 14,000 pounds and model year earlier than 2008*;

(18) *Of a gross vehicle weight of 14,001 through 26,000 pounds and model year earlier than 2013*;

(19) *A specially produced motor vehicle exempted under 42 USC §7525(a)*; or

[(18)] (20) (text unchanged)

#### **.05 Schedule of the Program.**

A. (text unchanged)

B. Schedule for Vehicle Inspection.

(1) The Administration shall assign each vehicle required to be inspected a date of scheduled inspection for each inspection cycle, and shall send a notice to the vehicle owner [approximately 8 weeks] before the assigned date.

(2) A vehicle owner shall present the vehicle for a scheduled inspection after receipt of notification, but not later than the date of scheduled inspection. [Presenting the vehicle for inspection at any other time does not alter the date of a future scheduled inspection.]

(3) (text unchanged)

(4) New Vehicles.

[(a) Qualified Hybrid Vehicles. On or after October 1, 2012, for a qualified hybrid vehicle of the current or preceding model year that has not been previously titled or registered in any jurisdiction and for which the ownership document is a manufacturer's certificate of origin, the Administration shall assign a date of scheduled inspection which is at least 36 months after the model year of the vehicle.]

[(b) Except as required in §B(4)(a) of this regulation, for] *For* a vehicle [of the current or preceding model year] that has not been previously titled or registered in any jurisdiction and for which the ownership document is a manufacturer's certificate of origin, the Administration shall assign a date of scheduled inspection which is at least [36] 48 months after the model year of the vehicle.

(5) (text unchanged)

(6) Transfer of Ownership. If a vehicle undergoes transfer of ownership within the emissions inspection area, the Administration shall [establish a] *transfer the* date of scheduled inspection upon vehicle registration *if at least 6 months remain in the inspection cycle*.

(7) (text unchanged)

[(8) Vehicles Owned or Leased by the Federal Government. A department, agency, or instrumentality of the federal government with jurisdiction over any property or facility within the emissions inspection area shall provide to the Administration, in a format approved by the Administration:

(a) A list of all vehicles at each property or facility which are required to be inspected under this chapter;

(b) Information on any additions or deletions to the list by the end of the calendar quarter in which the additions or deletions occurred; and

(c) An updated list biennially.]

[C. On-Highway Emissions Test.

(1) The owner of a vehicle which fails to meet on-highway emissions test standards, as specified in Regulation .09F of this chapter, upon two occasions in a 2-year period, shall present the vehicle for an out-of-cycle inspection at a vehicle emissions inspection station as scheduled by the Administration, unless the vehicle:

(a) Is scheduled for inspection under §§A and B of this regulation within 6 months from the date of the second on-highway emissions test failure;

(b) Has failed an inspection and is operating during the period of permitted operation; or

(c) Has been issued a waiver certificate for the assigned inspection cycle.

(2) An out-of-cycle inspection required under §C(1) of this regulation does not alter the schedule for vehicle inspection specified in §§A and B of this regulation.]

[D.] C. (text unchanged)

[E.] D. Reinspection.

(1) The owner of a vehicle which has failed an inspection shall present the vehicle for reinspection on or before the [end of the period of permitted operation] *date of scheduled inspection, or, if applicable, the extension expiration date* and after emissions-related repairs have been performed on the vehicle.

(2) The vehicle owner shall provide documentation, in a form prescribed by the Administration, indicating all of the following information for the vehicle:

(a) The *emissions-related* repairs which were performed;

(b) By whom the *emissions-related* repairs were performed; and

(c) (text unchanged)

(3) A vehicle presented for reinspection without the documentation required in [§E(2)] §D(2) of this regulation [shall] *will* be rejected from reinspection.

[F.] E. (text unchanged)

#### **.06 Certificates.**

##### **A. General Requirements.**

[(1)] During each inspection cycle, a vehicle inspected under this chapter shall be issued a certificate that indicates the inspection status of the vehicle [for the inspection cycle] *in a manner prescribed by the Administration.*

[(2)] Except for a waiver certificate, which may only be issued by the contractor or the Administration, a certificate may be issued by the contractor, a fleet inspection station, or the Administration.

