



February 15, 2018

MEMORANDUM

TO: Board of Natural Resources

FROM: Richard E. Dunn, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

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 to update the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.03, "Covered Vehicles; Exemptions," is being amended to provide clarity and to be consistent with terminology.

Rule 391-3-20-.04, "Emission Inspection Procedures," is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Rule 391-3-20-.05, "Emission Standards," is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Rule 391-3-20-.07, "Inspection Equipment System Specifications," is being amended to add redefined terminology.

Rule 391-3-20-.08, "Quality Control and Equipment Calibration Procedures," is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.09, "Inspection Station Requirements," is being amended to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.

Rule 391-3-20-10, “Certificates of Authorization,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-11, “Inspector Qualifications and Certification,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-13, “Certificate of Emission Inspection,” is being amended to provide clarity, reflect current business requirements, and add standard terminology.

Rule 391-3-20-15, “Repairs and Retests,” is being amended to provide clarity by adding standard terminology.

Rule 391-3-20-17, “Waivers,” is being amended to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.

Rule 391-3-20-18, “Sale of Vehicles,” is being amended to provide clarity by using language aligned with the Act and specify exemptions.

Rule 391-3-20-20, “Referee Program,” is being amended to add a common acronym.

Please find enclosed for your review and consideration:

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➤ Synopsis and Statement of Rationale for the proposed amendments to Rules for Enhanced Inspection and Maintenance	B-3
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➤ Memorandum summarizing comments on the proposed revisions;	B-14
➤ Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community;	B-17
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➤ A proposed resolution for adopting the amendments to the rules.	B-47

I recommend adoption of the proposed amendments as presented.

RED:TH

Attachments

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

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

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

Main Features: The definition of “I/M Test Manual” is removed and replaced with “Georgia Analyzer System Hardware and Software Specifications” (GAS Specs) to reflect an accurate definition of the term. References to “I/M Test Manual” are replaced with “GAS Specs” or “GAS” to be consistent with current emission testing technology and inspection procedures. The definition “State Inspection Program” is removed as it is redundant and unnecessary. Multiple existing definitions are modified to reflect a more precise description and/or remove redundant language. The definitions “Certificate of Authorization,” “Certificate of Emissions Inspection,” “Gas Calibration”, “Georgia’s Clean Air Force” (GCAF), “Inspection Term,” “Responsible Motor Vehicle” and “Revolutions per Minute” (RPM) are added to provide clarity to the interpretation of the Rules. The section is being re-indexed to reflect the changes.

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

Purpose: The purpose of this amendment is to provide clarity and to be consistent with terminology.

Main Features: Paragraph (1) is revised to remove “pending registration” and replace with “required to be registered” to provide clarity to the registration status of vehicles requiring emissions testing. Paragraph (10) is revised to remove “covered” vehicle and replace with “responsible motor” vehicle to be consistent with the definitions cited in O.C.G.A. § 12-9-40, “The Georgia Motor Vehicle Emission Inspection and Maintenance Act” (the Act) and Rules.

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

Purpose: The purpose of this amendment is to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Main Features: Paragraphs (2) and (5) are revised to remove reference to “Emissions Inspector Certification Training Program Manual” and replace with “GAS

Specs” or “GAS” to be consistent with current emission testing technology and inspection procedures. Paragraph (2) is also revised to remove “covered” vehicle and replace with “responsible motor” vehicle to be consistent with the definitions cited in the Act and Rules. Subparagraph (2)(a)2. is revised to remove the term “Georgia Analyzer System” and replace with the common acronym “GAS.” Subparagraph (2)(b)2. is revised to provide document version guidance. Paragraph (6) is added to provide testing clarity for after repair inspections.

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

Purpose: The purpose of this amendment is to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Main Features: Paragraph (2) is revised to remove “Emissions Inspector Certification Training Program Manual” due to redundancy in language. Subparagraphs (2)(b)1., (2)(b)2., (2)(b)3., (2)(c)1., and (2)(d)4. are revised to remove reference to “I/M Test Manual” and replace with “GAS” (Georgia Analyzer System) to be consistent with the emissions testing protocol. Subparagraph (2)(d)1. is revised to add the common acronym “GAS.” Subparagraph (2)(d)5. is revised to remove “I/M Test Manual” and replace with “by the vehicle manufacturer” to align with vehicle technology.

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

Purpose: The purpose of this amendment is to add redefined terminology.

Main Features: Paragraph (1) is revised to add the common acronym “GAS.” Subparagraph (1)(a) is revised to remove reference to “I/M Test Manual” and replace with “Georgia Analyzer System Hardware and Software Specifications (GAS Specs)” to be consistent with the redefined document name. Subparagraphs (1)(b), (1)(c), (1)(d) and paragraph (2) are revised to remove reference to “I/M Test Manual”, replace “Georgia Analyzer System” with the common acronym “GAS”, and add “EPD-approved” to provide clarity to the qualifications of Georgia Analyzer System (GAS) units. Paragraph (3) is being revised to remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency. Paragraph (4) is being revised to provide document version guidance for the “Fuel Cap Testing Application Chart.”

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

Purpose: The purpose of this amendment is to add redefined terminology and a common acronym.

