

Salt Lake Valley Health Department

Health Regulation

#22A

**VEHICLE INSPECTION/
MAINTENANCE PROGRAM
REGULATION**

Adopted by the Salt Lake Valley Board of Health

September 5, 1996

Revised

March 5, 1998,

April 6, 2006

**Under Authority of Section 26A-1-114
Utah Code Annotated, 1953, as amended**

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1. The Purpose of this regulation is to reduce air pollution levels through the implementation of a motor vehicle Inspection/Maintenance Program (I/M Program) by requiring annual or biennial (every two years), inspections of in-use motor vehicles and by requiring emissions related adjustments/repairs for those vehicles that fail to meet prescribed standards so as to: protect and promote public health, safety and welfare; improve air quality; comply with Federal Regulations contained in 40 CFR part 85, subpart W, the Clean Air Act of 1970, 42 USC 7401-7671; and the Amendments to the Act, Amendments of 1977, PL 95-190; and Amendments of 1990, PL 101-549; and comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.
- 1.2. This regulation applies to owners of motor vehicles in Salt Lake County; publicly owned vehicles operated in Salt Lake County; owners, operators, and managers of I/M Stations, I/M Inspectors, and suppliers of UTAH98 emissions equipment.

2. DEFINITIONS

For the purposes of this Regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. "Accreditation" shall mean a certification that the instrument and instrument manufacturer meet the operating criteria, specifications and requirements of the Salt Lake Valley Health Department.
- 2.2. "Accuracy" shall mean the degree by which an instrument is able to determine the true concentration of pollutants of interest.
- 2.3. "Air intake systems" shall mean systems that allow for the induction of ambient air, including preheated air, into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
- 2.4. "AIR (Air Injection Reaction) system" shall mean a system for providing supplementary air into the vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction.
- 2.5. "Audit" shall mean an onsite investigation by an Auditor for the purpose of determining I/M Station compliance with this regulation.
- 2.6. "Auditor" shall mean an employee of the Department with specific responsibilities to ensure that I/M stations and inspectors are in compliance with this regulation.
- 2.7. BAR 97 refers to California Bureau of Automotive Repair emissions test system specifications, which become effective in 1997.

- 2.8. “Basic engine systems” shall mean parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to, valve train mechanisms, cylinder head to block integrity, piston-ring-cylinder sealing integrity and post-combustion emissions control device integrity.
- 2.9. “Bench” shall mean the main sample processing assembly of an engine exhaust gas analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply.
- 2.10. “Calibration” shall mean the process of establishing or verifying the accuracy of an exhaust gas analyzer to perform an accurate and consistent evaluation of engine exhaust using calibration gases having precisely known concentrations.
- 2.11. “Calibration gases” or “span gases” shall mean gases of accurately known concentration that are used as references for establishing or verifying the calibration curve and accuracy of an engine exhaust gas analyzer which are approved by the Department.
- 2.12. “Catalytic converter” shall mean a post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases.
- 2.13. “Certificate of Compliance” shall mean a document used in the Vehicle Emissions Inspection/Maintenance Program to certify that a vehicle meets all applicable requirements of the program.
- 2.14. “Certification” shall mean assurance by an authorized source, whether a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is, in fact, true and meets all specified requirements.
- 2.15. “Certified Emissions Inspector” or “Inspector” shall mean a person who has successfully completed all certification requirements, who possesses a current, valid Inspector’s Certificate of Qualification issued by the Department and who performs emissions testing at an I/M Station pursuant to this regulation.
- 2.16. “CO” shall mean carbon monoxide.
- 2.17. “County” shall mean Salt Lake County, Utah.
- 2.18. “Cutpoints” shall mean the maximum allowable concentration of carbon monoxide (CO), oxides of nitrogen (NO_x) and hydrocarbons (HC) for a given weight, class, and model year of a motor vehicle, as determined by the Director, using an approved exhaust gas analyzer system.
- 2.19. “Dedicated printer” shall mean the printer on the approved analyzer which is used solely to print certificates.

