

Georgia Department of Natural Resources
Environmental Protection Division

2 Martin Luther King Jr. Dr., Suite 1456, Atlanta, Georgia 30334
Judson H. Turner, Director
(404) 656-4713

January 16, 2014

MEMORANDUM

TO: Board of Natural Resources

FROM: Judson H. Turner, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to the Rules for Enhanced Inspection and Maintenance Chapter 391-3-20 Pertaining to Miscellaneous Changes and Updates

I request the Board's consideration of the following rule revisions:

Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

Rule 391-3-20-.01, "Definitions," is being amended by revising several definitions to parallel the Georgia Motor Vehicle Emissions Inspection and Maintenance Act, adding some new definitions due to program changes, and deleting definitions already provided in the Inspection and Maintenance Act.

Rule 391-3-20-.03, "Covered Vehicles; Exemptions," is amended to clarify specific items and update the name of a state agency.

Rule 391-3-20-.04 "Emission Inspection Procedures," is amended to clarify the inspection requirements of these rules.

Rule 391-3-20-.05, "Emission Standards," is amended to clarify the standards by removing outdated terms and adding clarifying language.

Rule 391-3-20-.06, "On-Road Testing," is amended to clarify what methods the department may use to identify vehicles producing excess emissions by adding clarifying language and by removing outdated requirements.

Rule 391-3-20-.07, "Inspection Equipment System Specifications," is amended to add clarifying terminology and use generic terms where possible.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is amended to use clarifying terminology and remove duplicate requirements found elsewhere in these rules.

Rule 391-3-20-.09, “Inspection Station Requirements,” is amended to revise or remove outdated terminology, add clarifying requirements, and use standard terminology.

Rule 391-3-20-.10, “Certificates of Authorization,” is amended to revise outdated terminology, add clarifying language, use standard terminology, and improve enforcement capabilities.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is amended to clarify this section by enumerating requirements, using standard terminology, and adding clarifying language.

Rule 391-3-20-.12, “Schedules for Emission Inspections,” is amended by adding new terminology and clarifying existing terminology.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is amended to use standard terminology, remove unnecessary language, and add clarifying language.

Rule 391-3-20-.15, “Repairs and Reinspections,” is amended to use standard terminology and clarifying language.

Rule 391-3-20-.16, “Extensions and Reciprocal Inspections,” is amended to clarify this rule by adding or modifying language to make it consistent with the I/M Act.

Rule 391-3-20-.17, “Waivers,” is amended to add clarifying language, remove obsolete terms, and update provisions.

Rule 391-3-20-.18, “Sale of Vehicles,” is amended by adding language to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties for violations of the rules.

Rule 391-3-20-.19, “Management Contractor,” is amended to update the name of a reorganized state agency.

Rule 391-3-20-.20, “Referee Program,” is amended to use standard terminology and to clarify this rule consistent with the I/M Act.

Rule 391-3-20-.21, “Inspection Fees,” is amended by deleting obsolete provisions.

Rule 391-3-20-.22, “Enforcement,” is amended by adding clarifying language and removing obsolete language.

Board of Natural Resources
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The Board was briefed on the revisions in September, 2013, and the proposed amendments were initially noticed for consideration by the Board in December. To allow time to address comments received during the public comment period, the rules were not presented at that time. The public notice was re-issued with clarifications in the synopsis and statement of rationale; no changes were made to the proposed rule language.

Please find enclosed for your review and consideration:

Page No.

- | | |
|--|--------|
| ➤ Synopsis and Statement of Rationale for the proposed amendment to Rules for Enhanced Inspection and Maintenance; | A – 4 |
| ➤ Notice of Public Hearing issued December 9, 2013; | A – 13 |
| ➤ Memorandum summarizing comments on the proposed revision; | A – 16 |
| ➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; | A – 22 |
| ➤ Proposed amendments to the Rules for Enhanced Inspection and Maintenance showing deletions with strikeouts and additions with <u>underlines</u> ; and | A – 25 |
| ➤ A proposed resolution for adopting the amendments to the rules. | A – 57 |
| . | |

I recommend adoption of the proposed amendments as presented.

JHT:JPJ:klc

Attachments

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO
RULES FOR ENHANCED INSPECTION and MAINTENANCE
CHAPTER 391-3-20**

Rule 391-3-20-.01, “Definitions,” is being amended.

Purpose: This purpose of this amendment is to update the definitions by revision, deletion or addition as necessary.

Main Features: Several paragraphs are being amended to be consistent with revisions to the Inspection and Maintenance Test Manual, to remove obsolete language, to include new definitions consistent with changes to other Inspection and Maintenance rules, to make definitions consistent with U.S. EPA definitions, to reference a new Test Manual and a new Procedures Manual, and to remove redundant language that is currently in the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.

Rule 391-3-20-.03 “Covered Vehicles; Exemptions,” is being amended.

Purpose: The purpose of this amendment is to clarify certain provisions, to update terminology to be consistent with current emission inspection technology, and to update a reference to another state agency.

Main Features: Several paragraphs are being amended to clarify terminology and make them consistent with current emission inspection technology. Subparagraph (7) is amended to change “Georgia Department of Motor Vehicle Safety” to “Georgia Department of Revenue, Motor Vehicle Division,” and to add language in case of later reorganization.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended.

Purpose: The purpose of this amendment is to provide clarification regarding inspections required by the Inspection and Maintenance Act and update it to current terminology.

Main Features: Several paragraphs are being amended to clarify terminology and to remove obsolete language. Subparagraph (2)(c) is revised to clarify the tampering inspection requirement for catalytic converters.

Rule 391-3-20-.05, “Emission Standards,” is being amended.

- Purpose:** The purpose of this amendment is to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.
- Main Features:** Several subparagraphs are being amended to clarify terminology and to remove obsolete language. Subparagraph (2)(a)2. is revised to remove reference to an “EPD approved emission control reference manual” which is obsolete. Subparagraphs (2)(b)3. and (2)(d) are revised to be consistent with current emission testing technology.

Rule 391-3-20-.06, “On-Road Testing,” is being amended.

- Purpose:** The purpose of this amendment is to update this section based upon new technology and the needs and requirements of the department.
- Main Features:** The title of this section is being changed from “On Road Testing” to “Testing of Exhaust Emissions by Remote Sensing Technology or Other Means”. Paragraphs (2) through (8) which placed specific provisions on the Division for the implementation of a remote sensing program are removed. They are replaced with a revised Paragraph (1) that provides the Division flexibility in implementing a remote sensing or alternative program as needed to meet federal requirements.

Rule 391-3-20-.07, “Inspection Equipment System Specifications,” is being amended.

- Purpose:** The purpose of this amendment is to update terminology to be consistent, use generic terminology, and to clarify the meaning of the rule.
- Main Features:** Several paragraphs are being amended to change the generic “test system” to “Georgia Analyzer System”. Paragraph (4) is being revised to use generic terminology and clarify its meaning.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is being amended.

- Purpose:** The purpose of this amendment is to revise provisions to allow for better enforcement of the rules, to update standard terminology, and to remove a duplicate section.
- Main Features:** Several paragraphs are being amended to replace the generic “test system” with “Georgia Analyzer System” and to provide clarity. Paragraph (3) is a removed because it is duplicative of requirements contained in Rule 391-3-20-.09.

Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended.

- Purpose:** The purpose of this amendment is to provide clarification by using standard terms, to add clarifying language, and to remove unnecessary and obsolete language.
- Main Features:** Several subparagraphs are being amended or rearranged to clarify terminology, to remove obsolete language, and to replace generic terminology with specific terminology. Subparagraph (2)(a)1. and (2)(q) are added and subparagraph (2)(b) is revised to enhance the Division’s compliance and enforcement capabilities. Subparagraph (2)(k) regarding liability insurance is revised to be consistent with current insurance practices and to provide the option of having a bond instead of liability insurance. The time frame for notifying the Management Contractor when an inspector leaves employment of a station in subparagraph (2)(n) is changed from five to three days.

Rule 391-3-20-.10, “Certificates of Authorization,” is being amended.

- Purpose:** The purpose of this amendment is to clarify the requirements in this rule, make them consistent with current practice, and improve the Division’s ability to properly enforce the Inspection and Maintenance rules.
- Main Features:** Several paragraphs are being amended to clarify terminology and to remove obsolete language. A requirement is added to Paragraph (4) that requires renewal applications be submitted at least 30 days prior to expiration to allow sufficient time for processing. The 10-day time limit for maintaining utilities at a sold station in Subparagraph (5)(b) is removed so that the Management contractor can complete a close-out audit in the event that it takes more than 10 days. Paragraph (6) is amended to clarify that a new owner must obtain a Certificate of Authorization prior to operating the station. Subparagraph (7) is revised to improve the Director’s ability to deny a renewal when there is sufficient cause.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is being amended.

- Purpose:** The purpose of this amendment is to clarify the requirements of this section by removing obsolete terms, updating language, and adding necessary requirements.
- Main Features:** Several paragraphs are being amended to clarify terminology, to remove obsolete language, and to revise the rule to be consistent with standard operating procedures in order to enhance enforcement capabilities. Subparagraph (1)(a) is re-written to clarify inspector requirements. Paragraph (5) is re-written to be consistent with current procedures. The inspector address change notification is changed from thirty days to the

next business day in Paragraph (8). A portion of Paragraph (9) is moved to new Paragraph (10) and existing Paragraph (10) [now Paragraph (11)] is revised to provide clarification.

Rule 391-3-20-.12, “Schedules for Emission Inspections,” is being amended.

Purpose: The purpose of this amendment is to clarify and update the requirements.

Main Features: Several paragraphs are being amended to clarify terminology. The term “time extension” is added to the rule to refer to time extension provisions already contained in the rules.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is being amended.

Purpose: The purpose of this amendment is to update this section and add clarification.

Main Features: Several paragraphs and subparagraphs are being amended to clarify terminology.

Rule 391-3-20-.15 - “Repairs and Reinspections,” is being amended.

Purpose: The purpose of this amendment is to clarify terminology and use standardized terms.

Main Features: Several paragraphs are being amended to clarify terminology.

Rule 391-3-20-.16, “Extensions and Reciprocal Inspections,” is being amended.

Purpose: The purpose of this amendment is to make the rule consistent with the Inspection and Maintenance Act.

Main Features: A new Paragraph (4), regarding extension lengths is added to be consistent with the Inspection and Maintenance Act.

Rule 391-3-20-.17, “Waivers,” is being amended.

Purpose: The purpose of this amendment is to use standardized terminology, eliminate obsolete provisions, and to specify the requirements for obtaining waivers consistent with current procedures.

Main Features: Subparagraph (2)(c) is added to specify the requirements for receipts submitted to qualify for a repair waiver. Other paragraphs and subparagraphs are revised to standardize terminology and eliminate obsolete provisions.

Rule 391-3-20-.18, “Sale of Vehicles,” is being amended.

Purpose: The purpose of this amendment is to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties.

Main Features: Paragraph (1), is being amended by specifying a civil penalty of up to \$5000.00 per day. The Division already has the authority under 12-9-55(g) to pursue civil penalties of \$5,000 per day for violations of any requirement of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act (i.e., the Act) and Rules, including the car sales provision.

Rule 391-3-20-.19, “Management Contractor,” is being amended.

Purpose: The purpose of this amendment is to reflect a reorganization of state agencies.

Main Features: Paragraph (2), is amended to change “Georgia Department of Motor Vehicle Safety” to “Georgia Department of Revenue, Motor Vehicle Division,” and to add language in case of later reorganization.

Rule 391-3-20-.20, “Referee Program,” is being amended.

Purpose: The purpose of this amendment is to make it consistent with the Inspection and Maintenance Act and to update terminology.

Main Features: Paragraph (5) is revised to be consistent with the Inspection and Maintenance Act. Other paragraphs are revised to include the term “Georgia Analyzer System”.

Rule 391-3-20-.21, “Inspection Fees,” is being amended.

Purpose: The purpose of this amendment is to remove obsolete provisions.

Main Features: Paragraph (3) is revised to eliminate obsolete language.

Rule 391-3-20-.22, “Enforcement,” is being amended.

Purpose: The purpose of this amendment is to remove obsolete wording.

Main Features: The reference to the Division’s Enforcement Policy in Paragraph (1) is removed.

STATEMENT OF RATIONALE
Rules for Enhanced Inspection and Maintenance

Rule 391-3-20-.01 – Definitions

The basis of this rule is to provide definitions for terms used in the Enhanced Inspection and Maintenance Rules, Chapter 391-3-20. The purpose of this revision is to 1) revise definitions to be consistent with federal definitions; 2) revise definitions to be consistent with the Georgia Motor Vehicle Emissions Inspection and Maintenance Act ; and 3) add definitions needed due to advances in technology or that are missing.

This revision is administrative in nature and is in no way any more restrictive than the federal requirements. It does not incur any additional costs to the Environmental Protection Division or the regulated industry beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.