Main Features: Paragraph (1) and subparagraph (2)(a) are revised to remove reference to “I/M Test Manual” and replace with “as prompted by the GAS” (Georgia Analyzer System) to be consistent with the vehicle emission technology. Paragraphs (1), (2), (3) and subparagraphs (2)(b) and (2)(c) are revised to add the common acronym “GAS” for consistency and remove “Georgia Analyzer System” where appropriate.

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

Purpose: The purpose of this amendment is to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.

Main Features: Subparagraphs (1)(b)1. and (2)(c)1. are revised to remove the term “State Inspection” and replace with “I/M” Program. Subparagraphs (2)(a)3. and (2)(c) are revised to add the common acronym “GAS” for consistency throughout. Multiple subparagraphs are revised to remove the term “Georgia Analyzer System” and replace with the acronym “GAS” for consistency. Subparagraph (2)(c)4. is removed because of redundancy. Subparagraphs (2)(h)3.(i) and (2)(h)3.(ii) are revised to provide clarity for business requirements and audit documentation, specifically, the occurrence of the RepairWatch Report and delivery of the Motorist Rights Poster. Subparagraphs (2)(i)2. and (2)(q) are revised to remove “Emissions Inspector Certification Training Program Manual” due to redundancy in language. Subparagraph (2)(i)3. is revised and (2)(i)3.(i) removed to add clarity to business requirements. Subparagraphs (2)(i)6., (2)(i)7., (2)(i)8., and (2)(i)9. are revised to reflect current audit procedures and document name or version, and to change “Georgia Analyzer System” to “station” where applicable. Subparagraph (2)(q) is revised to add “email address” to provide clarity to business requirements.

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

Purpose: The purpose of this amendment is to add redefined terminology and a common acronym.

Main Features: Paragraph (1) is revised to remove reference to “I/M Test Manual,” which is a deleted definition and redundant in the sentence. Subparagraph (5)(b) is revised to remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency.

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

Purpose: The purpose of this amendment is to add redefined terminology and a common acronym.

Main Features: Subparagraph (1)(d) is revised to remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency. Subparagraph (2)(b) is revised to remove the term “State Inspection” and replace with “I/M” Program. Subparagraph (2)(e) is revised to add the common acronym “GAS” for clarity.

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

Purpose: The purpose of this amendment is to provide clarity, reflect current business requirements, and add standard terminology.

Main Features: Paragraph (1) is revised to remove “Georgia Analyzer System” and replace it with the common acronym “GAS” for consistency. Subparagraph (2)(b) is revised to use standard terminology, define the location of availability of the “Emissions Repair Form,” and remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency. Subparagraph (2)(c) is revised to provide clarity to the frequency of the RepairWatch Public Report.

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

Purpose: The purpose of this amendment is to provide clarity by adding standard terminology.

Main Features: Paragraphs (2) and (7) are revised to remove “repair information form” and use the standard terminology of “Emissions Repair Form.” Paragraph (4) is revised to remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency.

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

Purpose: The purpose of this amendment is to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.

Main Features: Subparagraph (2)(a)1. is revised to delete confusing language and add “as required by OCGA 12-9-48(d)(2)” for the repair expenditure that is required to apply for a waiver. The revision also rewords the section for clarity.

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

Purpose: The purpose of this amendment is to provide clarity by using language aligned with the Act and specify exemptions.

Main Features: Paragraph (1) is revised to remove current language and replace with language more specific and aligned with OCGA § 12-9-54 Sale of Vehicle

and remove references to misdemeanor fines.

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

Purpose: The purpose of this amendment is to add a common acronym.

Main Features: Paragraphs (1) and (3) are revised to remove “Georgia Analyzer System” and replace with the common acronym “GAS” for consistency.

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 Georgia Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20. The purpose of this revision is to update the definitions by revision, deletion or addition as necessary.

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

The basis of this rule is to identify vehicles that are required to undergo emissions testing as part of the registration process and to define which vehicle classifications may have provisions to modify the vehicle emissions test or exclude them from the requirement. The purpose of this revision is to provide clarity and to be consistent with terminology.

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

The basis of this rule is to establish requirements for the process of inspecting vehicles. The purpose of this revision is to use standard terminology and acronyms, remove redundant language, add redefined terminology for clarity, and add document version guidance and additional clarity for after repair re-inspections.

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

The basis of this rule is to establish standards with which vehicles are to be tested. The purpose of this revision is to use standard terminology, remove redundant language, and add redefined terminology for clarity.

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

The basis of this rule is to establish the requirement for stations to acquire EPD-approved Georgia Analyzer Systems (GAS) equipment, which is used to conduct the vehicle emissions test. The purpose of this revision is to add redefined terminology and to include clarity on document version guidance.

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

The basis of this rule is to establish the requirement for equipment calibration of the Georgia Analyzer Systems (GAS) and provide a set schedule for data transmission. The purpose of this revision is to add redefined terminology and a common acronym.

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 purpose of this revision is to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.

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

The basis of this rule is to set forth the definition and parameters of the Certificate of Authorization, which is the license issued and authorized by the Director. This is required by a station to test vehicle emissions. The purpose of this revision is to add redefined terminology and a common acronym.