(3) For a vehicle inspected at a vehicle emissions inspection station, the Contractor shall issue a certificate which contains the following information:

- (a) The inspection station number, test lane number, and inspector identification number;
- (b) The date of inspection;
- (c) The inspection start time and end time;
- (d) The vehicle identification number (VIN);
- (e) The license plate number, if applicable;
- (f) The gross vehicle weight rating, for a vehicle other than a passenger vehicle;
- (g) The vehicle model year and vehicle make;
- (h) The odometer reading;
- (i) The category of inspection performed (initial inspection, first reinspection, or subsequent reinspection);
- (j) The fuel type of the vehicle;
- (k) The overall pass/fail status for the inspection;
- (l) The idle exhaust emissions test pass/fail status for hydrocarbons, carbon monoxide, and sample dilution, if applicable;
- (m) The exhaust emissions measurements and the applicable standards for hydrocarbons and carbon monoxide, if applicable;
- (n) The pass/fail status for the catalytic converter check, if applicable;
- (o) The pass/fail status for the gas cap leak test, if applicable;
- (p) The pass/fail status for the on-board diagnostics test and stored on-board diagnostics fault codes, if applicable;
- (q) The valid through date; and
- (r) Other information the Administration or the Department may specify.

(4) For a vehicle inspected at a fleet inspection station, the fleet inspection station shall issue a certificate in a form and content established by the Administration and the Department.

(5) A vehicle owner shall ensure that the most recent certificate is carried at all times in the vehicle for which it was issued.]

**B. Pass Certificate.** If a vehicle [inspected at a vehicle emissions inspection station] meets all applicable standards [specified in Regulation .09] of this chapter during an inspection, the vehicle is considered to be in compliance for the assigned inspection cycle, and [the contractor] shall [issue] *be issued* a pass certificate which includes a statement certifying that the inspection was performed in accordance with the provisions of this chapter.

##### **C. Fail Certificate.**

[(1)] If a vehicle [inspected at a vehicle emissions inspection station] does not meet all applicable standards [specified in Regulation .09] of this chapter during an inspection, the vehicle is considered not to be in compliance and [the contractor] shall [issue] *be issued* a fail certificate which includes the following information:

(a) —(b) (text unchanged)

[(2)] A vehicle issued a fail certificate may be operated through the period of permitted operation.

(3) A person may not operate a vehicle after the end of the period of permitted operation unless a pass certificate or a waiver certificate has been issued for the vehicle or the vehicle owner has been granted a time extension.]

##### **[D. Waiver Certificate.**

(1) The owner of a vehicle for which a fail certificate has been issued may apply to the Administration for a waiver from inspection standards for the assigned inspection cycle if all of the following requirements are met:

- (a) All applicable warranty coverage has been used, or the vehicle manufacturer or a dealer has issued written denial of the warranty coverage provided for vehicles by the Clean Air Act, 42 U.S.C. §7541;
- (b) The vehicle has received emissions-related repairs appropriate to the cause of inspection failure, and the repairs have been performed by a recognized repair technician;
- (c) Emissions control devices have not been tampered with or removed, and the vehicle has not been misfueled; and
- (d) The owner satisfies the requirements of State law, except for provisions which are superseded by federal law.

(2) The vehicle owner shall submit proof of expenditures for repairs with the waiver application in a form and content acceptable to the Administration. Repair costs, including parts and labor, are limited to only those repairs necessary to bring the vehicle into compliance with applicable emissions standards, and do not include costs:

- (a) Determined to be necessary to correct tampering with or the removal of an emissions control device, or to repair damage resulting from misfueling; or
- (b) Associated with the repair or replacement of the exhaust system or any of its components.

(3) The Administration or the contractor shall evaluate each waiver application, examine the vehicle for verification of repairs and the presence of required emissions control devices, and may issue a waiver certificate if the owner has acted in good faith to bring the vehicles into compliance with the provisions of this chapter.

(4) The Administration may grant a time extension to a waiver applicant so that additional repairs may be obtained, or to adequately evaluate and verify the contents of the waiver application.

(5) A waiver certificate is valid until the next date of scheduled inspection.

(6) Senior Citizens.

(a) A waiver certificate may be granted to a vehicle owner who is 70 years old or older at the time of the scheduled inspection for a vehicle that is driven 5,000 miles or less per year.

(b) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the age requirement.

(c) All information provided by the vehicle owner is subject to verification by the Administration.

(7) Disabled Persons.

(a) A waiver certificate may be granted to the owner of a vehicle for which special registration plates have been issued under Transportation Article, §13-616, Annotated Code of Maryland, and which is driven 5,000 miles or less per year.

(b) In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the disability requirements.

(c) All information provided by the vehicle owner is subject to verification by the Administration.]