Rule 391-3-20-.03 – Covered Vehicles; Exemptions

The basis of this rule is to establish requirements for the vehicles that are required to be inspected. The requested revisions to this rule are to add clarifying language and update the name of another state agency referenced in the rule.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.04 – Emission Inspection Procedures

The basis of this rule is to establish requirements for the process of inspecting vehicles. The requested revisions are to clarify the inspection steps by removing obsolete or unnecessary language, use standardized terminology, and add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.05 – Emission Standards

The basis of this rule is to establish standards against which vehicles are to be tested. The requested revisions are to clarify the inspection standards by removing obsolete or unnecessary language, use standardized terminology, and add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.06 – On-Road Testing

The basis of this rule is to provide for on-road testing of vehicles for program evaluation. The requested revisions remove the requirement to use remote sensing as a method of identifying high polluting vehicles while allowing other methods to be used.

This revision is administrative in nature and is designed to reduce costs to the Environmental Protection Division. It has no effect on the regulated industry.

Rule 391-3-20-.07 – Inspection Equipment System Specifications

The basis of this rule is to establish criteria for the approval of the Georgia Analyzer System used in the inspection process. This rule sets forth the requirements of what features the Georgia Analyzer System must contain. The requested revisions are to replace non-standardized terms with established standardized terms and to add clarifying language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.08 – Quality Control and Equipment Calibration Procedures

The basis of this rule establishes the requirements that the Georgia Analyzer Systems must meet to maintain accuracy. The requested revisions are for the purpose of deleting obsolete or duplicate requirements, adding clarifying terms, and using standardized terminology.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.09 – Inspection Station Requirements

The basis of this rule is to set forth the requirements that a station must follow to maintain certification to perform emission inspections. The revisions clarify this rule by replacing obsolete terms with standardized terms, deleting obsolete terms, and adding new requirements to aid in oversight and compliance.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.10 – Certificates of Authorization

The basis of this rule is to specify by rule the requirements for becoming an authorized inspection station. The requested revisions are to remove or replace obsolete language, use standardized terms, and to add needed requirements for enforcement oversight.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.11 – Inspector Qualifications and Certification

The basis of this rule is to stipulate the qualification requirements to become a certified emissions inspector. The revisions requested clarify the rule by enumerating several existing requirements, deleting obsolete language, adding clarifying language, and replacing outdated terminology.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.12 – Schedules for Emission Inspections

The basis of this rule is to establish by rule the schedule of emission inspection for the program. The revisions clarify certain aspects and use standardized terms throughout this chapter.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.13 – Certificate of Emission Inspection

The basis of this rule is to create requirements for what the vehicle inspection report provided to the motorist must contain. Revisions requested in this rule clarify the requirements by using standardized terminology and add clarifying language.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public than are required to meet the Federal rule.

Rule 391-3-20-.15 – Repairs and Reinspections

The basis of this rule is to establish requirements for repairs and reinspections after a vehicle has failed an inspection. The requested revisions are for the purpose of clarifying the rule by replacing obsolete terminology with standardized terms and deleting or adding clarifying language.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public than are required to meet the Federal rule.

Rule 391-3-20-.16 – Extensions and Reciprocal Inspections

The basis of this rule is to specify the requirements of Georgia's emission inspection waiver requirements. The requested revisions clarify the wording by correcting some terms and adding standardized language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.17 – Waivers

The basis of this rule is to specify various requirements for obtaining an emissions inspection waiver. The purpose of this revision is to provide clarifying language by revision, deletion, and addition of standardized language. Dates that have passed are being deleted since they are obsolete.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.18 – Sale of Vehicles

The basis of this rule is to identify the requirements of those who sell vehicles in Georgia. The revision specifies a civil penalty component to the sale of vehicles in violation of the law. The Division already has the authority under 12-9-55(g) to pursue civil penalties of \$5,000 per day for violations of any requirement of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act (i.e., the Act) and Rules, including the car sales provision. The additional language is added for clarification purposes.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.19 – Management Contractor

The basis of this rule is to specify requirements of the contractors and their employees. The revision requested updates the name of a state agency referenced in the rule.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.20 – Referee Program

The basis of this rule is to specify the conditions for obtaining a referee inspection. The revisions requested standardize certain terms and delete obsolete language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.21 – Inspection Fees

The basis of this rule is to specify the fee for an inspection and the cost of the administrative fee. The fee for an inspection is due from the motorist to the inspection station. The administrative fee is due from the inspection facility to EPD. The purpose of this revision is to remove obsolete language.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

Rule 391-3-20-.22 – Enforcement

The basis of this rule is to specify various enforcement requirements for stations and inspectors. The purpose of this revision is to delete unnecessary language and add clarifying terms.

This revision is administrative in nature and does not incur any additional costs to the Environmental Protection Division or the regulated industry.

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS
TO GEORGIA'S RULES FOR ENHANCED INSPECTION AND MAINTENANCE
CHAPTER 391-3-20

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments and Additions to Georgia's Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 (hereinafter, "the proposed Inspection and Maintenance Rule Amendments"). The Director of EPD certifies that the revisions to rule 391-3-20-.01, 391-3-20-.03, 391-3-20-.04, 391-3-20-.05, 391-3-20-.06, 391-3-20-.07, 391-3-20-.08, 391-3-20-.09, 391-3-20-.10, 391-3-20-.11, 391-3-20-.12, 391-3-20-.13, 391-3-20-.15, 391-3-20-.16, 391-3-20-.17, 391-3-20-.18, 391-3-20-.19, 391-3-20-.20, 391-3-20-.21, and 391-3-20-.22 are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 182 of the federal Clean Air Act. The proposed Inspection and Maintenance Rule Amendments are described below:

Rule 391-3-20-.01, "Definitions," is being amended by revising several definitions to parallel the Georgia Motor Vehicle Emissions Inspection and Maintenance Act, adding some new definitions due to program changes, and deleting definitions already provided in the Inspection and Maintenance Act.

Rule 391-3-20-.03, "Covered Vehicles; Extensions," is amended to clarify specific items and update the name of a state agency.

Rule 391-3-20-.04 "Emissions Inspection Procedures," is amended to clarify the inspection requirements of these rules.

Rule 391-3-20-.05, "Emissions Standards," is amended to clarify the standards by removing outdated terms and adding clarifying language.

Rule 391-3-20-.06, "On-Road Testing of Exhaust Emissions by Remote Sensing Technology or Other Means," is amended to clarify what methods the department may use to identify vehicles producing excess emissions by adding clarifying language and by removing outdated requirements.

Rule 391-3-20-.07, "Inspection Equipment System Specifications," is amended to add clarifying terminology and use generic terms where possible.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is amended to use clarifying terminology and remove duplicate requirements found elsewhere in these rules.

Rule 391-3-20-.09, “Inspection Station Requirements,” is amended to revise or remove outdated terminology, add clarifying requirements, and use standard terminology.

Rule 391-3-20-.10, “Certificates of Authorization,” is amended to revise outdated terminology, add clarifying language, use standard terminology, and improved enforcement capabilities.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is amended to clarify this section by enumerating requirements, using standard terminology, and adding clarifying language

Rule 391-3-20-.12, “Schedules for Emission Inspections,” is amended by adding new terminology and clarifying existing terminology.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is amended to use standard terminology, remove unnecessary language, and add clarifying language.

Rule 391-3-20-.15, “Repairs and Reinspections,” is amended to use standard terminology and clarifying language.

Rule 391-3-20-.16, “Extensions and Reciprocal Inspections,” is amended to clarify this rule by adding or modifying language to make it consistent with the I/M Act.

Rule 391-3-20-.17, “Waivers,” is amended to add clarifying language, remove obsolete terms, and update provisions.

Rule 391-3-20-.18, “Sale of Vehicles,” is amended by adding language to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties for violations of the rules.

Rule 391-3-20-.19, “Management Contractor,” is amended to update the name of a reorganized state agency.

Rule 391-3-20-.20, “Referee Program,” is amended to use standard terminology and to clarify this rule consistent with the I/M Act.

Rule 391-3-20-.21, “Inspection Fees,” is amended by deleting obsolete provisions.

Rule 391-3-20-.22, “Enforcement,” is amended by adding clarifying language and removing obsolete language.

This notice, together with an exact copy of the proposed Inspection and Maintenance Rule Amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://gaepd.org/environet/20> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested

by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Inspection and Maintenance Rule Amendments, a public hearing will be held at 3:30 p.m. on January 9, 2014, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on January 10, 2014. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354. If you choose to email your comments, please include the words "Inspection and Maintenance" in the subject line to help ensure that your comments will be forwarded to the correct staff.

The proposed Inspection and Maintenance Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on January 31, 2014, at the Southeast Georgia Conference Center, 3700 Altama Avenue, Brunswick, Georgia 31520. The meeting is open to the public.

The Inspection and Maintenance Rule Amendments are proposed for adoption pursuant to authority contained in Georgia Motor Vehicle Emissions Inspection and Maintenance Act (O.C.G.A. Section 12-9-40 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Judson H. Turner, Director

January 13, 2014

M E M O R A N D U M

To: Judson H. Turner, Director
Environmental Protection Division

From: Keith Bentley, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Periods
Regarding Proposed Revision to Enhanced Inspection & Maintenance
Chapter 391-3-20

On September 27, 2013, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20. The proposed changes included the following rules:

Rule 391-3-20-.01, “Definitions,” is being amended by revising several definitions to parallel the Georgia Motor Vehicle Emissions Inspection and Maintenance Act, adding some new definitions due to program changes, and deleting definitions already provided in the Inspection and Maintenance Act.

Rule 391-3-20-.03, “Covered Vehicles;Exemptions,” is amended to clarify specific items and update the name of a state agency.

Rule 391-3-20-.04 “Emission Inspection Procedures,” is amended to clarify the inspection requirements of these rules.

Rule 391-3-20-.05, “Emission Standards,” is amended to clarify the standards by removing outdated terms and adding clarifying language.

Rule 391-3-20-.06, “On-Road Testing,” is amended to clarify what methods the department may use to identify vehicles producing excess emissions by adding clarifying language and by removing outdated requirements.

Rule 391-3-20-.07, “Inspection Equipment System Specifications,” is amended to add clarifying terminology and use generic terms where possible.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is amended to use clarifying terminology and remove duplicate requirements found elsewhere in these rules.

Rule 391-3-20-.09, “Inspection Station Requirements,” is amended to revise or remove outdated terminology, add clarifying requirements, and use standard terminology.

Responses To Comments

Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20

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January 13, 2014

Rule 391-3-20-10, “Certificates of Authorization,” is amended to revise outdated terminology, add clarifying language, use standard terminology, and improve enforcement capabilities.

Rule 391-3-20-11, “Inspector Qualifications and Certification,” is amended to clarify this section by enumerating requirements, using standard terminology, and adding clarifying language.

Rule 391-3-20-12, “Schedules for Emission Inspections,” is amended by adding new terminology and clarifying existing terminology.

Rule 391-3-20-13, “Certificate of Emission Inspection,” is amended to use standard terminology, remove unnecessary language, and add clarifying language.

Rule 391-3-20-15, “Repairs and Reinspections,” is amended to use standard terminology and clarifying language.

Rule 391-3-20-16, “Extensions and Reciprocal Inspections,” is amended to clarify this rule by adding or modifying language to make it consistent with the I/M Act.

Rule 391-3-20-17, “Waivers,” is amended to add clarifying language, remove obsolete terms, and update provisions.

Rule 391-3-20-18, “Sale of Vehicles,” is amended by adding language to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties for violations of the rules.

Rule 391-3-20-19, “Management Contractor,” is amended to update the name of a reorganized state agency.

Rule 391-3-20-20, “Referee Program,” is amended to use standard terminology and to clarify this rule consistent with the I/M Act.

Rule 391-3-20-21, “Inspection Fees,” is amended by deleting obsolete provisions.

Rule 391-3-20-22, “Enforcement,” is amended by adding clarifying language and removing obsolete language.

A public hearing was held on October 28, 2013 at 3:30 p.m. in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. To allow sufficient time to consider the comments received, the rules were not presented to the Board in December as published in the notice. Comments received during the first public comment period, which ended November 1, 2013, are summarized in the attached document. Minor changes in the Synopsis/Statement of Rationale were determined necessary to clarify the purpose of certain proposed amendments. No changes were made to the proposed amendments.

Responses To Comments

Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20

Page Two

January 13, 2014

A second public notice was issued on December 9, 2013 and another public hearing held at 3:30 p.m. on January 9, 2014, No comments were received during the comment period ending January 10, 2014.

No changes to the proposed amendments are recommended.

KB:JK:klc

**Responses to Comments Received During the Public Comment Period
September 27, 2013 through November 1, 2013
Proposed Revisions to Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20**

On September 27, 2013, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20. Oral and written comments were received during the public comment period. The oral comments were identical to the written comments. A public hearing was held at 3:30 p.m. on October 28, 2013, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of November 1, 2013, are summarized in this memo.