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

The basis of this rule is to set forth the guidelines and qualifications to become a certified emissions inspector and proper protocol of conducting an emissions test as authorized by the Director. The purpose of this revision is to add redefined terminology and a common acronym.

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

The basis of this rule is to define the criteria of the Certificate of Emission Inspection report given upon completion of a vehicle emissions inspection and provide direction to stations/inspectors when a vehicle fails the emissions inspection. The purpose of this revision is to provide clarity, reflect current business requirements, and add standard terminology.

Rule 391-3-20-15 - Repairs and Retests.

The basis of this rule is to set forth the guidelines of the 30-day free retest when a vehicle fails the initial emissions test and the paperwork required by the vehicle owner to submit to the station for the retest. Vehicle repair information and failed test information is collected and verified during the process by the inspector. The purpose of this revision is to provide clarity by adding standard terminology.

Rule 391-3-20-17 - Waivers.

The basis of this rule is to set forth the guidelines and parameters that are required for a vehicle to qualify for a repair waiver, including a descriptive outline for costs, repairs, receipts and timeframe. The purpose of this revision is to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.

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

The basis of this rule is to set forth the definition and parameters of selling a used vehicle and the requirement of having a current and valid emissions inspection at the time of sale. The purpose of this revision is to provide clarity to the Rules in conjunction with the Act by citing language aligned with OCGA § 12-9-54 Sale of Vehicle, remove references to misdemeanor fines, and add

language that this rule does not apply to vehicles registered or to be registered outside of the Covered Counties.

Rule 391-3-20-.20 - Referee Program.

The basis of this rule is to set forth the guidelines of the referee program, which was established to verify the emissions test results if the vehicle owner questions the validity of the results. The purpose of this revision is to add a common acronym.

These revisions are administrative in nature and do not incur any additional costs to the regulated industry or public.

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 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 rules 391-3-20-.01, 391-3-20-.03, 391-3-20-.04, 391-3-20-.05, 391-3-20-.07, 391-3-20-.08, 391-3-20-.09, 391-3-20-.10, 391-3-20-.11, 391-3-20-.13, 391-3-20-.15, 391-3-20-.17, 391-3-20-.18, and 391-3-20-.20 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 to update the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.03, "Covered Vehicles; Exemptions," is being amended to provide clarity and to be consistent with terminology.

Rule 391-3-20-.04, "Emission Inspection Procedures," is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Rule 391-3-20-.05, "Emission Standards," is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Rule 391-3-20-.07, "Inspection Equipment System Specifications," is being amended to add redefined terminology.

Rule 391-3-20-.08, "Quality Control and Equipment Calibration Procedures," is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.09, "Inspection Station Requirements," is being amended to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.

Rule 391-3-20-.10, "Certificates of Authorization," is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is being amended to provide clarity, reflect current business requirements, and add standard terminology.

Rule 391-3-20-.15, “Repairs and Retests,” is being amended to provide clarity by adding standard terminology.

Rule 391-3-20-.17, “Waivers,” is being amended to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.

Rule 391-3-20-.18, “Sale of Vehicles,” is being amended to provide clarity by using language aligned with the Act and specify exemptions.

Rule 391-3-20-.20, “Referee Program,” is being amended to add a common acronym.

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://epd.georgia.gov/chapter-391-3-20-rules-enhanced-inspection-and-maintenance> 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 James Boylan, 404-363-7014 or Elisabeth Munsey, 404-363-7131 at the Air Protection Branch 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 1:00 p.m. on December 18, 2017, 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. Oral statements should be concise. 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.

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 December 22, 2017. 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.

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 February 28, 2018, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Inspection and Maintenance Rule Amendments are proposed for adoption pursuant to authority contained in the Georgia Motor Vehicle Emission Inspection and Maintenance Act (O.C.G.A. Section 12-9-40 et. seq.). For further information, contact Elisabeth Munsey, 404-363-7131 at the Air Protection Branch.

February 8, 2018

MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: Karen Hays, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding
Proposed Revisions to the Rules for Enhanced Inspection and Maintenance,
Chapter 391-3-20

On November 8, 2017, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20. The proposed changes included the following rules:

- **Rule 391-3-20-.01, “Definitions,”** is being amended to update the definitions by revision, deletion or addition as necessary.
- **Rule 391-3-20-.03, “Covered Vehicles; Exemptions,”** is being amended to provide clarity and to be consistent with terminology.
- **Rule 391-3-20-.04, “Emission Inspection Procedures,”** is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.
- **Rule 391-3-20-.05, “Emission Standards,”** is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.
- **Rule 391-3-20-.07, “Inspection Equipment System Specifications,”** is being amended to add redefined terminology.
- **Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,”** is being amended to add redefined terminology and a common acronym.

- **Rule 391-3-20-.09, “Inspection Station Requirements,”** is being amended to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.
- **Rule 391-3-20-.10, “Certificates of Authorization,”** is being amended to add redefined terminology and a common acronym.
- **Rule 391-3-20-.11, “Inspector Qualifications and Certification,”** is being amended to add redefined terminology and a common acronym.
- **Rule 391-3-20-.13, “Certificate of Emission Inspection,”** is being amended to provide clarity, reflect current business requirements, and add standard terminology.
- **Rule 391-3-20-.15, “Repairs and Retests,”** is being amended to provide clarity by adding standard terminology.
- **Rule 391-3-20-.17, “Waivers,”** is being amended to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.
- **Rule 391-3-20-.18, “Sale of Vehicles,”** is being amended to provide clarity by using language aligned with the Act and specify exemptions.
- **Rule 391-3-20-.20, “Referee Program,”** is being amended to add a common acronym.