#### **.07 Waivers.**

##### **A. Repair Waiver.**

(1) *The owner of a vehicle for which a fail certificate has been issued may apply to the Administration for a waiver from inspection standards for the assigned inspection cycle if all of the following requirements are met:*

(a) *All applicable warranty coverage has been used, or the vehicle manufacturer or a dealer has issued written denial of the warranty coverage provided for vehicles by the Clean Air Act, 42 U.S.C. §7541;*

(b) *The vehicle has received emissions-related repairs appropriate to the cause of inspection failure, and the repairs have been performed by a recognized repair technician;*

(c) *Emissions control devices have not been tampered with or removed, and the vehicle has not been misfueled; and*

(d) *The owner satisfies the requirements of State law, except for provisions which are superseded by federal law.*

(2) *The vehicle owner shall submit proof of expenditures for repairs with the waiver application in a form and content acceptable to the Administration. Repair costs, including parts and labor, are limited to only those repairs necessary to bring the vehicle into compliance with applicable emissions standards, and do not include costs:*

(a) *Determined to be necessary to correct tampering with or the removal of an emissions control device, or to repair damage resulting from misfueling; or*

(b) *Associated with the repair or replacement of the exhaust system or any of its components.*

(3) *The Administration or the contractor shall evaluate each waiver application, examine the vehicle for verification of repairs and the presence of required emissions control devices, and may issue a waiver if the owner has acted in good faith to bring the vehicles into compliance with the provisions of this chapter.*

(4) *The Administration may grant a time extension to a waiver applicant so that additional repairs may be obtained, or to adequately evaluate and verify the contents of the waiver application.*

*B. A waiver is valid until the next date of scheduled inspection.*

*C. Senior Citizens. As provided in Transportation Article, §23-206.2(b), Annotated Code of Maryland:*

(1) *A waiver may be granted to a vehicle owner who is 70 years old or older at the time of the scheduled inspection for a vehicle that is driven 5,000 miles or less per year.*

(2) *In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the age requirement.*

(3) *All information provided by the vehicle owner is subject to verification by the Administration.*

*D. Disabled Persons. As provided in Transportation Article, §23-206.2(a), Annotated Code of Maryland:*

(1) *A waiver may be granted to the owner of a vehicle for which special registration plates have been issued under Transportation Article, §13-616, Annotated Code of Maryland, and which is driven 5,000 miles or less per year.*

(2) *In the case of more than one owner of a vehicle, all owners listed on the vehicle title must meet the disability requirements.*

(3) *All information provided by the vehicle owner is subject to verification by the Administration.*

#### **[.07].08 Extensions.**

A.—C. (text unchanged)

*D. Military Duty. The Administration may grant a time extension, due to active military duty, for a vehicle owned by an individual, provided that:*

(1) *All vehicle owners listed on the vehicle title produce documentation acceptable to the Administration that:*

(a) *The vehicle is located out of state due to active duty status; or*

(b) *All vehicle owners are located out of state due to active duty status; and*

(2) *All documentation is subject to verification by the Administration.*

#### **[.08].09 Enforcement.**

A. (text unchanged)

B. If the vehicle is not issued a pass certificate, a waiver [certificate], or an extension on or before the date of scheduled inspection or, if applicable, the [end of the period of permitted operation] *extension expiration date*, a notice of suspension of registration shall be forwarded to the vehicle owner of record by the Administration. The notice shall:

(1)—(2) (text unchanged)

C. (text unchanged)

**[.09] .10 On-Board Diagnostics Test Standards.**

**[A. Idle Exhaust Emissions Test.**

(1) A vehicle shall fail if sample dilution occurs.

(2) Hydrocarbon (HC) and carbon monoxide (CO) emissions may not exceed the following values:

(a) Table 2. Gross vehicle weight greater than 8,500 pounds but less than or equal to 10,000 pounds.