Comments were received from Lea Kirschner, General Counsel for the Georgia Auto Dealers Association; Steve Everett of Langdale Ford, Valdosta; Bill Daniel of Vanden Dealerships, Savannah; Randy Dickerson, Industry Advisory Board; Ken Meissner, Dekra Emission Check and Industry Advisory Board; Lenn Primm, Emission Quick and Industry Advisory Board; and Rich Parlontieri of Speed Emissions during the public comment period. A summary of the comment is followed by EPD's response.

Comment

Ms. Lea Kirschner, General Counsel for the Georgia Auto Dealers Association, questioned the statutory authority of the Board to add a financial penalty to rule 391-3-20-.18 (1) "Sale of Vehicles".

EPD Response

EPD already has the authority under O.C.G.A. § 12-9-55(g) to pursue civil penalties of \$5,000 per day for violations of any requirement of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act (i.e., the Act) and Rules, including the car sales provision. The civil penalty language was added to the vehicle sale section (391-3-20-.18) for clarification purposes.

Comment

A comment was received from Ms. Lea Kirschner, General Counsel for the Georgia Auto Dealers Association, regarding the sales of a vehicles in Savannah to students attending school in the Savannah area but needing a registration in the 13-county Atlanta area subject to the Inspection and Maintenance program. Ms. Kirschner indicated that it would be very difficult for seller and the student to get a required inspection to comply with the requirements.

EPD Response

Under this scenario, Rule 391-3-20-.16(1) "Extensions and Reciprocal Inspections" provides for out of area extensions for college students as long as an application and supporting documentation are submitted and approved.

Comment

Comments were received from Mr. Steve Everett of Langdale Ford, Valdosta, and Mr. Bill Daniel of Vaden Dealerships, Savannah, that adding a civil penalty to car sales that do not have a passing certificate because the automobile dealer is far outside the area and can't reasonably get an emissions test seems a bit harsh. Automobile dealers in extreme areas of Georgia work at a disadvantage for internet sales since they can't provide a valid passing certificate at the time of sale like a dealer close to Atlanta can.

EPD Response

The civil penalty language was added to the vehicle sale section 391-3-20-.18 for clarification purposes only. The Act already has a provision for these penalties in O.C.G.A. § 12-9-55(g). The Act operates uniformly throughout the state as required by O.C.G.A. 12-9-44 "Uniformity and Scope of Application of Article" and, therefore, so do the Rules. The Act stipulates the requirements of selling a vehicle in O.C.G.A. 12-9-54 "Sale of Vehicle".

Comment

Comments were received from Mr. Randy Dickerson representing the Industry Advisory Board, Mr. Ken Meissner of Dekra Emission Check and the Industry Advisory Board, Mr. Lenn Primm, owner of Emissions Quick, and Mr. Rich Parlontieri, owner of Speed Emissions, Inc., that the inspection fee allowed of \$10 to \$25 is not changing while the cost of doing business has increased, which is causing stations to not make as much profit. Some inspection stations that have been in the program for a long time may have to go out of business.

EPD Response

This comment is not relevant to the changes proposed in this rulemaking process. EPD is tasked with ensuring the air in Atlanta meets the National Ambient Air Quality Standards as required by Federal regulations. EPD established the current I/M program to help accomplish that task. The inspection fee allowed is stipulated in the Act [O.C.G.A. § 12-9-46(a)(9)].

Comment

Comments were received from Mr. Lenn Primm, owner of Emissions Quick, and Mr. Rich Parlontieri owner of Speed Emissions, Inc., that EPD has allowed too many stations into the program which increases competition and causes reduced profits.

EPD Response

This comment is not relevant to the changes proposed in this Rule making process. EPD cannot restrict how many stations there are in the program and must certify a station as long as it meets all the requirements. The Act does not limit, in any manner, the location or number of stations as noted in O.C.G.A. 12-9-49(c).

Comment

Comments were received from Mr. Lenn Primm, owner of Emissions Quick, that the fee for a certificate is \$4.01 which seems high and should be cut in half.

EPD Response

This comment is not relevant to the changes proposed in this rule making process.

Comment

Comments were received from Mr. Randy Dickerson representing the Industry Advisory Board that EPD raises the repair waiver limit every year but has not adjusted the emissions test fee since the program began.

EPD Response

The two fees are unrelated. EPD is required by Federal regulation 40 CFR 51.360(a)(7)(i) and by the Act [O.C.G.A §12-9-48(d)(2)] to adjust the waiver limit based upon Consumer Price Index as published by the Federal Bureau of Labor Statistics.

The Act [O.C.G.A. § 12-9-46(a)(9)] stipulates a minimum of \$10 and maximum of \$25 as the inspection fee. Emission test fees are set by individual stations within that range. The administrative fee paid to EPD by stations is set by DNR Rule, and was reduced in 2008 from \$6.95 down to \$4.02, a drop of over 42% in cost to the station.

Comment

Comments were received from Mr. Ken Meissner of Dekra Emission Check and the Industry Advisory Board that the official program signage should indicate “Test Only” or “Test and Repair” to indicate to the public whether the station makes repairs or not. This change will inform the motoring public of an unbiased inspection at “Test Only” facilities.

EPD Response

This comment is not relevant to the changes proposed in this Rule making process. Changes to the rules that require new signage are not under consideration at this time.

Comment

Comments were received from Mr. Ken Meissner of Dekra Emission Check and the Industry Advisory Board that a bond should be required to be a testing station because a bond will help fight fraud in the industry.

EPD Response

This comment is not relevant to the changes proposed in this Rule making process. Requiring a bond is not under consideration at this time.

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Judson H. Turner, Director

January 13, 2014

MEMORANDUM

TO: Judson H. Turner, Director
Environmental Protection Division

FROM: Keith Bentley, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Enhanced
Inspection & Maintenance, Chapter 391-3-20

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20 (I&M Rules). The proposed rule amendments include the following:

Rule 391-3-20-.01, “Definitions,” is being amended by revising several definitions to parallel the Georgia Motor Vehicle Emissions Inspection and Maintenance Act, adding some new definitions due to program changes, and deleting definitions already provided in the Inspection and Maintenance Act.

Rule 391-3-20-.03, “Covered Vehicles;Exemptions,” is amended to clarify specific items and update the name of a state agency.

Rule 391-3-20-.04 “Emission Inspection Procedures,” is amended to clarify the inspection requirements of these rules.

Rule 391-3-20-.05, “Emission Standards,” is amended to clarify the standards by removing outdated terms and adding clarifying language.

Rule 391-3-20-.06, “On-Road Testing,” is amended to clarify what methods the department may use to identify vehicles producing excess emissions by adding clarifying language and by removing outdated requirements.

Rule 391-3-20-.07, “Inspection Equipment System Specifications,” is amended to add clarifying terminology and use generic terms where possible.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is amended to use clarifying terminology and remove duplicate requirements found elsewhere in these rules.

Rule 391-3-20-.09, “Inspection Station Requirements,” is amended to revise or remove outdated terminology, add clarifying requirements, and use standard terminology.

Rule 391-3-20-.10, “Certificates of Authorization,” is amended to revise outdated terminology, add clarifying language, use standard terminology, and improve enforcement capabilities.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is amended to clarify this section by enumerating requirements, using standard terminology, and adding clarifying language.

Rule 391-3-20-.12, “Schedules for Emission Inspections,” is amended by adding new terminology and clarifying existing terminology.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is amended to use standard terminology, remove unnecessary language, and add clarifying language.

Rule 391-3-20-.15, “Repairs and Reinspections,” is amended to use standard terminology and clarifying language.

Rule 391-3-20-.16, “Extensions and Reciprocal Inspections,” is amended to clarify this rule by adding or modifying language to make it consistent with the I/M Act.

Rule 391-3-20-.17, “Waivers,” is amended to add clarifying language, remove obsolete terms, and update provisions.

Rule 391-3-20-.18, “Sale of Vehicles,” is amended by adding language to specify that the Division has the option to collect civil penalties as an alternative to criminal penalties for violations of the rules.

Rule 391-3-20-19, “Management Contractor,” is amended to update the name of a reorganized state agency.

Rule 391-3-20-20, “Referee Program,” is amended to use standard terminology and to clarify this rule consistent with the I/M Act.

Rule 391-3-20-21, “Inspection Fees,” is amended by deleting obsolete provisions.

Rule 391-3-20-22, “Enforcement,” is amended by adding clarifying language and removing obsolete language.

In consideration of the four actions required in the State statute for the proposed changes to the I/M Rules, we offer the following comments on the proposed rule amendments:

1. Different compliance or reporting requirements for small businesses:
Revisions to reporting requirements contained in this proposal were developed in conjunction with stakeholders, including the Industry Advisory Board, which includes some small businesses. There were no stakeholder requests for different requirements for small businesses.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
Revisions to reporting requirements contained in this proposal were developed in conjunction with stakeholders, including the Industry Advisory Board, which includes some small businesses. There were no stakeholder requests for different requirements for small businesses.
3. Performance rather than design standards for small businesses:
This issue is not germane for the proposed rule changes.
4. Exemptions for small businesses:
This issue is not germane for the proposed rule changes.

In addition, the Administrative Procedures Act requires that “...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule.”

In general, the proposed rule revisions are to provide clarification to existing rules, to update Georgia’s rules to provide consistency with Federal rules, to provide consistency with the Georgia Motor Vehicle Emissions Inspection and Maintenance Act, and to provide for better compliance with the rules. Therefore they do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.

KB:JPJ:klc

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO ENHANCED INSPECTION AND MAINTENANCE, CHAPTER 391-3-20

The Rules of the Department of Natural Resources, Chapter 391-3-20, Enhanced Inspection and Maintenance, are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-20-.01, “Definitions. Amended,” is being amended to read as follows:

391-3-20-.01 Definitions. Amended.

The following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act’s definitions control; and provided that definitions within any subsequent rule or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Act" means O.C.G.A. § 12-9-40 et seq., as amended, "The Georgia Motor Vehicle Emission Inspection and Maintenance Act."
- (b) "ASM test" means an Acceleration Simulation Mode 2525/5015 exhaust emission test as defined in the I/M Test Manual. This test shall be conducted using a chassis dynamometer. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- (c) "Calibration" means, in the case of ~~an emission analyzer~~ the Georgia Analyzer System (GAS), the process of establishing or verifying that the response curve of the ~~emission analyzer~~ GAS bench using the applicable calibration gases ~~is within the operational specifications~~. In the case of a dynamometer, "calibration" means the process of verifying that the horsepower absorbed ~~and parasitic losses~~ are within tolerances using a coast down procedure. In the case of a fuel cap tester, "calibration" means the process of verifying that the measured pressure drop over time is between the upper and lower control limits.
- (d) "Certificate" means the license issued by the Director to a person authorizing him or her to perform emission inspections in accordance with the requirements of the Act and this Chapter.

- ~~(e)~~ “Certificate of Emission Inspection” means ~~a serially numbered form indicating that a motor vehicle has been inspected in accordance with the requirements of the Act and this Chapter.~~
- ~~(e)~~ “DLC” means the data link connector for a vehicle’s on-board diagnostic system.
- ~~(f)~~ “Dedicated data transmission line” means a unique communication line identifiable by a transmitted digital identification number which allows the Vehicle Information Database or (VID) to identify the Georgia Analyzer System (GAS) unit communicating with the VID.
- ~~(f)(g)~~ “Department” means the Department of Natural Resources.
- ~~(gh)~~ “Diagnostic Trouble Codes (DTC)” means that for vehicles equipped with on-board diagnostic (OBD) computer systems, a five digit code that is associated with a specific test of the OBD system.
- ~~(hi)~~ “Director” means the Director of the Environmental Protection Division of the Department of Natural Resources.
- ~~(ij)~~ “E-Certs” means Electronic Certificates of Emission Inspection that are pre-purchased for the purpose of performing an emission inspectiontest.
- ~~(j)~~ “Emission Analyzer” means ~~a device for measuring the concentration of certain exhaust gases emitted by a motor vehicle.~~
- (k) “Emission Inspection” means all tests and inspections required by the Act, this Chapter, the I/M Inspection Procedures Manual and the I/M Test Manual, including an exhaust emission test, a fuel cap test, a tampering inspection, and an on-board diagnostic system check where applicable.
- (l) “Emission Recall Compliance Check” means ~~a determination for the existence of determining whether~~ a recall campaign has been issued by the original equipment manufacturer of a vehicles, using the procedures specified in the I/M Test Manual. ~~Subject to the availability of recall campaign information supplied by the U.S. Environmental Protection Agency and revised test system software, EPD may modify or waive this requirement.~~
- ~~(m)~~ “Enforcement Policy” means ~~the Georgia Department of Natural Resources Enhanced Inspection and Maintenance Program — I/M Enforcement Policy, dated July 28, 2006.~~
- ~~(m)~~ “E-VIN” means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.
- ~~(n)~~ “EPA Rules” means ~~40 CFR Part 51, Subpart S, including appendices, and 40 CFR Part 85, Subpart W, including appendices, as of July 1, 2004.~~
- ~~(en)~~ “EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.
- ~~(po)~~ “Exhaust Emission Test” means the determination of the amount of specified gases in a vehicle’s exhaust by use of the ASM test or the 2-speed idle test, as defined in the I/M