A public hearing was held at 1:00 p.m. on December 18, 2017, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended December 22, 2017. EPD received one written comment from an automobile dealer association during the public comment period. A summary of the comment received and EPD’s response is attached. A representative from the same automobile dealer association submitted a verbal comment during the public hearing on December 18. After EPD’s explanation, they are comfortable with the proposed changes. No changes to the proposed amendments are recommended based on the comments received.

KH:TH

Comments

Responses to Comments Received on the Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20**November 8, 2017 through December 22, 2017**

On November 8, 2017, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on Georgia's proposed amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20. A written comment was received from an automobile dealer association. A representative from the same automobile dealer association submitted a verbal comment during the public hearing on December 18. After EPD's explanation, they are comfortable with the proposed changes. The written comment is summarized and followed by EPD's response below.

Comment: The commenter objects to the proposed amendment to Rule 391-3-20-.18, "Sale of Vehicles." The commenter states that the proposed amendment "...would greatly expand this regulation by prohibiting all dealers from selling responsible motor vehicles to customers 'if, after purchase, the vehicle will be registered in one of the [thirteen] Covered Counties...' In effect, this would prohibit all dealers, including those located outside of the thirteen-county region, from selling responsible motor vehicles without a current valid passing certificate of emissions." The commenter also states "As such, the proposed amendment is a significant departure from current practice, and it would place an unreasonable and unnecessary burden on automobile dealers located outside the thirteen-county region." The commenter "respectfully asks the Environmental Protection Division to delete or modify the proposed amendment to Rule 391-3-20-.18 from the proposed amendments to the Enhanced Inspection and Maintenance Rules."

EPD Response: The proposed amendment to Rule 391-3-20-.18 continues the current practice of requiring sellers within the 13-county Atlanta area to ensure that responsible motor vehicles have passing emissions certificates prior to sale. The requirement to have a passing emissions certificate prior to sale does not apply outside the 13-county area.



February 8, 2018

MEMORANDUM

TO: Richard E. Dunn, Director
Environmental Protection Division

FROM: Karen Hays, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Enhanced Inspection and 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 and Maintenance, Chapter 391-3-20 (I/M Rules). The proposed rule amendments include the following:

Rule 391-3-20-.01, "Definitions," is being amended to update the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.03, "Covered Vehicles; Exemptions," is being amended to provide clarity and to be consistent with terminology.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

Rule 391-3-20-.05, “Emission Standards,” is being amended to use standard terminology, remove redundant language, and add redefined terminology for clarity.

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

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedures,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended to add a common acronym, remove redundant language, and reflect current business and audit procedures by using standard terminology and clarifying language.

Rule 391-3-20-.10, “Certificates of Authorization,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.11, “Inspector Qualifications and Certification,” is being amended to add redefined terminology and a common acronym.

Rule 391-3-20-.13, “Certificate of Emission Inspection,” is being amended to provide clarity, reflect current business requirements, and add standard terminology.

Rule 391-3-20-.15, “Repairs and Retests,” is being amended to provide clarity by adding standard terminology.

Rule 391-3-20-.17, “Waivers,” is being amended to remove confusing language and add reference to the Act for the repair expenditure required for repair waivers.

Rule 391-3-20-.18, “Sale of Vehicles,” is being amended to provide clarity by using language aligned with the Act and specify exemptions.

Rule 391-3-20-.20, “Referee Program,” is being amended to add a common acronym.

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:
This issue is not germane for the proposed rule changes.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.

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.”

The proposed rules are administrative in nature. 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 Emission Inspection and Maintenance Act.

KH:TH

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
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," is amended to read as follows:

391-3-20-.01 Definitions.

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 (ASM 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 specified in the Emissions Inspector Certification Training Program Manual. ASM 2525 means the vehicle under test is run under a 25% engine load at 25 miles per hour. ASM 5015 means the vehicle under test is run under a 50% engine load at 15 miles per hour.~~

(c) "Calibration" means, in the case of the Georgia Analyzer System (GAS), the process of establishing or verifying that the ~~response curve of the GAS bench using the applicable calibration gases~~ test values of the GAS emissions bench are accurate by using the applicable calibration gases. In the case of a dynamometer, "calibration" means the process of verifying that the horsepower absorbed ~~are~~ is 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 Authorization” means a certificate issued by the Director to each establishment or location designated as an official emission inspection station.

(f) “Certificate of Emissions Inspection” means an official certificate that exhaust emissions, evaporative emissions, emission control equipment, and on-board diagnostic equipment have been inspected and approved in accordance with the Act and this Chapter. Such certificates will be furnished to official emission inspection stations by EPD to be completed and issued by such stations to the owner or operator of a responsible motor vehicle upon inspection and approval certifying that such responsible motor vehicle has been inspected and complies with the inspection and maintenance required by the Act and this Chapter.

(ge) “DLC” means the data or diagnostic link connector for a vehicle’s on-board diagnostic system.