	Vehicle Model Year	HC (parts per million)	CO (percent)
(i)	1977	580	7.00
(ii)	1978	550	6.70
(iii)	1979	470	5.00
(iv)	1980	350	5.00
(v)	1981	250	3.00
(vi)	1982	220	2.50
(vii)	1983	220	1.50
(viii)	1984—1990	220	1.20
(ix)	1991—1992	200	1.00
(x)	1993—1995	175	1.00
(xi)	1996—2000	125	1.00
(xii)	2001 and newer	100	0.75

(b) Table 3. Gross vehicle weight greater than 10,000 pounds:

	Vehicle Model Year	HC (parts per million)	CO (percent)
(i)	1977	650	7.00
(ii)	1978	650	7.00
(iii)	1979	650	6.50
(iv)	1980	500	6.00
(v)	1981	500	6.00
(vi)	1982	500	6.00
(vii)	1983	500	3.50
(viii)	1984—1985	440	3.00
(ix)	1986	280	2.50
(x)	1987—1992	220	1.20
(xi)	1993—1995	200	1.00
(xii)	1996—2000	125	1.00
(xiii)	2001 and newer	100	0.75

**B. Gas Cap Leak Test.**

- (1) A vehicle shall fail if the gas cap is missing, broken, or the wrong style for the vehicle.
- (2) The gas cap leak rate may not exceed 60 cubic centimeters per minute at a pressure of 30 inches of water column.

C.] On-Board Diagnostics Test.

[(1)] A.—[(2)] B. (text unchanged)

[D. On-Highway Emissions Test. On-highway emissions test standards shall be specified by the Administration and the Department.]

**[.10] .11 General Requirements for Inspection and Preparation for Inspection.**

A. Emissions Related Recall. An inspector shall reject from inspection a vehicle which has not had repairs performed as required by an emissions-related recall notice, as specified in [Regulation .05D] *Regulation .05C* of this chapter.

B. (text unchanged)

**[.11] .12 On-Board Diagnostics Test Equipment and Test Procedures.**

[A. Idle Exhaust Emissions Test.

(1) Test Equipment. Idle exhaust emission test equipment shall be approved by the Administration and the Department.

(2) Test Procedures.

(a) The inspector shall fail the vehicle if sample dilution occurs.

(b) Except as provided in §A(2)(a) of this regulation, the inspector shall conduct the idle exhaust emissions test in accordance with the procedures specified in 40 CFR Part 51, Subpart S.

B. Catalytic Converter Check. If the vehicle is required to be equipped with a catalytic converter, the inspector shall check for the presence of the catalytic converter, and fail the vehicle if a catalytic converter is not present.

C. Gas Cap Leak Test.

(1) Test Equipment. Gas cap leak test equipment shall be approved by the Administration and the Department.

(2) Test Procedures. The inspector shall remove the gas cap from the vehicle, attach the gas cap to the test equipment, perform the leak test, return the gas cap to the vehicle, and properly tighten the gas cap on the vehicle.

D. On-Board Diagnostics Test.

(1) A. Test Equipment. On-board diagnostics test equipment shall:

[(a)] (1)—[(b)] (2) (text unchanged)

[(2)] B. Test Procedures.

[(a)] (1) (text unchanged)

[(b)] (2) Except as provided in [§D(2)(a)] §B(1) of this regulation, the inspector shall conduct the on-board diagnostics test following the test procedure specified by the equipment manufacturer, and in accordance with the procedures specified in 40 CFR §85.2222.

**[.12] .13 Failed Vehicle and Reinspection Procedures.**

A. Failed Vehicle. The [inspector] *contractor* shall [refer] *provide information on the reason for the vehicle failure* to the operator of a failed vehicle [to the vehicle emissions inspection program customer service representative for further information].

B. *The contractor may refer the vehicle operator to the motorist assistance center.*

[B.] C. Reinspection.

(1) The inspector shall reject from reinspection a vehicle:

(a) For which the documentation required in [Regulation .05E(2)] *Regulation .05D(2)* of this chapter is not provided; or

(b) Which had failed with an on-board diagnostics fault code related to the catalyst or evaporative emissions control system, and the applicable readiness monitor is not set.

(2) The inspector shall collect the documentation required in [Regulation .05E(2)] *Regulation .05D(2)* of this chapter from the operator of each vehicle which is reinspected.

(3) For reinspection, the inspector shall perform the same inspection procedures as the initial inspection and apply the same inspection standards[, including the idle exhaust emissions test, catalytic converter check, and gas cap leak test, or the on-board diagnostics test, as applicable, regardless of the reason for initial failure].

**[.13] .14 Quality Assurance and Maintenance.**

A. (text unchanged)

[B. The contractor shall include the following information in the quality assurance plan:

(1) Test assurance procedures to be conducted by the contractor for each test;

(2) Periodic quality assurance check procedures and precision check procedures to be conducted by the contractor on the test equipment;

(3) For each test assurance procedure, periodic quality assurance check, and precision check conducted by the contractor, the:

(a) Primary standard to which each instrument, device, or material used for a check is traceable,

(b) Acceptable tolerance for each check,

(c) Corrective action to be taken for a check result outside of the acceptable tolerance, and

(d) Recheck procedure to follow corrective action;

(4) Maintenance procedures to be conducted by the contractor on the test equipment, which follow the equipment manufacturers' specifications at a minimum; and

(5) Record-keeping practices to be conducted by the contractor.