Test Manual. The test procedures to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

- (qp) "Fleet Vehicle" means a motor vehicle owned or leased by a person engaged in a commercial activity, utility service, or government service; or a motor vehicle offered for sale, rent, or lease at a business which is licensed to sell, rent, or lease motor vehicles.
- (rq) "Fuel Cap Test" means the determination of the ability of the fuel cap(s) to retain pressure, as defined in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- (r) "Georgia Analyzer System" (GAS) means the test system which has been certified for use in performing emission inspections in Georgia in accordance with the Act and this Chapter.
- (s) "Gas Calibration" means the calibration of ~~an emission analyzer~~ the Georgia Analyzer System by the use of a manufactured calibration gas.
- (t) "Grandfathered Vehicle" means a vehicle manufactured outside of the United States and certified to meet foreign emission standards, but which has subsequently been legally imported into the United States and is subject to the provisions of this Chapter. Such vehicles are approved by EPD to comply with alternative tail pipe emission standards for that Model Year vehicle as specified in the I/M Test Manual.
- (tu) "Gray Market Vehicle" means a vehicle which are manufactured for use outside of, and imported into, the United States ~~was not certified to meet U.S. emission standards, but which was imported into the United States under a waiver of the emission requirements.~~
- (uv) "GVWR" means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.
- (vw) "Hot Rod" means a vehicle in which the original engine has been replaced with an engine from another manufacturer, or with a different type of engine from the same manufacturer which was never installed in that model vehicle. For the purposes of this definition, a different type of engine will include engines with a different number of cylinders from any engine which was originally installed in that make of vehicle. It will not include engines of the same family, e.g., Chevrolet V8s of 283, 305, 327, 350 and 400 cubic inch displacement, nor will it include engines different from the original, but which were also installed in that make of vehicle, e.g., gasoline for diesel engine swaps in General Motors or Volkswagen vehicles, or V8 for V6 swaps where both engines were installed in that model vehicle by the manufacturer for retail sale.
- (wx) "Idle RPM" means for vehicles equipped with a manual transmission, the manufacturer's recommended engine speed with the transmission in neutral or with the clutch disengaged. For vehicles equipped with an automatic transmission, idle revolutions per minute (RPM) means the manufacturer's recommended engine speed with the transmission in neutral or park.

- (xv) "I/M Inspection Procedures Manual" means the Georgia Department of Natural Resources – I/M Inspection Procedures Manual - Phase ~~III~~IV, ~~dated September 28, 2004~~April 1, 2009.
- (yz) "I/M Test Manual" means the Georgia Department of Natural Resources Enhanced Inspection/~~and~~ Maintenance Test Equipment, Procedures and ~~Software~~ Specifications - Phase ~~III~~IV, dated September 28, 200416, 2008.
- (z) ~~"Inspection Station" means a stationary facility equipped with an EPD-approved test system, the owner of which is authorized by the Director to conduct emission inspections. An inspection station may be either a public inspection station or a fleet inspection station.~~
- (aa) "Inspector" means a person certified by the Director to perform ~~the~~ emission inspections in accordance with the requirements of the Act and this Chapter. ~~Inspectors must satisfy the requirements of this Chapter in order to be certified to perform inspections.~~
- (bb) "Kit Car" means a motor vehicle which does not utilize a chassis from a vehicle certified by the manufacturer to meet emission control standards or for which the original manufacturer's identification has been eliminated due to the replacement of the vehicle's body with one of a different make and/or style.
- (cc) "Light Duty Truck" means any motor vehicle with a GVWR of 8500 pounds or less which ~~is a light duty truck as defined by the United States Environmental Protection Agency. Pickups and vans are included in this class of vehicle.~~ has a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:
1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
 2. Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
 3. Available with special features enabling off-street or off-highway operation and use.
- (dd) "Light Duty Vehicle" means a passenger car or passenger car derivative, capable of seating 12 passengers or less ~~as defined by the United States Environmental Protection Agency.~~
- (ee) "Management Contractor" means the person, corporation or entity under contract to design and operate the data management system and to perform certain other functions ~~for the State Inspection Program~~ functions.
- (ff) "Malfunction Indicator Light (MIL)" means a light on the dashboard of newer vehicles that notifies the driver that an emission related fault has been detected and the vehicle should be repaired as soon as possible.
- (gg) ~~"Model Year" means the model year of a vehicle as designated by the vehicle manufacturer.~~

- ~~(hh)~~ “Motor Vehicle” means any contrivance propelled by power other than muscular power, used for transportation of persons or property on highways, and not operated exclusively on tracks.
- (~~gg~~) “Newer Vehicles” means vehicles with a designated model year of 1996 and up newer to the current test year.
- ~~(hh)~~ “Non-conforming Vehicle” means vehicles that were not built to standards set by the U.S. EPA.
- (~~jj~~) “Older Vehicles” means vehicles with a designated model year of ~~24 years old and newer through model year 1995~~ and older.
- (~~kk~~) “On-Board Diagnostic (OBD) System” means a computer system installed on 1996 or later model year vehicles as required by Section 202(m) of the Clean Air Act (42 U.S.C. 7521) which is designed to identify engine or primary emission control component problems which cause excessive emissions.
- (~~ll~~) “On-Board Diagnostic (OBD) System Check” means the determination of readiness codes and diagnostic trouble codes stored within the memory of the on-board diagnostic system, as specified in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- ~~(mm)~~ “Owner” means the registered owner or the individual presenting the responsible motor vehicle for the emission inspection required by the Act and this Chapter.
- (~~nn~~) “Primary Emission Control Component” means the catalytic converter, air injection system, exhaust gas recirculation system or other major component, as determined by the Director, which is installed on a vehicle primarily for the purpose of emission control.
- (~~oo~~) “Public Vehicle” means a motor vehicle that is not a fleet vehicle.
- (~~pp~~) “Recognized Repair Technician” means any person professionally engaged in vehicle repair, employed by an ongoing business whose purpose is vehicle repair or possessing a nationally recognized certification for vehicle emission related diagnosis and repair.
- (~~qq~~) “State Inspection Program” means the program of vehicle emission inspections as required by the Act and this Chapter.
- (~~rr~~) “Station Owner” means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having control of the daily operation of an inspection station and having responsibility for the emission inspections.
- (~~ss~~) “Tampering Inspection” means the determination ~~of as to whether or not~~ the catalytic converter(s) as installed by the original manufacturer has been removed from the vehicle or modified. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.
- ~~(tt)~~ “Test System” means the hardware and software necessary to perform an emission inspection, which meets the requirements of the I/M Test Manual, and has been approved by EPD.

- (uu) ~~“Test Year” means a period running from the conclusion of one vehicle registration season to the conclusion of the next year’s registration season. Test years shall be concurrent with the calendar year.~~
- (rr) “Time Extension” means any time extension as defined in section “Extensions and Reciprocal Inspections.” of these rules and issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for extending the time to comply with the emission inspection requirement.
- (~~vv~~ss) “Vehicle” means a motor vehicle.
- (tt) Vehicle Information Database (VID) means the data collection and management system for Georgia’s Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program) that contains current and historical program data. The VID is comprised of data collection tables, including the table of inspection records. The term “VID” is used to refer to the VID as a whole or to any part, e.g., Enforcement database, Audit database, Emission Inspections database, and Waiver database.
- (~~www~~uu) “Waiver” means the official form issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for obtaining a waiver of ~~waiving~~ the emission inspection requirement.
- (~~xxvv~~) “2-speed idle (TSI) test” means an exhaust emission test as defined in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

Rule 391-3-20-.03, “Covered Vehicles; Exemptions. Amended,” is being amended to read as follows:

391-3-20-.03 Covered Vehicles; Exemptions. Amended.

- (1) The requirements of this Chapter apply to the following classes of gasoline-powered responsible motor vehicles, as defined by the Act, registered or pending registration in covered counties:
 - (a) All light duty vehicles 24 model years old and newer.
 - (b) All light duty trucks 24 model years old and newer with a gross vehicle weight rating of 8500 pounds or less.
- (2) The requirements of this Chapter also apply to the following vehicles in the classes listed above which are operated in covered counties:
 - (a) Vehicles which are owned and operated by a federal or state agency, municipality or other political subdivision in a covered county.

- (b) Vehicles which are operated for 60 days or more per year on federal installations located in whole or in part in a covered county.
- (3) Vehicles which are capable of being operated on both gasoline and any alternate fuel are covered by the inspection requirements, and shall be tested on gasoline.
- (4) New vehicles are exempt from the emission inspection requirement testing until the ~~test year~~ inspection term three years following the model year of the vehicle.
- (5) EPD may require that any vehicle registered or operated in the covered counties but which is claimed to be not subject to the requirements of the State emission inspection ~~Program~~, be presented for verification that the vehicle is not subject.
- (6) For vehicles which do not have the original engine, the model year of the chassis will be considered the model year of the vehicle.
- (7) For kit cars, the model of the vehicle shall be deemed to be the model year of the vehicle as established in the vehicle registration database maintained by the Georgia Department of Revenue, Motor Vehicle Division ~~Safety~~ or its successor agency.
- (8) ~~Grandfather~~ Provisions for grandfathered vehicles, i.e., gray market vehicles, kit cars, and hot rods, and non-conforming vehicles. Owners of vehicles which qualify as gray market or non-conforming vehicles may request special inspection standards as described in Rule 391-3-20-.05(2). Such vehicles will be subject to the special inspection standards at subsequent inspections. Kit cars and hot rods which are newly registered in the covered counties after December 31, 1998, are not eligible for the special standards.
- (9) A vehicle which is otherwise subject to the provisions of this Chapter is exempt from inspection if it is driven less than 5,000 miles per year, is 10 model years old or older and the current primary registered owner is a person 65 years old or older.
- (10) No covered vehicle shall be registered in a covered county unless it has received a valid passing Certificate of Emission Inspection, a time extension or a waiver meeting all requirements of the Act and this Chapter.

Rule 391-3-20-.04, "Emission Inspection Procedures. Amended," is being amended to read as follows:

391-3-20-.04 Emission Inspection Procedures. Amended.

- (1) Prior to performing an emission inspection, the inspector shall determine whether the vehicle has leaking fluids, tires with cords exposed, is overheating, or is otherwise unsafe to ~~inspect~~ test. The inspector shall not perform an emission inspection on any vehicle which is unsafe to inspect ~~test~~.
- (2) Inspectors shall perform a complete emission inspection on any covered vehicle presented for an inspection, in accordance with the requirements of the Act, this Chapter and the procedures established in the I/M Inspection Procedures Manual including the following:

- (a) For newer vehicles.
 - 1. A tampering inspection. ~~EPD may modify or waive this portion of the emission inspection subject to the availability of test system software.~~
 - 2. An OBD system check. On occasion, when activated by EPD, the test ~~s~~Georgia Analyzer System will prompt the inspector at the conclusion of the OBD system check to perform the 2-speed idle test to collect exhaust emission data. The exhaust emission ~~data~~ data will not be used to determine Pass/Fail results of the vehicle.
 - 3. A fuel cap test.
- (b) For older vehicles.
 - 1. A tampering inspection.
 - 2. An exhaust emission test. The inspector shall perform an ASM test on all older vehicles unless otherwise provided in this Rule. The inspector shall perform a 2-speed idle test on all full-time all-wheel drive vehicles and all full-time four-wheel-drive vehicles. The inspector may perform a 2-speed idle test on vehicles equipped with traction control systems that cannot be disengaged or deactivated as identified in the EPD approved "Traction Control Chart". Inspectors shall not perform 2-speed idle tests on vehicles that have modified suspensions or are equipped with after-market tires or wheels that prevent the inspector from performing the ASM test.
 - 3. A fuel cap test.
- (c) For grandfathered vehicles.
 - 1. A tampering inspection. The inspector shall perform a tampering inspection only for those vehicles given grandfathered status by EPD that were originally equipped with a catalytic converter by the vehicle manufacturer or that have been subsequently equipped with a catalytic converter.
 - 2. An exhaust emission test. The inspector shall perform a 2-speed idle test on all vehicles that have been given grandfathered status by EPD.
 - 3. A fuel cap test.
- (3) The station owner and inspector shall take all reasonable precautions to avoid damage to vehicles during the emission inspection.
- (4) EPD may require alternate procedures for certain types or classes of vehicles when it determines that such alternate procedures are necessary to safely and effectively inspect such vehicles.