(hf) “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.

(ig) “Department” means the Department of Natural Resources.

(jh) “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.

(ki) “Director” means the Director of the Environmental Protection Division of the Department of Natural Resources.

(lj) “E-Certs” means blank Electronic Certificates of Emission Inspection that are pre-purchased by official emissions inspection stations for the purpose of performing ~~an~~ emission inspections.

(mk) “Emission Inspection” means all tests and inspections required by the Act, and this Chapter, the Emissions Inspector Certification Training Program 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.

(nl) “Emissions Inspector Certification Training Program Manual”, means the manual supplied to inspectors during their initial ~~and or biennial~~ re-certification classes; the most current version of this manual is available on, or as posted on the Georgia Clean Air Force website at www.cleanairforce.com.

(om) “Emission Recall Compliance Check” means determining whether a recall campaign has been issued by the original equipment manufacturer of a vehicle, ~~using the procedures specified in the I/M Test Manual.~~

(pn) “E-VIN” means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.

(~~q~~) “EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.

(~~r~~) “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 (TSI) test, ~~as defined in the I/M Test Manual. The test procedures to be performed by certified inspectors shall be as specified in the Emissions Inspector Certification Training Program Manual.~~

(~~s~~) “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.

(~~t~~) “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 specified in the Emissions Inspector Certification Training Program Manual.~~

(u) “Gas Calibration” means the calibration of the Georgia Analyzer System (GAS) by the use of a manufactured calibration gas.

(~~v~~) “Georgia Analyzer System” (GAS) means the test systems approved by EPD ~~which has been certified~~ for use in performing emission inspections in Georgia in accordance with the Act and this Chapter.

(w) “Georgia Analyzer System Hardware and Software Specifications” (GAS Specs) means the Georgia Analyzer System Hardware and Software Specifications, Phase V, August 31, 2016, which contains the hardware and software requirements for a GAS.

(x) “Georgia’s Clean Air Force” (GCAF) means the partnership between EPD and the Management Contractor to implement Georgia’s Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program).

(~~t~~) ~~“Gas Calibration” means the calibration of the Georgia Analyzer System by the use of a manufactured calibration gas.~~

(~~y~~) “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 the Act and 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.~~

(~~z~~) “Gray Market Vehicle” means vehicles which are manufactured for use outside of, and imported into, the United States.

(~~aa~~) “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.

~~(bbx)~~ “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.

~~(ccy)~~ “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.

~~(z)~~ ~~“I/M Test Manual” means the Georgia Department of Natural Resources Enhanced Inspection/Maintenance Test Equipment, Procedures and Specifications Manual – Phase V, August 31, 2016, unless an alternative is approved by the Division.~~

(dd) “Inspection Term” means the period of time a certificate of emission inspection shall be considered valid. The specific period of an inspection term is established in this Chapter.

~~(eeaa)~~ “Inspector” means a person certified by the Director to perform emission inspections in accordance with the requirements of the Act and this Chapter.

~~(ffbb)~~ “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.

~~(ggee)~~ “Light Duty Truck” means any motor vehicle with a GVWR of 8500 pounds or less which 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.

~~(hhdd)~~ “Light Duty Vehicle” means a passenger car or passenger car derivative, capable of seating 12 passengers or less.

~~(iiee)~~ “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~~I/M Program.

~~(jjff)~~ “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.

~~(kkgg)~~ “Newer Vehicles” means vehicles with a designated model year of 1996 and newer.

~~(llhh)~~ “Non-conforming Vehicle” means vehicles that were not built to standards set by the U.S. EPA.

~~(mmii)~~ “Older Vehicles” means vehicles with a designated model year of 1995 and older.

~~(nnjj)~~ “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 excess emissions.

~~(oook)~~ “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 specified in the Emissions Inspector Certification Training Program Manual.~~

~~(ppff)~~ “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.

~~(qqmm)~~ “Public Vehicle” means a motor vehicle that is not a fleet vehicle.

~~(rrnn)~~ “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.

~~(ss)~~ “Responsible Motor Vehicle” means any motor vehicle defined as a light duty vehicle or a light duty truck, excluding any motor vehicle exempted from the Act and this Chapter such as vehicles not in a Covered County as defined in 391-3-20-.02.

~~(tt)~~ “Revolutions per Minute” (RPM) means the number of times the crankshaft of an engine makes a complete 360 degree turn in one minute (60 seconds).

~~(oo)~~ “State Inspection Program” means the program of vehicle emission inspections as required by the Act and this Chapter.

~~(uupp)~~ “Station Owner” means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having ownership of or control of the daily operation of an inspection station ~~and having responsibility for the emission inspections.~~

~~(vvqq)~~ “Tampering Inspection” means the determination of whether 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 specified in the Emissions Inspector Certification Training Program Manual.~~

~~(wwff)~~ “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.

~~(xxss)~~ “Vehicle” means a motor vehicle.

~~(yytt)~~ 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.

~~(zzuu)~~ “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 the emission inspection requirement.