C. If a test assurance procedure is failed, the contractor shall record the event and void the test.

D. If a periodic quality assurance check or precision check is failed, the contractor shall record the event, automatically prevent official testing, and take immediate corrective action.]

[E.] B (text unchanged)

[F. Blind Sample Program Participation. The contractor shall participate in a nationally recognized blind gas sample program which has been approved by the Department, and shall:

(1) Analyze four samples each year;

(2) Analyze a sample once each year in each test lane; and

(3) Ensure that the blind sample vendor makes the results directly available to the Department.]

[G.] C. (text unchanged)

**[.14] .15 Vehicle Emissions Inspection Station.**

A. General Requirements.

(1)—(3) (text unchanged)

[(4) The contractor, or a person employed by the contractor for inspection station operation, may not:

(a) Engage in, or have an interest in, the operation of automotive repair facilities located within the State;

(b) Perform emissions-related repairs for compensation;

(c) Recommend specific repairs or repair facilities to owners or operators of vehicles being inspected; or

(d) Promote the sale of vehicle diagnostic or repair equipment through the vehicle emissions inspection program.]

B. Fees.

(1) The [contractor] *vehicle operator* shall [collect] *pay* the fee established in COMAR 11.11.05 [from the vehicle owner] for an initial inspection or a second or subsequent reinspection.

(2) The [contractor] *vehicle operator* shall [collect] *pay* the late fee established in COMAR 11.11.05 [from a vehicle owner] for an initial inspection *or reinspection* which is performed after the date of scheduled inspection, or *if applicable*, [for a reinspection which is performed] after the [period of permitted operation] *extension expiration date*.

(3) The [contractor] *vehicle operator* shall [collect] *pay* the fee established in COMAR 11.11.05 [from the vehicle owner] for an inspection performed but not required under this chapter.

(4) (text unchanged)

[(5) If a certificate is lost or damaged, a vehicle owner may obtain certification from the Administration as to whether the vehicle is in compliance with emissions inspection requirements. The vehicle owner shall pay the fee established in COMAR 11.11.05.]

**[.15] .16 Inspector Training and Performance Review.**

A.—B. (text unchanged)

**[.16] .17 Vehicle Data for Vehicle Repair Assistance.**

A.—B. (text unchanged)

C. The contractor shall include [the] information specified [in Regulation .06A(3) of this chapter] *by the Administration and the Department* in the report.

**[.17] .18 Master Certified Emissions Technician.**

A. Initial Application and Certification.

(1) To qualify for certification, an individual shall:

(a) (text unchanged)

(b) Demonstrate 5 years of full-time employment experience as an automotive technician performing emissions-related repairs [on on-road vehicles not powered by diesel fuel or electricity], except that an individual with 2 full years of full-time education related to the repair of on-road vehicles not powered by diesel fuel or electricity need only demonstrate 4 years of the required employment; and

(c) (text unchanged)

(2) An individual qualifying for certification may submit an application to the Department. Upon approval of the application, the Department shall provide documentation of certification. Certification is valid through the earliest of the following dates:

[(a) 3 years from the date the certification is issued;]

[(b)] (a)—[(d)] (c) (text unchanged)

B.—D. (text unchanged)

**[.18] .19 Certified Emissions Repair Facility.**

A. Initial Application and Certification.

[(1)] To qualify for certification, a person shall:

[(a)] (1)—[(b)] (2) (text unchanged)

[(c)] (3) Possess all required equipment as listed in [§D] §C of this regulation;

[(d)] (4) Pass an audit as defined in [§G] §F of this regulation; and



[(e)] (5) Employ all required personnel as listed in [§E] §D of this regulation.

[(2)] Certification under this section is valid for 3 years.]

**[B. Certification Renewal.**

(1) At least 60 days before expiration of certification, a person may apply for certification renewal. Upon approval of the completed application, the Department may extend the certification for an additional 3-year period.

(2) A certification which expires before receipt of the application by the Department may not be renewed. If a certification expires, a person may reapply according to the procedures of §A of this regulation.]