- (5) Emission inspections may be performed on any vehicle when done “at motorist’s request”, for reasons such as performing a reciprocal inspection for a motorist to meet the emission inspection requirements in his or her ~~their~~ state of residence, as allowed by the Georgia Analyzer System software. The inspection procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual.

Rule 391-3-20-.05, “Emission Standards. Amended,” is being amended to read as follows:

391-3-20-.05 Emission Standards. Amended.

- (1) An inspector shall not perform a tampering inspection, an exhaust emission test, a fuel cap test, or an OBD system check on a vehicle which:
- (a) has a missing exhaust system, or
 - (b) is unsafe to inspect~~test~~.
- (2) The inspector shall not issue a Certificate of Emission Inspection indicating an overall passing result for the emission inspection unless the inspector has inspected the vehicle in accordance with the requirements of the Act, this Chapter and the I/M Inspection Procedures Manual and the vehicle has passed the tampering inspection, the exhaust emission test, the fuel cap test, and the OBD system check where applicable.
- (a) The vehicle shall pass the tampering inspection if:
- 1. the catalytic converter(s) has not been removed or disconnected;
 - 2. no catalytic converter was installed by the original equipment manufacturer as determined from the vehicle emission control label ~~or an EPD approved emission control reference manual~~;
 - 3. in the case of a vehicle which has been converted from a single exhaust system to a dual exhaust system and a catalytic converter(s) was part of the original single exhaust system configuration, a catalytic converter has been installed in each pipe of the dual exhaust system;
 - 4. in the case of a hot rod for which either the original vehicle or the replacement engine was equipped with a catalytic converter(s), a catalytic converter(s) has been installed; or
 - 5. a catalytic converter(s) installed by the original equipment manufacturer has been removed and replaced with another catalytic converter(s).
- (b) The vehicle shall pass the exhaust emission test if:
- 1. in the case of a vehicle subject to a 2-speed idle test any simultaneous pair of values for hydrocarbons and carbon monoxide, in each mode, do not exceed the exhaust levels established in the I/M Test Manual, and the combined value for

carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual;

2. in the case of a vehicle subject to an ASM exhaust emissions test any simultaneous set of values for hydrocarbons, nitrogen oxide, and carbon monoxide do not exceed those established in the I/M Test Manual, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual; or
 - (i) ~~Phase-in standards - Vehicles which are tested or retested between July 1, 1997, and the effective date of the final standards, shall not exceed the start-up exhaust emissions standards established in the I/M Test Manual.~~
 - (ii) ~~Final Standards - Subject to confirmation of the stringency of the final cutpoints by the U.S. Environmental Protection Agency and establishment of an effective date by EPD, vehicles which are tested or retested shall not exceed the final exhaust emissions standards established in the I/M Test Manual; or~~
 3. in the case of a gray market vehicle, kit car, ~~or hot rod,~~ or non-conforming vehicle that has been given grandfathered status by EPD under this Chapter, any simultaneous pair of values for hydrocarbon and carbon monoxide, in each mode of the 2-speed idle test, do not exceed the exhaust levels established in the I/M Test Manual for 1975 model year vehicles, or for the model year of the vehicle, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual.
- (c) The vehicle shall pass the fuel cap test if:
1. the vehicle's primary fuel cap and, when equipped, one secondary fuel cap, holds pressure in accordance with the standard established by the I/M Test Manual; and
 2. where a vehicle has two or more fuel caps, each fuel cap is present.
- (d) The vehicles shall pass the OBD system check if:
1. the ~~test s~~ Georgia Analyzer System is able to communicate with the vehicle's OBD system;
 2. the MIL illuminates with the ignition key in the "on" position and the engine not running, which is known as Key On Engine Off (KOEO);
 3. the OBD system does not command the MIL to illuminate with the ignition key in the on position with the engine running;
 4. All nonexempt OBD system monitors, as specified in the I/M Test Manual, are set to "ready"; ~~and~~
 5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified in the I/M Test Manual, indicating problems with the emissions control parameters monitored by the OBD system; and

6. the MIL does not illuminate with the ignition key in the "on" position and the engine running, which is known as Key On Engine Running (KOER).

Rule 391-3-20-.06, "On-Road Testing," is being amended to read as follows:

391-3-20-.06 On-Road Testing of Exhaust Emissions by Remote Sensing Technology or Other Means.

- (1) Covered vehicles are expected to meet emission standards at all times. ~~Vehicles which appear at any time, on the basis of EPD may use remote sensing technology device readings or other methods established by the Director, to identify covered vehicles that appear to be producing exhaust emissions in excess of the applicable emission standards. EPD may notify the owner of an identified vehicle to not be meeting the appropriate emission standards may be required to be presented his or her vehicle for an emission inspection under Rules 391-3-20-.04 and 391-3-20-.05. An owner so notified by EPD must present his or her vehicle for an emission inspection within thirty (30) days.~~ Vehicles which fail such inspection shall be required to be reinspected and pass such reinspection as ~~provided for~~ required by Rule 391-3-20-.15.
- (2) ~~The Director shall establish remote sensing inspection procedures and standards which will identify vehicles that have a high probability of exceeding the emission standards in Rule 391-3-20-.05, and may establish other procedures and standards which will identify such vehicles.~~
- (3) ~~The Director shall cause to be performed annually remote sensing tests equal to at least 0.5% of the covered vehicle population. Vehicles which are identified as failing the remote sensing standards twice at any time following the vehicle's last regularly scheduled emission inspection shall be presumed to be high polluting vehicles. Owners of such presumed high polluting vehicles shall be notified by mail that their vehicle has been so identified. Notifications shall not be mailed for vehicles which: 1) have already received such a notification since the last regular emission inspection, but passed the initial on-road program reinspection or 2) received a waiver at either the last regular inspection or at a subsequent on-road program reinspection.~~
- (4) ~~Owners of vehicles receiving such a notification shall present the vehicle for an initial on-road program reinspection at any appropriate inspection station within 30 days following receipt of the notification. When notified, such vehicle owners shall coordinate the reinspection with EPD such that an EPD representative can witness the reinspection. The vehicle shall receive the full inspection that would be required for that vehicle for the test year during which the notification was sent.~~
- (5) ~~The vehicle owner shall pay the cost of the on-road program reinspection. If the vehicle passes the initial on-road program reinspection, the vehicle shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met. If the vehicle fails the initial on-road program reinspection, payment of the inspection fee shall entitle the vehicle owner to also obtain one additional free reinspection after repairs have been made.~~

- ~~(6) Vehicles failing the on-road program shall be repaired and retested as provided for by Rule 391-3-20-.15, within 30 days of the initial on-road reinspection.~~
- ~~(7) For vehicles which fail the initial on-road program reinspection.~~
- ~~(a) Vehicles that subsequently pass the on-road program reinspection shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met. However, if such vehicles are subsequently identified as high polluting vehicles by remote sensing, the requirements of this Rule shall continue to apply.~~
- ~~(b) Vehicles that receive a waiver as the result of failure to pass the subsequent on-road program reinspection(s) shall be deemed to have met the inspection requirement for the next regularly scheduled emission inspection. Such vehicles shall be given a Certificate of Emissions Inspection that indicates that this inspection requirement has been met.~~
- ~~(8) Vehicle owners shall be deemed in violation of these rules if they do not: a) obtain an on-road program reinspection within 30 days of receiving a notification under paragraph (3) of this Rule or b) either pass a reinspection or obtain a waiver within 60 days of notification.~~

Rule 391-3-20-.07, "Inspection Equipment System Specifications. Amended.," is being amended to read as follows:

391-3-20-.07 Inspection Equipment System Specifications. Amended.

- (1) Test Georgia Analyzer Systems Approval.
 - (a) EPD shall approve ~~test s~~Georgia Analyzer Systems which meet all specifications established in the I/M Test Manual. Station owners may select from any ~~test s~~Georgia Analyzer System approved by EPD. Station owners may apply for a Certificate of Authorization as a regular inspection station, which may ~~inspect~~test any covered vehicle, or a newer-vehicle-only inspection station, which may ~~inspect~~test only newer vehicles.
 - (b) Regular inspection station owners shall acquire a ~~test s~~Georgia Analyzer System which meets the OBD and ASM requirements of this Chapter and the I/M Test Manual.
 - (c) Newer-vehicle-only inspection station owners shall acquire a ~~test s~~Georgia Analyzer System which meets the OBD and 2-speed idle requirements of this Chapter and the I/M Test Manual.
 - (d) Fleet inspection station owners that ~~inspect~~test newer and older vehicles shall acquire a ~~test s~~Georgia Analyzer System which meets the OBD and ASM requirements of this Chapter and the I/M Test Manual. Fleet inspection station owners that ~~inspect~~test only newer vehicles shall acquire a ~~test s~~Georgia Analyzer System which meets the OBD and 2-speed idle requirements of this Chapter and the I/M Test Manual.

- (2) ~~Test s~~Georgia Analyzer Systems shall contain features to prevent tampering by unauthorized personnel, in accordance with the specifications contained in the I/M Test Manual. No unauthorized person shall override or circumvent or attempt to override or circumvent said anti-tampering features.
- (3) No person shall modify or install parts in a ~~test s~~Georgia Analyzer System unless such modification or installation of parts has been approved in writing by EPD.
- (4) Station owners shall acquire all available fuel cap adapters and the most recent ~~Stant~~Fuel Cap Testing Application Chart applicable to the adapters being used for those model year vehicles that are subject to this Chapter and are authorized to be inspected~~tested~~ at that station.

Rule 391-3-20-.08, "Quality Control and Equipment Calibration Procedures. Amended."
is being amended to read as follows:

391-3-20-.08 Quality Control and Equipment Calibration Procedures. Amended.

- (1) All ~~test system~~Georgia Analyzer Systems shall, at a minimum, be calibrated according to the procedures and schedules specified in the I/M Test Manual, ~~as consistent with Subpart S, Appendix A of the EPA rules, or other procedures and schedules established by the Director.~~
- (2) No person shall operate a ~~test s~~Georgia Analyzer System for the purpose of performing an emissions inspection unless the ~~test s~~Georgia Analyzer System:
 - (a) has passed all calibrations, audits, and leak checks as required in the I/M Test Manual;
 - (b) in the case of a ~~test s~~Georgia Analyzer System that is not a mobile ~~test s~~Georgia Analyzer System, is connected to the dedicated~~designated~~ data transmission line as described in 391-3-20-.09(2)(i); and
 - (c) in the case of a ~~test s~~Georgia Analyzer System that is a mobile ~~test s~~Georgia Analyzer System, is connected to the dedicated~~designated~~ data transmission line ~~as described in the I/M Test Manual~~ within 72 hours of any ~~inspection~~test performed at a fleet or car dealer location and at all times when the mobile ~~test s~~Georgia Analyzer System is located at the inspection station location identified on the Certificate of Authorization.
- ~~(3) The Director or Management Contractor shall be allowed to enter during posted business hours any establishment holding itself out as an emission inspection station in order to monitor, inspect, audit, or investigate whether the establishment is in compliance with the requirements of the Act, this Chapter, the I/M Test Manual, and the I/M Inspection Procedures Manual.~~
- (4~~3~~) Any station or ~~test s~~Georgia Analyzer System that has not performed an inspection in more than 90 days ~~three (3) months~~, shall not resume performing inspections until the Management Contractor has been contacted and a passing audit has been performed by the Management Contractor on the station's ~~test s~~Georgia Analyzer System(s).

Rule 391-3-20-.09, “Inspection Station Requirements. Amended.” is being amended to read as follows:

391-3-20-.09 Inspection Station Requirements. Amended.