~~(aaaavv)~~ “2-speed idle (TSI) test” means an exhaust emission test where the vehicle under test is run at an idle revolutions per minute (RPM) speed and a higher RPM speed as defined in the GAS Specs I/M Test Manual.~~—The test procedure to be performed by certified inspectors shall be as specified in the Emissions Inspector Certification Training Program Manual.~~

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

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

(1) The requirements of this Chapter apply to the following classes of gasoline-powered responsible motor vehicles, as defined by the Act, registered or required to be registered~~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 Ceovered Ceounty:

(a) Vehicles which are owned and operated by a federal or state agency, municipality or other political subdivision in a Ceovered Ceounty.

(b) Vehicles which are operated for 60 days or more per year on federal installations located in whole or in part in a Ceovered Ceounty.

(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 until the inspection term three years following the model year of the vehicle.

(5) EPD may require that any vehicle registered or operated in the Ceovered Ceounties but which is claimed to be not subject to the requirements of the State 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 or its successor agency.

(8) Provisions for grandfathered vehicles, i.e., gray market vehicles, kit cars, 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 Ceovered Ceounties 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 responsible motorecovered vehicle shall be registered in a Ceovered Ceounty 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," is amended to read as follows:

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

(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. The inspector shall not perform an emission inspection on any vehicle which is unsafe to inspect.

(2) Inspectors shall perform a complete emission inspection on any responsible motorecovered vehicle presented for an initial inspection, in accordance with the requirements of the Act, and this Chapter and the procedures as prompted by the GAS~~specified in the Emissions Inspector Certification Training Program Manual~~, including the following:

(a) For newer vehicles.

1. A tampering inspection.

2. An OBD system check. On occasion, when activated by EPD, the ~~Georgia Analyzer System~~GAS 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 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 prompted by the GAS or identified in ~~the EPD-approved "Traction Control Chart"~~any published Traction Control chart available. 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 state of residence, as allowed by the Georgia Analyzer System software. The inspection procedure to be performed by certified inspectors shall be as ~~specified in~~ prompted by the GAS Emissions Inspector Certification Training Program Manual.
- (6) Inspectors shall perform a reinspection of the portions previously failed during an emission inspection on any vehicle presented for an after repairs inspection, in accordance with the requirements of the Act and this Chapter and the procedures as prompted by the GAS.

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

391-3-20-.05 Emission Standards.

- (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.
- (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; and this Chapter ~~and the Emissions Inspector Certification Training Program 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;
 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 GASIM 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 GASIM 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 GASIM 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 GASIM Test Manual; or

3. in the case of a gray market vehicle, kit car, 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 GASIM 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 GASIM 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 GASIM 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 Georgia Analyzer System (GAS) 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 GASIM Test Manual, are set to "ready";

5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified by the vehicle manufacturer 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-.07, “Inspection Equipment System Specifications,” is amended to read as follows:

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

(1) Georgia Analyzer Systems (GAS) Approval.

(a) EPD shall approve a test system ~~Georgia Analyzer Systems~~ which meets all specifications established in the Georgia Analyzer System Hardware and Software Specifications, Phase V, August 31, 2016 (GAS Specs) as a Georgia Analyzer System (GAS) ~~I/M Test Manual~~. Station owners may select from any ~~Georgia Analyzer System~~ GAS approved by EPD for their class of station. Station owners may apply for a Certificate of Authorization as a regular inspection station, which may inspect any covered vehicle, or a newer-vehicle-only inspection station, which may inspect only newer vehicles.

(b) Regular inspection station owners shall acquire an EPD-approved Georgia Analyzer System GAS 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 an EPD-approved Georgia Analyzer System GAS 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 newer and older vehicles shall acquire an EPD-approved Georgia Analyzer System GAS which meets the OBD and ASM requirements of this Chapter ~~and the I/M Test Manual~~. Fleet inspection station owners that inspect only newer vehicles shall acquire an EPD-approved Georgia Analyzer System GAS which meets the OBD and 2-speed idle requirements of this Chapter ~~and the I/M Test Manual~~.

(2) EPD-approved Georgia Analyzer Systems GAS 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 Georgia Analyzer System GAS 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 Fuel Cap Testing Application Chart ~~applicable~~, as published by the fuel cap manufacturers: Stant and/or

Hickok Waekon, for the adapters being used for those model year vehicles that are subject to this Chapter and are authorized to be inspected at that station.

Rule 391-3-20-.08, “Quality Control and Equipment Calibration Procedure,” is amended to read as follows:

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

- (1) All Georgia Analyzer Systems (GAS) shall, at a minimum, be calibrated according to the procedures and schedules ~~specified in the~~ as prompted by the GASIM Test Manual.
- (2) No person shall operate a ~~Georgia Analyzer System~~GAS for the purpose of performing an emissions inspection unless the Georgia Analyzer System:
 - (a) has passed all calibrations, audits, and leak checks as ~~required in the~~ prompted by the GASIM Test Manual;
 - (b) in the case of a ~~Georgia Analyzer System~~GAS that is not a mobile ~~Georgia Analyzer System~~GAS, is connected to the dedicated data transmission line as described in 391-3-20-.09(2)(i); and
 - (c) in the case of a ~~Georgia Analyzer System~~GAS that is a mobile ~~Georgia Analyzer System~~GAS, is connected to the dedicated data transmission line within 72 hours of any inspection performed at a fleet or car dealer location and at all times when the mobile ~~Georgia Analyzer System~~GAS is located at the inspection station location identified on the Certificate of Authorization.
- (3) Any station or ~~Georgia Analyzer System~~GAS that has not performed an inspection in more than 90 days, 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 ~~Georgia Analyzer System~~GAS(s).