**[C.] B. Suspension, Revocation, and Denial of [Renewal of] Certification.**

(1) The Department may suspend, revoke, or deny [renewal of] a certification under any of the following conditions:

(a)—(b) (text unchanged)

(c) An audit under [§G] §F of this regulation is failed; or

(d) (text unchanged)

(2)—(4) (text unchanged)

**[D.] C. Equipment and Tool Requirements.**

[(1)] An on-board diagnostics] A certified emissions repair facility shall possess and update as required all of the following equipment and tools:

[(a)] (1) Emissions diagnostic and repair information for affected model year vehicles;

[(b) A] (2) *An on-board diagnostics scan tool [to extract fault codes from any vehicle equipped with on-board diagnostics] that meets requirements established by the Department;*

[(c)] (3)—[(g)] (7) (text unchanged)

[(2)] In addition to the equipment specified in §D(1) of this regulation, an on-board diagnostics and idle test certified emissions repair facility shall possess an exhaust emissions analyzer approved by the Department.

(3) The list of approved exhaust emissions analyzers shall be available from the Department upon request.]

**[E.] D. Personnel Requirements.**

(1) (text unchanged)

(2) A certified emissions repair facility shall employ at least one full-time master certified emissions technician at each certified emissions repair facility location and ensure that a master certified emissions technician:

(a) (text unchanged)

(b) [Fills out completely the vehicle repair form] *Provides documentation, in a form prescribed by the Administration and the Department, on the vehicle repairs performed* and certifies by signature [on the vehicle repair form] that the repairs have been performed or supervised by a certified emissions technician.

[(F.) E. (text unchanged)

**[G.] F. Audits**

(1) (text unchanged)

(2) An audit shall include:

(a) (text unchanged)

(b) Checks of record-keeping, equipment, [calibration gas,] and compliance with personnel requirements.

(3) Audit failure is cause for suspension, revocation, or denial of [renewal of] facility certification.

[(H.) G. (text unchanged)

**[.19 On-Highway Emissions Test.**

**A. General Requirements.**

(1) For on-highway emissions tests, the Contractor shall measure vehicle exhaust emissions of hydrocarbons, carbon dioxide, carbon monoxide, and oxides of nitrogen emissions.

(2) The contractor shall conduct testing in each jurisdiction in the inspection area at least once each year, or as directed by the Administration and the Department, and shall test at least 0.5 percent of the affected vehicles in each jurisdiction.

(3) The contractor shall submit the schedule of the test date, time, and location to the Administration and the Department not less than 5 days and not more than 15 days in advance of the test date.

**B. Test Procedure.** The contractor shall follow the test procedures specified by the equipment manufacturer, the Administration, and the Department.

**C. Test Equipment.** The contractor shall use remote sensing equipment which has been approved by the U.S. Environmental Protection Agency, the Administration, and the Department.

**D. Quality Assurance and Maintenance.** The contractor shall submit a quality assurance and maintenance plan for on-highway emissions testing equipment and procedures to the Administration and the Department for approval. The plan shall include test assurance procedures, periodic quality assurance checks, and, at a minimum, the maintenance procedures specified by the equipment manufacturer.

**E. Data Collection and Reporting.**

(1) The contractor shall submit a data collection and reporting plan for on-highway emissions testing to the Administration and the Department for approval. At a minimum, the contractor shall collect the following data:

(a) Vehicle exhaust emissions measurements specified in §A(1) of this regulation;

(b) The date, time, and location of the test; and

(c) The license plate number of the test vehicle.

(2) Within the time frame approved by the Administration and the Department in the data collection and reporting plan, the Contractor shall report the test data specified in §E(1) of this regulation to the Administration and the Department in a format approved by the Administration and the Department.

(3) Within 15 days after the end of the calendar year, the contractor shall submit a report of all on-highway emissions tests for the calendar year to the Administration and the Department, including, by jurisdiction, the number of vehicles tested and the dates, times, and locations of the tests.]

**.20 Fleet Inspection Station.**

A.—D. (text unchanged)

E. Inspection Fees.

(1) (text unchanged)

(2) A fleet inspection station shall pay to the contractor the fee specified in [Regulation .14B] *Regulation .15* of this chapter for an inspection or a reinspection conducted at a vehicle emissions inspection station.

(3) (text unchanged)

F. Test Equipment and Test Procedures. A fleet inspection station shall:

(1) Own or lease test equipment provided by the contractor that meets the requirements of [Regulation .11] *Regulation .12* of this chapter;

(2)—(5) (text unchanged)

G. (text unchanged)