- (1) Classes of stations - There shall be three classes of inspection stations: regular inspection stations, newer-vehicle-only inspection stations, and fleet inspection stations. Regular inspection stations and newer-vehicle-only inspection stations shall be public inspection stations and may inspect no more than ten (10) vehicles per year which are owned incidental to the operation of the business.
 - (a) Newer-Vehicle-Only Inspection Stations
 - 1. A newer-vehicle-only inspection station is only authorized to inspect newer vehicles. ~~No owner of a newer-vehicle-only inspection station shall cause an inspector employed by the newer-vehicle-only inspection station to inspect an older vehicle.~~
 - 2. The newer-vehicle-only inspection station owner shall post the vehicle model years the inspection station is authorized to inspect on the inspection station's State Emission Inspection Station sign.
 - (b) Regular Inspection Stations
 - 1. A regular inspection station is authorized to inspect any vehicle subject to the State Inspection Program.
 - (c) Fleet Inspection Stations
 - 1. Vehicle owners who operate a fleet vehicle may apply for a Certificate of Authorization under this Chapter to inspect their own fleet vehicles, but must meet certain additional requirements beyond those established for public regular or newer-vehicle-only inspection stations. Fleet inspection stations are only allowed to inspect fleet vehicles that they own or operate. No inspection of public vehicles is allowed by a fleet inspection station.
 - 2. Fleet inspection station owners may choose to inspect only “newer vehicles” or both “newer vehicles” and “older vehicles” depending on the composition of their fleet, and shall acquire the appropriate ~~test s~~Georgia Analyzer System(s).
- (2) General Requirements for Inspection Stations
 - (a) Persons wishing to obtain or renew a Certificate of Authorization to operate one or more inspection stations shall apply to EPD in a format established by EPD. One application must be submitted for each inspection station. Each application shall include all information required by the Director to determine that the proposed inspection station will meet the requirements of the Act and this Chapter and shall identify all persons having any ownership, amount of financial and/or operational interest in the station. Additional information that may be requested includes, but is not limited to:

1. Explicit permission of all persons having any financial or operational interest in the station, as named in the application, authorizing the director to conduct a background check, including criminal history, on the named individuals;
 - 2.4. Facility purchase or lease agreement(s);
 - 3.2. ~~Test s~~Georgia Analyzer System purchase or lease agreement(s);
 - 4.3. ~~Proof of a filed bond or a c~~Copy of accepted certificate of liability insurance application showing signature(s) of the insured;
 - 5.4. Copy of approved business license or application for same showing signature(s) of the business owner(s); and
 - 6.5. Other documents as deemed necessary by EPD to determine all persons having any ownership, amount of financial and/or operational interest in the inspection station.
- (b) A station owner shall obtain all permits and licenses necessary for the establishment of each inspection stations. The station shall conform to all applicable federal, state and local code requirements including, but not limited to, planning and building codes, carbon monoxide levels, ventilation, safety, and fire regulations. All permits, licenses, leases, and/or other requirements for the station shall be maintained for the duration of the Certificate of Authorization. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application and/or any change in the permits, licenses and/or other requirements for the station.
- (c) Mobile ~~Test~~ Georgia Analyzer Systems
1. EPD may approve a station owner to operate a mobile ~~test s~~Georgia Analyzer System only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the State Inspection Program that are owned or operated by that fleet or car dealer. A public inspection station owner with an approved mobile test system shall make all invoices submitted to fleet owners and/or car dealers for emission inspections using a mobile test system available to EPD or the Management Contractor.
 2. A station owner that has been approved to operate a mobile ~~test s~~Georgia Analyzer System at a fleet or car dealer location shall comply with all requirements for mobile ~~testing inspecting~~ as established in the I/M Test Manual~~these rules~~. A station owner that has been approved to operate a mobile ~~test s~~Georgia Analyzer System shall provide EPD ~~or the Management Contractor~~ and EPD, if directed to do so by EPD, with advance notice of scheduled ~~testing~~emission inspections of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule of ~~testing locations~~ is changed. The station owner may delete locations from the schedule of fleet or car dealer locations after 2 PM of the previous business day, but may not add fleet or car dealer locations to the schedule. EPD may approve an

alternate procedure that provides equivalent quality assurance in lieu of a submitted schedule.

3. A public inspection station owner that has received an approval to operate a mobile ~~test-s~~Georgia Analyzer System shall not perform emission inspections on public vehicles at a location other than at the public inspection station location identified on the Certificate of Authorization.
 4. ~~EPD~~ The Director may suspend or revoke the station's Certificate of Authorization if the station owner fails to comply with the requirements of subparagraph (2)(c)
- (d) Public inspection station owners shall provide an area adequate to allow four (4) vehicles per ~~inspection~~test lane to wait for an emissions inspection.
 - (e) A public inspection station owner shall display a sign approved by EPD that indicates that the facility is a State Emission Inspection Station and that shows the fee charged for performing the emission inspection. The station owner shall erect the sign in a location visible to the motoring public. All sign locations must meet State and local code requirements. Signs that are illegible, damaged or contain unapproved modifications shall be replaced with an approved sign.
 - (f) Lanes at each inspection station must be of adequate length, width, and height to accommodate all normal-sized vehicles which are presented for inspection.
 - (g) A station owner shall provide adequate protection for the ~~test-s~~Georgia Analyzer System to allow it to operate within specifications in all weather conditions. Any component of the ~~test-s~~Georgia Analyzer System, which could affects the emission inspection results, shall not be subjected to temperatures outside the manufacturer's specifications. The air intakes on the ASM ~~test-s~~Georgia Analyzer System and the vehicle being inspected shall at all times during the inspection be exposed to the same ambient temperature, pressure and humidity conditions. The station owner shall maintain all ~~test-s~~Georgia Analyzer Systems in fully operational condition.
 - (h) A public inspection station owner shall provide to its customers:
 1. a public waiting area, which will allow the motorist to observe the emissions inspection of his or her vehicle;
 2. a response to inquiries and complaints in person and over the telephone during business hours;
 3. EPD public information materials;;
 - 4.~~(i)~~ The current RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection; and
 - ~~(ii)~~ The program provided Motorist Rights Poster, and

~~5(iii)-~~ at such time that EPD provides station owners with a chart or materials pertaining to "Motorists Rights", ~~t~~The station owner shall maintain such item(s) in legible condition and either posted or made available for motorists' uninhibited viewing as directed by EPD.

(i) A station owner shall:

1. ~~notwithstanding the inspector's duty to properly perform emission inspections,~~ be ~~independently~~ responsible for all emission inspections conducted at the inspection station(s);
2. be responsible for providing adequate oversight to ensure the station and station personnel comply with the requirements of the Act, this Chapter, ~~the I/M Test Manual,~~ and the I/M Inspection Procedures Manual;
3. obtain a dedicated data transmission line for each ~~test s~~Georgia Analyzer System at the station to tie into the ~~Management Contractor's database~~VID and a regular phone line for other station business;

(i) ~~The dedicated data transmission line(s) must be set up for touch tone service and shall be maintained in working order to provide a connection(s) to the Management Contractor's database~~VID.

(ii) The dedicated data transmission line(s) shall be independent of other telecommunication lines at the station.

4. transmit all vehicle inspection data and quality assurance data that is collected to the ~~Management Contractor's database~~VID;

5. ensure that the ~~test s~~Georgia Analyzer System is connected to the data transmission line at all times, except in the case of a mobile or mobile capable ~~test s~~Georgia Analyzer System operating offsite at a fleet or car dealer location which shall be connected to the data transmission line within 72 hours of any emission inspection;

(i) Mobile capable ~~test s~~Georgia Analyzer Systems shall have the ~~test s~~Georgia Analyzer System connected at all times while being used as a non-mobile ~~test s~~Georgia Analyzer System. The mobile capable ~~test s~~Georgia Analyzer System shall be the sole communication device connected to the dedicated data transmission line while being used as a non-mobile ~~test s~~Georgia Analyzer System.

(ii) Mobile ~~test s~~Georgia Analyzer Systems shall have a separate data transmission line for each ~~test s~~Georgia Analyzer System. However, when the mobile ~~test s~~Georgia Analyzer System is not located at the inspection station location, the separate data transmission line may be used for normal telephony purposes. When the mobile ~~test s~~Georgia Analyzer System is located at the inspection station location, it must be connected to the dedicated data transmission line and remain the sole communication device connected to the dedicated transmission line until a successful data file refresh is completed.

6. collect, store and submit to the Management Contractor all repair information forms for each reinspection performed at their inspection station;
 7. obtain and maintain in legible condition an EPD-approved "Traction Control Chart" at each ~~test station~~ Georgia Analyzer System capable of performing the ASM test;
 8. obtain and maintain in legible condition an EPD-approved "OBD DLC Location Chart" at each ~~test station~~ Georgia Analyzer System capable of performing OBD system checks;
 9. obtain and maintain at all times in legible condition a current copy of the I/M Inspection Procedures Manual at each ~~test station~~ Georgia Analyzer System; and
 10. obtain and maintain in good working order a portable external cooling fan to be used for the vehicle's radiator when inspectors conduct the ASM test. The cooling fan shall produce at least 3,000 cubic feet per minute (CFM) measured at no less than one (1) foot from the fan blade or fan cage/grill.
- (j) The station owner shall pay a ~~per-paid-inspection~~ test program administration fee. This fee will be collected through the sale of E-Certs or other method determined by the Director. This fee will cover the cost to administer the program, including:
1. the services of the Management Contractor,
 2. the cost of EPD administration,
 3. the cost to affected county tax offices of monitoring vehicle registrations, and
 4. any other costs allowed by the Act ~~attributable to the program~~.
- (k) Liability Insurance
1. Inspection station owners, except fleet inspection station owners, conducting inspections only 2-speed idle tests on newer vehicles as defined in this Chapter shall provide proof of ~~\$10,000~~ \$100,000 bond or liability insurance for the period of the Certificate of Authorization.
 2. Inspection station owners, except fleet inspection station owners, conducting ASM inspection tests at all vehicles welcome stations as defined in this Chapter shall provide proof of a bond or garage owner's liability insurance, with a garage keeper's endorsement, or equivalent liability coverage in the form and amount satisfactory to the Director to ensure compensation for any damage to a vehicle during an inspection or adjustment caused by the negligence of the station or station personnel as determined and approved by the Director, for the period of the Certificate of Authorization.
 3. Inspection station owners shall notify the Management Contractor no later than the next business day upon termination of or any change in insurance coverage.

(l) Hours of Operation

1. Public inspection station owners shall post the inspection station hours of operation, including hours regularly closed for meals if applicable, on the inspection station's State Emissions Inspection Station sign. Inspection station owners shall provide emissions inspections at all times during the posted hours. Public inspection station owners may provide inspections by appointment only but shall notify the Management Contractor and indicate such on the station's State Emissions Inspection Station sign.
2. The station owner shall post a "Closed" sign over the station's State Emissions Inspection Station sign when the inspection station is closed and ~~unmanned~~unstaffed during posted hours.

(m) A public inspection station owner shall display the Certificate of Authorization issued to the inspection station pursuant to this Chapter at said inspection station in a convenient location visible to the public.

(n) Whenever an inspector ceases employment with an inspection station, either through resignation, termination, or by other means, the station owner shall notify the Management Contractor, in a format approved by EPD, in writing, within ~~five (5)~~ three (3) business days of the inspector ceasing employment.

(o) No station owner, facility owner, station personnel, or facility personnel shall interfere with EPD or the Management Contractor when they are conducting an audit of the inspection station or ~~test s~~Georgia Analyzer System(s), or when they are conducting an investigation of the emission inspection activities at a station or at any facility claiming or appearing to be an emission inspection station.

(p) During an audit of the inspection station or ~~test s~~Georgia Analyzer System(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:

1. ~~during normal business hours~~, provide prompt access to the premises, at reasonable times, where inspections are performed and to the ~~test s~~Georgia Analyzer System(s);
2. provide prompt access to all station related documents and materials necessary to complete the audit or investigation; and
3. provide prompt assistance in operating and calibrating the ~~test s~~Georgia Analyzer System(s) as necessary to facilitate the audit or investigation, or sign a release of liability that allows EPD or the Management Contractor to operate and calibrate the ~~test s~~Georgia Analyzer System(s) during the audit or investigation.

(q) The station owner shall maintain a current mailing address, telephone number and other contact information (e.g., an e-mail address) on file with EPD so that EPD may communicate with the owner on all matters regarding the station, including compliance and enforcement issues. The station owner may designate, in the station application or a written update thereto, another person to receive such communication from EPD. In

that case, the station owner shall also provide that person's contact information, will be presumed to have received all communications from EPD to the person he or she has designated, and remains responsible for compliance with the requirements of the Act, this Chapter, the I/M Test Manual, and the I/M Inspection Procedures Manual.

- (3) Additional Requirements for Fleet Inspection~~Test~~ Stations.
 - (a) The administrative fee charged to fleet inspection ~~test~~ stations shall be at least as much as the fee charged to public inspection~~test~~ stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet inspection~~test~~ stations.
 - (b) For fleets engaged in commercial activity, utility service or government service, maintenance and repair technicians employed by the fleet inspection~~test~~ station owner shall be certified in the area of Advanced Automotive Engine Diagnostic and Repair.
- (4) Quality Assurance for Fleet Vehicles.
 - (a) EPD or the Management Contractor may require fleet inspection stations and mobile ~~test~~ inspection stations while on-site to re-inspect randomly selected fleet or car dealer vehicles to verify that emissions inspections are being performed properly.
 - (b) EPD may require fleet inspection~~test~~ stations and mobile ~~test~~ inspection stations to install a video camera surveillance system on the ~~test~~ sGeorgia Analyzer System to record all emissions inspections. ~~The video camera surveillance system shall be operated and maintained in accordance with the procedures established in the I/M Test Manual.~~

Rule 391-3-20-.10, "Certificates of Authorization. Amended.," is being amended to read as follows:

391-3-20-.10 Certificates of Authorization. Amended.