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

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

(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.

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~~I/M 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 ~~Georgia Analyzer System~~GAS(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, 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. Facility purchase or lease agreement(s);
3. Georgia Analyzer System (GAS) purchase or lease agreement(s);
4. Proof of a filed bond or a copy of accepted certificate of liability insurance;
5. Copy of approved business license or application for same showing signature(s) of the business owner(s); and
6. Other documents as deemed necessary by EPD to determine all persons having any ownership, 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 station. 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 Georgia Analyzer Systems (GAS)

1. EPD may approve a station owner to operate a mobile ~~Georgia Analyzer System~~GAS only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the ~~State Inspection~~I/M 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 ~~Georgia Analyzer System~~GAS at a fleet or car dealer location shall comply with all requirements for mobile inspecting as established in these rules. A station owner that has been approved to operate a mobile ~~Georgia Analyzer System~~GAS shall provide the Management Contractor and EPD, if directed to do so by EPD, with advance notice of scheduled emission inspections of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule 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 ~~Georgia Analyzer System~~GAS 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. ~~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 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 ~~Georgia Analyzer System~~GAS to allow it to operate within specifications in all weather conditions. Any component of the ~~Georgia Analyzer System~~GAS, which could affect the emission inspection results, shall not be subjected to temperatures outside the manufacturer's specifications. The air intakes on the ASM ~~Georgia Analyzer System~~GAS 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 ~~Georgia Analyzer Systems~~GAS 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:

(i) The current, quarterly 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 provided at the time of station certification.

(iii) The station owner shall maintain such item(s) in legible condition and either posted or made available for motorists' uninhibited viewing.

(i) A station owner shall:

1. be 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, and this Chapter, ~~and the Emissions Inspector Certification Training Program Manual~~;

3. obtain and maintain in working order a secure static internet connection for each ~~Georgia Analyzer System~~GAS at the station to tie into the VID;

~~(i) The secure static internet connection shall be maintained in working order to provide a connection(s) to the VID.~~

4. transmit all vehicle inspection data and quality assurance data that is collected to the VID;

5. ensure that the ~~Georgia Analyzer System~~GAS is connected to the secure static internet connection at all times, except in the case of a mobile or mobile capable ~~Georgia Analyzer System~~GAS 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 ~~Georgia Analyzer Systems~~GAS shall have the ~~Georgia Analyzer System~~GAS connected at all times to a secure static internet connection while being used as a non-mobile ~~Georgia Analyzer System~~GAS.
6. collect, store and submit to the Management Contractor all ~~Emission Repair~~repair information ~~Forms~~ for each reinspection performed at the inspection station;
7. obtain and maintain in legible condition an ~~EPD approved "Traction Control Chart"~~any published Traction Control chart available, at each ~~station~~Georgia Analyzer System capable of performing the ASM test;
8. obtain and maintain in legible condition an ~~EPD approved "OBD DLC Location Chart"~~any published OBD DLC Location Chart available or copy which is available on the GCAF website-www.cleanairforce.com, at each ~~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 Emissions Inspector Certification Training Program Manual, Version 1.4 or later or copy which is available on the GCAF website-www.cleanairforce.com, at each ~~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 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.
 - (k) Liability Insurance

1. Inspection station owners, except fleet inspection station owners, conducting inspections only on newer vehicles as defined in this Chapter shall provide proof of \$100,000 bond or liability insurance for the period of the Certificate of Authorization.
2. Inspection station owners, except fleet inspection station owners, conducting inspections 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, 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 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, within 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 ~~Georgia Analyzer System~~ GAS(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 ~~Georgia Analyzer System~~ GAS(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:

1. provide prompt access to the premises, at reasonable times, where inspections are performed and to the ~~Georgia Analyzer System~~GAS(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 ~~Georgia Analyzer System~~GAS(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 ~~Georgia Analyzer System~~GAS(s) during the audit or investigation.

(q) The station owner shall maintain a current mailing address, telephone number, email address 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, including email address, will be presumed to have received all communications from EPD ~~through~~ the person he or she has designated, and remains responsible for compliance with the requirements of the Act, and this Chapter, the I/M Test Manual, and the Emissions Inspector Certification Training Program Manual.

(3) Additional Requirements for Fleet Inspection Stations.

(a) The administrative fee charged to fleet inspection stations shall be at least as much as the fee charged to public inspection stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet inspection stations.

(4) Quality Assurance for Fleet Vehicles.

(a) EPD or the Management Contractor may require fleet inspection stations and mobile 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 stations and mobile inspection stations to install a video camera surveillance system on the ~~Georgia Analyzer System~~GAS to record all emissions inspections.

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

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

(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, and 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 prior to the change in ownership or the discontinuation of emissions inspections;
 - (b) maintain the dedicated data transmission line(s) to the VID and electrical power to the ~~Georgia Analyzer System~~ GAS until such time as the Management Contractor performs a close-out audit; 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 of a Certificate of Authorization for cause including, but not limited to 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,” is amended to read as follows:

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

- (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:
 - (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~~ GAS 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~~ I/M 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) Georgia Analyzer System (GAS) 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 Certificate shall authorize the inspector to inspect newer vehicles only, or shall authorize the inspector to inspect all vehicles. Inspectors who have been issued a Certificate to perform

emission inspections on newer vehicles only shall not perform an emission inspection on older vehicles.

(5) Unless suspended, revoked or voluntarily surrendered, a Certificate issued by the Director is valid for two years.

(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 wearing his or her EPD-issued Inspector picture ID card in a clearly visible location on his or her front upper body area. Replacement of a lost, missing, damaged or illegible ID card is the responsibility of the inspector at a cost of twenty-five dollars (\$25.00) 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 all vehicles while holding a Certificate to inspect newer vehicles only.

(8) Whenever an inspector, after applying for and receiving a Certificate, moves from the address listed in his or her application, the inspector shall notify the Management Contractor of his or her change of address no later than the next business day. The address in the application or as 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 personal access code of another certified emission inspector to perform any part of an emission inspection.

(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.

(11) 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.

(12) The Director may deny issuance or renewal of a Certificate for cause, including, but not limited to, the inspector's compliance history.

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

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

(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 ~~Georgia Analyzer System~~ GAS 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 results for the exhaust emission test with engine RPM or on board diagnostic check, fuel cap test, and tampering inspection;
 - (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 inspection station's name, physical address, public access telephone number, and Certificate of Authorization number;
 - (n) Certificate of Emission Inspection number;
 - (o) the inspector's Certificate number, name, and signature; and
 - (p) any other information required by EPD.
- (2) In the case of a vehicle that fails the emission inspection, 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. EPA~~Environmental Protection Agency, and revised test system software, EPD may modify or waive this requirement;

(b) an Emissions Repair Form~~repair information form~~. This form, provided by EPD, or the Management Contractor (via the GCAF website at www.cleanairforce.com) or the ~~Georgia Analyzer System~~GAS 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, quarterly 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 EPD.

391-3-20-.15, “Repairs and Retests,” is amended to read as follows:

391-3-20-.15 Repairs and Retests.

(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 Emissions Repair Form~~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 VID by the inspector performing the reinspection.

(3) Repairs by the owner or other persons who are not recognized repair technicians are 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 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 ~~Georgia Analyzer System~~GAS. 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 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 Emissions Repair Form~~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.

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

391-3-20-.17 Waivers.

(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 yearly expenditure, as required by OCGA 12-9-48(d)(2), of at least \$450~~ must have been made on qualifying repairs after the vehicle fails the initial inspection. The amount will be adjusted each year to reflect the change in the Consumer Price Index after 1989, which was \$450. At the start of each inspection term, EPD will determine the new effective amount in accordance with these requirements and will make that information available at the GCAF website, www.cleanairforce.com.~~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 inspection term and will be determined by 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 inspection term, the waiver limit shall be that prior year's level of qualifying repairs.

2. No cost for labor performed by a vehicle owner in the repair of his or her own vehicle shall 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.

(d) Qualifying repairs do not include:

1. repair or replacement of tampered emissions control equipment;

2. 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.

(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.

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

(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 more than twelve (12) months and shall be used for no more than one registration.

Rule 391-3-20-.18, “Sale of Vehicles,” is amended to read as follows:

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

~~(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. No person may sell a responsible motor vehicle intended for highway use unless that vehicle has a current valid passing certificate of emissions inspection if, after purchase, the vehicle will be registered in one of the Covered Counties listed in rule 391-3-20-.02.~~

(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-.20, “Referee Program,” is amended to read as follows:

391-3-20-.20 Referee Program.

(1) Should a vehicle owner question the emission inspection procedures, ~~Georgia Analyzer System~~GAS 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 ~~Georgia Analyzer System~~GAS 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.

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 Emission 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 November 21, 1993, and were last amended effective on November 22, 2016; and
- WHEREAS, the United States Environmental Protection Agency (EPA) requires that the various Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, be modified, as to their coverage and requirements, 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 revise various portions of Rule .01, "Definitions," Rule .03, "Covered Vehicles; Exemptions," Rule .04, "Emission Inspection Procedures," Rule .05, "Emission Standards," Rule .07, "Inspection Equipment System Specifications," Rule .08, "Quality Control and Equipment Calibration Procedures," Rule .09, "Inspection Station Requirements," Rule .10, "Certificates of Authorization," Rule .11, "Inspector Qualifications and Certification," Rule .13, "Certificate of Emission Inspection," Rule .15, "Repairs and Retests," Rule .17, "Waivers," Rule .18, "Sale of Vehicles," and Rule .20, "Referee Program"; and
- WHEREAS, on November 8, 2017, a public notice for the proposed rule amendments was posted on EPD's website and sent to individuals on EPD's mailing list and to Govdelivery.com subscribers, which invited public comment, announced a public hearing to be held on December 18, 2017, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and
- WHEREAS, public comments received in response to the notice and the hearing have been considered; 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 Emission 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 28th day of February 2018.

Respectfully submitted by:

ATTEST:

Aaron McWhorter, Chairman
Georgia Board of Natural Resources

Nancy A. Addison, Secretary
Georgia Board of Natural Resources