- (1) The Director shall issue a Certificate of Authorization to the station owner if the station owner has demonstrated to EPD that the inspection station for which the application has been submitted meets all requirements of the Act, this Chapter and the I/M Test Manual.
- (2) The Certificate of Authorization shall allow the station owner to operate an inspection station as described in its application.
- (3) The Director may suspend or revoke a Certificate of Authorization as authorized by the Act.
- (4) Unless suspended, revoked, or the station is closed-out, the Certificate of Authorization shall be valid for two years. A station owner may apply for renewal of the Certificate by submitting a complete application at least 30 days prior to the expiration of the existing Certificate.
- (5) Upon the sale of an inspection station, or the discontinuation of emission inspections, the station owner named on the Certificate of Authorization shall:

- (a) provide not less than five (5) days notice to the Management Contractor ~~of prior to the~~ change in ownership or the discontinuation of emissions inspections;
- (b) maintain the dedicated data transmission line(s) to the ~~Management Contractor's database~~ VID and electrical power to the ~~test s~~ Georgia Analyzer System until such time as the Management Contractor performs a close-out audit ~~but for not more than 10 days after the date emissions inspections were discontinued;~~ and
- (c) make arrangements to provide a free reinspection to motorists which are eligible for a free reinspection under this Chapter.
- (6) A Certificate of Authorization is only valid for the owner and location for which it is issued. A Certificate of Authorization shall not be assigned, transferred, or used by any other person, business or entity, other than as shown on the Certificate of Authorization. A Certificate of Authorization shall not be assigned, transferred, or used at any location other than the location shown on the Certificate of Authorization. Upon a change in ownership of an inspection station, the new owner(s) must apply for and receive a new Certificate of Authorization prior to operating the station.
- (7) The Director may deny issuance or ~~renewal~~ reissuance of a Certificate of Authorization for cause including, but not limited to, ~~the inspection station's and it's inspector's compliance history for the preceding four years~~ the compliance history of the inspection station, its inspectors, its employees and all persons having any ownership, financial and/or operational interest in the station.

Rule 391-3-20-.11, "Inspector Qualifications and Certification. Amended.," is being amended to read as follows:

391-3-20-.11 Inspector Qualifications and Certification. Amended.

- (1) No person shall perform an emission inspection, or any part of an emission inspection, or issue a Certificate of Emission Inspection, unless he or she: ~~has completed the appropriate EPD-approved training program for the type of inspection they will be performing, obtained training on the proper operation of inspection equipment from the manufacturer of the test system that will be used to perform the emission inspections and passed a written and hands-on test of proficiency, and he or she holds a valid Certificate as a certified emission inspector issued by the Director.~~
- (a) has submitted an Inspector Certification Application to EPD in a format established by EPD. The application shall include all information required by the Director to determine that the applicant meets the requirements of the Act and this Chapter. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application.
- (b) has obtained the age of 18 prior to attending the inspector training class;
- (c) has completed the appropriate EPD-approved training program for the type of inspection he or she will be performing;

- (d) has obtained training on the proper operation of inspection equipment from the manufacturer of the Georgia Analyzer System that will be used to perform the emission inspections;
 - (e) has passed a written and hands-on test of proficiency, and,
 - (f) holds a valid Certificate as a certified emission inspector issued by the Director.
- (2) The EPD-approved training program will include information on:
 - (a) air pollution, its causes and effects;
 - (b) the purpose and functions of the State Inspection Program;
 - (c) inspection regulations and procedures, including technical details and the rationale for their design;
 - (d) emission control devices, their functions, configuration, identification and inspection;
 - (e) ~~test equipment~~ Georgia Analyzer System operation, calibration and maintenance;
 - (f) quality control procedures and their purpose;
 - (g) public relations; and
 - (h) safety and health issues related to inspections.
 - (3) Inspectors must demonstrate knowledge and proficiency in proper inspection procedures. Inspectors must pass (with 80% correct answers) a written test on all aspects of the training. Inspectors must also pass a hands-on test by demonstrating that they can perform all parts of the inspection correctly.
 - (4) The Director shall issue a Certificate and one Inspector picture ID card to inspectors who satisfactorily complete the EPD-approved training program and pass the written and hands-on tests. Certificates may be suspended or revoked at any time, after notice and offer of a hearing, for failure to conduct inspections properly or to otherwise comply with the Act or this Chapter. The ~~e~~Certificate shall authorize the inspector to ~~inspect~~test newer vehicles only, or shall authorize the inspector to ~~inspect~~test all vehicles. Inspectors who have been issued a ~~e~~Certificate to perform emission inspections ~~on~~of newer vehicles only shall not perform an emission inspection on older vehicles.
 - (5) Unless suspended, ~~or~~ revoked or voluntarily surrendered, a Certificate issued by the Director is valid for two years. ~~The Director shall reissue the Certificate upon the inspector's successful completion of an EPD-approved retraining program and passing the written test.~~
 - (a) An inspector may apply for renewal of the Certificate by submitting a complete application at least 30 calendar days prior to the expiration of his or her existing Certificate.

- (b) The Director shall renew the Certificate upon the inspector successfully completing an EPD approved retraining program and passing the written test.
- (6) No inspector shall perform an emissions inspection unless he or she is ~~they~~ wearing his or her ~~their~~ EPD-issued Inspector picture ID card in a clearly visible location on his or her ~~their~~ front upper body area. Replacement of a lost, missing, damaged or illegible ID card is the responsibility of the inspector at a ~~the~~ replacement cost of twenty-five dollars (\$25.00) ~~to be paid to the Management Contractor.~~
- (7) No inspector shall hold, or attempt to fraudulently obtain two (2) or more valid Certificates. However, an inspector may apply for a Certificate to inspect ~~test~~ all vehicles while holding a Certificate to inspect ~~test~~ newer vehicles only.
- (8) Whenever an inspector, after applying for and receiving a Certificate, ~~shall move~~ moves from the address listed in his or her application, the inspector shall notify the Management Contractor of his or her change of address in writing within no later than the next business day ~~thirty (30) days~~. The address in the application or as changed ~~updated~~ by the inspector shall serve as the address for any and all notice required by law.
- (9) No person shall use a certified emission inspector's personal access code to perform any part of an emission inspection. No certified emission inspector shall use the ~~another~~ certified inspector's personal access code of another certified emission inspector to perform any part of an emission inspection. ~~Inspectors shall not divulge or authorize the use of his or her personal access code by other persons. Inspectors shall be held responsible for all inspections performed by any person using his or her personal access code.~~
- (10) An inspector shall not divulge or authorize the use of his or her personal access code by any other person(s). An inspector shall be held responsible for all inspections performed by any person using his or her personal access code.
- (10)(11) ~~Whenever an inspector changes employment from one inspection station to another or ceases performing emissions inspections, the inspector shall notify the Management Contractor in writing within five (5) business days. Before an inspector may perform emissions inspections at a station, the Management Contractor must allow the inspector access to the test system(s) at the station. Inspectors must notify the Management Contractor at least three (3) business days before they begin employment at a given station, and no later than the next business day when they cease employment at a station.~~
- (44)(12) The Director may deny issuance or renewal ~~reissuance~~ of a Certificate for cause, including, but not limited to, the inspector's compliance history ~~for the preceding four years.~~

Rule 391-3-20-.12, "Schedules for Emission Inspections. Amended.," is being amended to read as follows:

391-3-20-.12 Schedules for Emission Inspections. Amended.

- (1) The inspection term shall be annual.
- (2) All covered vehicles must have a current passing Certificate of Emission Inspection, ~~or a~~ time extension, or waiver to obtain a vehicle registration each year. A passing Certificate of Emission Inspection, time extension, or a-waiver shall be valid for no ~~less~~ more than twelve (12) months and shall be used for no more than one registration renewal by the same owner, except as provided herein.
- (3) Vehicles not subject to 391-3-20-.18, which are purchased or obtained by a resident of a covered county, must receive a passing Certificate of eEmission iInspection, time extension, or a-waiver prior to being registered in a covered county. This inspection shall be performed within thirty (30) days of purchasing or obtaining the vehicle. Persons newly establishing residence in a covered county must receive a passing Certificate of eEmission iInspection, time extension, or waiver for their covered vehicle(s) within thirty (30) days of establishing residence in the covered county.
- (4) For vehicles which are inspected under paragraph (3), if the vehicle's next registration renewal date is less than 12 months after the date of the passing Certificate of eEmission iInspection, time extension, or waiver, that ~~Certificate inspection, time extension,~~ or waiver shall be valid for the current registration and for the next registration renewal by the same owner.

Rule 391-3-20-.13, "Certificate of Emission Inspection. Amended.," is being amended to read as follows:

391-3-20-.13 Certificate of Emission Inspection. Amended.

- (1) Inspectors shall provide the motorist or owner of a vehicle which has received an emission inspection a Certificate of Emission Inspection. The Certificate shall be in a form approved by EPD and printed by the ~~test s~~ Georgia Analyzer System such that the information on the Certificate is sharp, clear, legible, and suitable for copying. The Certificate shall include:
 - (a) the Vehicle Identification Number;
 - (b) the license plate number and state;
 - (c) the vehicle make and model year;
 - (d) the inspection date and time;
 - (e) the inspection type (initial, after-repairs reinspection);
 - (f) the inspection fee;
 - (g) vehicle odometer reading;
 - (h) fuel type;

- (i) the ~~inspection test~~ results for the exhaust emission test with engine RPM or on board diagnostic check, fuel cap test, and tampering inspection, ~~and on-board diagnostic check (where applicable)~~;
 - (j) the applicable standards;
 - (k) the pass or fail status for each test, and for the complete emission inspection;
 - (l) the vehicle engine size and number of cylinders;
 - (m) the ~~i~~Inspection ~~s~~Station's name, physical address, public access telephone number, and Certificate of Authorization ~~n~~Number;
 - (n) Certificate of Emission Inspection number;
 - (o) the ~~i~~Inspector's Certificate ~~N~~number, name, and signature; and
 - (p) any other information required by EPD.
- (2) In the case of a vehicle that fails the emission inspection, ~~and~~ in addition to the failing Certificate of Emission Inspection, the inspector shall provide to the vehicle owner:
- (a) information on the possible availability of warranty emission system repairs and information provided by EPD or the Management Contractor on repairs which may be useful in repairing failed vehicles. Subject to the availability of this information supplied by the U.S. Environmental Protection Agency, and revised test system software, EPD may modify or waive this requirement;
 - (b) a repair information form. This form, provided by EPD, the Management Contractor or the ~~test s~~Georgia Analyzer System shall include a checklist of common repairs and spaces for the repair technician to insert: his or her name; the business name, address, and telephone number; and the cost of repairs; and
 - (c) the current RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection.
- (3) Station owners shall purchase E-Certs from EPD or the Management Contractor at a price established by this Chapter. The method for fee collection and E-Cert distribution shall be as established by ~~the Director~~EPD.

Rule 391-3-20-15, "Repairs and Reinspections. Amended.," is being amended to read as follows:

391-3-20-.15 Repairs and Reinspections. Amended.

- (1) Owners of vehicles which fail any portion of the emission inspection shall have necessary maintenance and repairs performed. Vehicles which are brought to an

inspection station operated by the same owner as the station which performed the original inspection within 30 days of an inspection failure, will be given one reinspection at no additional charge. If any additional reinspections are required to pass the inspection requirement, another inspection fee shall be charged. This fee will cover one reinspection and, if required, one additional reinspection.

- (2) Owners of vehicles presented for reinspection shall present a completed repair information form. No reinspection, whether paid or unpaid, shall be performed unless the repair information form has been completed and submitted to the inspection station. The repair information form should be completed by the repair facility which repaired the vehicle or by the vehicle owner. The information from the form shall be entered into the ~~Management Contractor's database~~VID by the inspector performing the reinspection.
- (3) ~~Repairs of failed vehicles~~ by the owner or other persons who are not recognized repair technicians ~~are~~is permitted; however, the cost of such repairs, except repairs to primary emission control components, shall not be counted toward a waiver for any 1980 or ~~later~~newer model year vehicle.
- (4) Except as noted, reinspections shall consist only of the failed portions of the previous inspection, i.e., exhaust, fuel cap, tampering, OBD, provided the previous inspection results are retrieved electronically by the ~~test s~~Georgia Analyzer System. For an exhaust emission reinspection, the vehicle must pass the inspection for all required pollutants (HC, CO, NO_x). For an OBD system reinspection, the vehicle must pass the complete OBD system ~~inspection check~~.
- (5) Vehicles which pass the reinspection will receive a passing Certificate of Emission Inspection.
- (6) A station owner that is not the owner of the inspection station which performed the previous initial inspection or paid after-repairs reinspection may perform a free after-repairs reinspection provided the free after-repairs reinspection is performed within 30 days of the previous inspection, and the previous inspection was a paid inspection.
- (7) When the inspector is presented with a vehicle for a reinspection, the inspector shall verify that the vehicle being submitted for the reinspection matches the vehicle specified on the previous failing Certificate of Emission Inspection and on the repair information form.
- (8) No station owner or inspector shall charge the motorist or vehicle owner for an after-repairs reinspection, unless a new E-Cert is used and a new Certificate of Emission Inspection is issued containing a new number. The number of any previously issued Certificate of Emission Inspection shall be used only for a reinspection that is free of charge to the motorist or vehicle owner and only in accordance with the requirements of this Chapter.

Rule 391-3-20-.16, "Extensions and Reciprocal Inspections. Amended," is being amended to read as follows:

391-3-20-.16 Extensions and Reciprocal Inspections. Amended.

- (1) Owners of vehicles which are temporarily stationed in a location which is outside the covered counties, and which cannot obtain a reciprocal inspection by another State's emission inspection program, or be easily brought to the covered counties for inspection may request an extension of time to comply. Each request for an extension shall include current proof that the vehicle and owner are stationed outside the covered counties, e.g., military orders, school registration or other documentation acceptable to EPD. Extensions may be granted for up to one year.
- (2) Vehicles stationed outside the covered counties may comply with the inspection requirement by passing a reciprocal emission inspection from an inspection program approved by the U.S. Environmental Protection Agency.
- (3) Extensions may be granted by EPD, the Management Contractor or an authorized agent of EPD.
- (4) Extensions are valid for no more than one inspection term and shall be used for no more than one registration renewal.

Rule 391-3-20-.17, "Waivers. Amended.," is being amended to read as follows:

391-3-20-.17 Waivers. Amended.

- (1) Vehicles which fail a reinspection despite expenditures over a set dollar amount on appropriate repairs and which have met certain other criteria may be granted a waiver from complying with the inspection requirements for that registration period. Expenditures must be reasonable costs as determined by the Director.
- (2) In order to obtain a waiver the following criteria must have been met:
 - (a) Repair Costs:
 1. An expenditure of at least \$450 must have been made on qualifying repairs after the vehicle fails the initial inspection~~test~~. The \$450 level will be adjusted each year to reflect the change in the Consumer Price Index after 1989. A new level is effective at the start of each test year inspection term and will be determined by ~~the Division~~EPD in accordance with the requirements of 12-9-48(d)(2) of the Georgia Motor Vehicle Emission Inspection and Maintenance Act. For vehicles which otherwise qualify for waivers based on a prior calendar test year inspection term, the waiver limit shall be that prior year's level of qualifying repairs.
 2. ~~No~~The cost ~~for~~ labor performed by a vehicle owner in the repair of his or her own vehicle shall ~~not~~ be applied toward the repair waiver amount, except that a fleet owner may apply the actual cost of labor and parts, excluding any and all overhead costs, toward the waiver amount.
 - (b) Receipts for these expenditures shall be submitted by the vehicle owner. Vehicle owners shall present the vehicle for which the waiver is requested to an authorized waiver inspection facility for verification of waiver eligibility. This verification shall include

an inspection of the vehicle to confirm that reported repairs have been performed and to assess possible reasons for the vehicle's failure to meet the emission inspection requirements.

(c) Receipts for parts and labor expenditures being considered for a repair waiver shall be submitted on preprinted repair forms from a licensed business that performs emissions repairs to qualify. Repair forms shall adequately describe the vehicle by indicating, at a minimum, the VIN of the vehicle and shall also indicate date of service.

1. Vehicles must have qualifying repair receipts that are dated not more than 30 days prior to the initial failing inspection for the current registration cycle;
2. Repair receipts shall only be used to obtain a single waiver.

~~(e)~~(d) Qualifying repairs do not include:

1. repair or replacement of tampered emissions control equipment, ~~after December 31, 1998;~~
2. ~~for 1980 and later model vehicles,~~ repairs performed by persons other than a recognized repair technician, except for repairs to primary emissions control components;
3. repairs that are unrelated to emissions performance or are inappropriate for the type of test failure.

~~(d)~~(e) Motorists must utilize emission performance warranty coverage. If the vehicle is within the age and mileage limitations of the federal Clean Air Act warranty provisions contained in Section 207(b), the owner must present a written denial of warranty coverage from the manufacturer or authorized dealer.

~~(e)~~(f) Repairs shall have produced a reduction in emission of pollutants which ~~were~~ failed during the previous initial inspection. Reinspection exhaust emission levels for pollutants which originally passed shall not exceed the relevant standards.

(f)g Waivers shall be issued by EPD, the Management Contractor or an authorized agent of EPD. Before issuing a waiver, the issuer shall verify that receipts for qualifying repairs equaling or exceeding the established waiver amount have been submitted and that the vehicle is otherwise qualified to receive a waiver.

(3) Waivers are valid for no ~~less~~ more than twelve (12) months and shall be used for no more than one registration ~~renewal~~.

Rule 391-3-20-18, "Sale of Vehicles. Amended.," is being amended to read as follows:

391-3-20-18 Sale of Vehicles. Amended.

- (1) No person shall sell any responsible motor vehicle, as defined by the Act, intended for highway use without a currently valid passing Certificate of Emission Inspection, as required under this Chapter, if the purchaser is required to register the vehicle in any

covered county. Any person violating this Rule shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of \$100 for a first offense, \$500 for a second offense and \$1000 for each subsequent offense. In the alternative, any person violating this Rule shall be liable for a civil penalty of up to \$5000.00 per day.

- (2) A current valid passing Certificate of Emission Inspection is not required for any motor vehicle that might otherwise be subject to a pre-sale emission inspection, but is sold for salvage or for parts rather than for use as a motor vehicle on the streets and highways, provided that said vehicle is not in fact operated on the streets and highways, but is towed or hauled by some other vehicle. The purpose for which the vehicle is sold shall be indicated by the seller on the bill of sale.

Rule 391-3-20-.19, "Management Contractor. Amended.," is being amended to read as follows:

391-3-20-.19 Management Contractor. Amended.

- (1) The Director, on behalf of the Board of Natural Resources, may contract with any person, corporation or entity as necessary to implement and adequately enforce and ensure compliance with the State Inspection Program. The Department may contract for the design and operation of a centralized data system and other functions as determined by the Director.
- (2) The Management Contractor will be responsible for designing and maintaining an inspection database that will include all vehicles subject to inspection in the covered counties. This database will include all inspection-related information required by the Act and this Chapter or by the management contract. Access to the information in this database shall be made available to EPD for oversight, data analysis and other purposes, and to the Georgia Department of Revenue, Motor Vehicle Division Safety or its successor agency for the purpose of determining compliance with the inspection requirement for vehicles which are to be registered. Data in this database may not be used for any other purpose unless specifically authorized by the Director.
- (3) The Management Contractor, and its employees, shall not be engaged in, or have any financial interest in, the repair of motor vehicles, or in the operation of any emission inspection station. Financial interest in the repair of vehicles shall include the ownership or operation of repair facilities or the sale of motor vehicles or motor vehicle parts.

Rule 391-3-20-.20, "Referee Program. Amended.," is being amended to read as follows:

391-3-20-.20 Referee Program. Amended.

- (1) Should a vehicle owner question the emission inspection procedures, ~~inspection equipment~~ Georgia Analyzer System accuracy or validity of the inspection results, the owner may request that a referee inspection be performed on the vehicle, provided no repairs have been made on the vehicle since the inspection in question. The owner must request the referee inspection within fifteen (15) business days of the inspection in question.

- (2) Referee inspections shall be observed by EPD or the Management Contractor at a mutually agreed upon time at the inspection station where the inspection in question was performed.
- (3) Prior to any referee inspection, EPD or the Management Contractor will review all calibration records to ensure that the ~~analyzer and other equipment~~ Georgia Analyzer System at the applicable station are meeting the appropriate specifications. EPD or the Management Contractor will then observe the referee inspection performed by station personnel to ensure that it is properly performed.
- (4) If the vehicle passes the referee test, the vehicle will be given a passing Certificate of Emission Inspection.
- (5) EPD may request that a referee inspection be performed on a vehicle at any reasonable time ~~during posted business hours on a vehicle that is part of an investigation or a station or inspector(s), provided the referee inspection is performed at the station under inspection or at the station where the inspector(s) under investigation works.~~

Rule 391-3-20-.21, "Inspection Fees. Amended.," is being amended to read as follows:

391-3-20-.21 Inspection Fees. Amended.

- (1) The emission inspection fee shall be due from the motorist or vehicle owner when the vehicle starts the inspection process. Vehicles which are rejected prior to the start of the inspection process for being unsafe to inspect ~~test~~ shall not be charged a fee.
- (2) The emission inspection fee paid by the motorist or vehicle owner to the inspection station owner shall consist of the program administration fee plus a fee for performing the inspection. The emission inspection fee shall be established by the inspection station owner but shall be no less than \$10.00 and no more than \$25.00. The fee will cover an initial inspection, plus one free reinspection. Another reinspection fee will be charged for subsequent re-inspections; this fee will cover one reinspection and, if required, one additional reinspection.
- (3) Program Administration Fees.
 - ~~(a) Prior to October 1, 2007, each inspection station owner shall remit to the Director a program administration fee of six dollars and ninety-five cents (\$6.95) for each E-Cert purchased.~~
 - (b)(a) ~~Effective October 1, 2007, each inspection station owner shall remit to the Director a program administration fee of four dollars and two cents (\$4.02) for each E-Cert purchased.~~
 - ~~(c) Prior to October 1, 2007, for each fleet inspection station where EPD has required the installation and operation of a video camera surveillance system, the station owner shall remit to the Director a program administration fee of seven dollars and ninety-five cents (\$7.95) for each E-Cert purchased.~~

- ~~(d)~~(b) ~~Effective October 1, 2007, each owner of a~~ fleet inspection station where EPD has required the installation and operation of a video camera surveillance system, ~~the station owner~~ shall remit to the Director a program administration fee of five dollars and two cents (\$5.02) for each E-Cert purchased.

Rule 391-3-20-.22, "Enforcement. Amended.," is being amended to read as follows:

391-3-20-.22 Enforcement. Amended.

- (1) The administration and enforcement of this Chapter shall be as prescribed in the Act and, in compliance with the minimum applicable requirements as prescribed by the Georgia Administrative Procedures Act (O.C.G.A. Section 50-13-1, et seq., as amended) ~~and in accordance with the Division's Enforcement Policy.~~
- (2) Suspensions and Revocations.
 - (a) Whenever a Certificate of Authorization has been suspended and that Certificate expires during the suspension period, the inspection station owner may not obtain a ~~new~~ Certificate of Authorization until the term of the suspension has expired. Whenever a Certificate of Authorization has been revoked or surrendered as a result of enforcement action, the inspection station owner may not apply for a new Certificate of Authorization for a minimum of two years from the date of the revocation or surrender.
 - (b) Whenever an inspector's Certificate has been suspended and that Certificate expires during the suspension period, the inspector may not obtain a ~~new~~ Certificate until the term of the suspension has expired. Whenever an inspector's Certificate has been revoked or surrendered as a result of enforcement action, the inspector shall surrender his or her Inspector picture ID card and may not apply for a new Certificate for a minimum of two years from the date of the revocation or surrender.
- (3) Any inspection station whose Certificate of Authorization has been revoked or surrendered as a result of enforcement action will not be eligible for listing in the RepairWatch Public Report.

Authority: O.C.G.A. Section 12-9-40 et seq., as amended.

A RESOLUTION**Adopting Amendments to the
Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20**

WHEREAS, the Board adopted, under the authority of The Georgia Motor Vehicle Emissions Inspection and Maintenance Act, O.C.G.A. 12-9-40, et seq., the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, which became effective on June 13, 1994, and were last amended effective on December 28, 2008; and

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, be modified in order for Georgia to retain federal approval under the Clean Air Act (CAA); and

WHEREAS, the proposal for the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, has been prepared by staff of the Environmental Protection Division and presented to this Board; and

WHEREAS, amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, will amend Rules 391-3-20-.01, "Definitions"; -.03, "Covered Vehicles; Exemptions"; -.04, "Emission Inspection Procedures"; -.05, "Emission Standards"; -.06, "On-Road Testing"; -.07, "Inspection Equipment System Specifications"; -.08, "Quality Control and Equipment Calibration Procedures"; -.09, "Inspection Station Requirements"; -.10, "Certificates of Authorization"; -.11, "Inspector Qualifications and Certification"; -.12, "Schedules for Emission Inspections"; -.13, "Certificate of Emission Inspection"; -.15, "Repairs and Reinspections"; -.16, "Extensions and Reciprocal Inspections"; -.17, "Waivers"; -.18, "Sale of Vehicles"; -.19, "Management Contractor"; -.20, "Referee Program"; -.21, "Inspection Fees"; and -.22, "Enforcement"; and

WHEREAS, a notice for the proposed Rules for Enhanced Inspection & Maintenance was published on EPD's Environet website and on GovDeliver.com on December 9, 2013, and a public hearing was held on January 9, 2014; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or, if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, as attached hereto and incorporated herein by reference.

Adopted this 31st day of January, 2014.

Respectfully submitted by:

Robert D. Leebern, Jr., Chairman
Board of Natural Resources

ATTEST:

Ray P. Lambert, Jr., Secretary
Board of Natural Resources