- 2.20. "Department" shall mean the Salt Lake Valley Health Department or its authorized representatives.
- 2.21. "Director" shall mean the Director of the Salt Lake Valley Health Department or his or her authorized representative.
- 2.22. "Drift" shall mean the amount the analyzer readings change, expressed as a percentage of full scale, over a period of time. Zero Drift refers to no change of the zero reading in the zero mode. Span Drift refers to the amount of change in reading hydrocarbons, carbon monoxide or oxides of nitrogen when the analyzer is in the span mode.
- 2.23. "EGR (Exhaust Gas Recirculation) System" shall mean an emissions control system that recycles or re-circulates a portion of the exhaust gases back to the engine combustion chambers.
- 2.24. "Evaporative control system" shall mean an emissions control system that prevents the escape of fuel vapors from the fuel tank or air cleaner and stores them in a charcoal canister to be burned in the combustion chamber.
- 2.25. "Emissions control systems" shall mean parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions.
- 2.26. "Engine Exhaust Gas Analyzer" or "Analyzer" shall mean an instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a motor vehicle which is approved by the Department for this use in accordance with this regulation as an official test instrument.
- 2.27. "Exemption form" shall mean a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this regulation.
- 2.28. "Fuel control systems" shall mean mechanical, electromechanical, galvanic or electronic parts or assemblies that regulate the air/fuel mixture in an engine to provide a combustible charge.
- 2.29. "Fuel filler neck restrictor" shall mean the obstruction, installed by the vehicle manufacturer, in the gas tank filler neck that prevents the introduction of a "leaded gasoline" nozzle.
- 2.30. "Gas span check" shall mean the checking and adjustment, as necessary, of an exhaust gas analyzer to correspond with known concentrations of HC, CO and NOx approved calibration gases.

- 2.31. "Gas calibration check" shall mean a procedure using known concentrations of HC, NO_x and CO span gases to verify the accuracy of an analyzer in measuring HC, NO_x and CO.
- 2.32. "Hang-up" shall mean a situation in which hydrocarbons linger in the sampling line and/or filters from previous testing which contact the exhaust gas sample stream of the present vehicle resulting in erroneous HC readings.
- 2.33. "Hexane equivalency value" shall mean the value derived from multiplying the propane equivalency factor (P.E.F.), as labeled on the analyzer, by the concentration of propane recorded on the calibration gas cylinder that is used to determine the HC reading when calibration/span gas is introduced into the analyzer bench.
- 2.34. "High altitude specifications" shall mean tune-up specifications that have been provided, by the manufacturer, to the Environmental Protection Agency for vehicles operating four thousand (4,000) feet above sea level or higher.
- 2.35. "HC" shall mean hydrocarbons.
- 2.36. "Ignition systems" shall mean parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge.
- 2.37. "Inspection/Maintenance station" or "I/M station" shall mean a facility permitted and authorized by the Department where a certified emissions inspector performs vehicle emissions inspection and maintenance.
- 2.38. "Inspection" shall mean a vehicle emissions test measuring tail pipe emissions levels and/or OBD status to ensure that motor vehicles in Salt Lake County are complying with the Vehicle Emissions Inspection/Maintenance Program.
- 2.39. "Inspection Area" shall mean the area that is occupied by the analyzer, dynamometer, sample hose, and the vehicle being inspected.
- 2.40. "Inspector Certificate of Qualification" or "Certificate of Qualification" shall mean a document, issued by the Department, to verify that a person has met the requirements for becoming an Inspector.
- 2.41. "Instrument" shall mean the complete analyzer system that samples and displays the concentration of pollutant hydrocarbons, carbon monoxide and oxides of nitrogen. The instrument includes the sample handling system, the exhaust gas analyzer and the enclosure cabinet.
- 2.42. "Motor vehicle" shall mean a self propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of this regulation are listed in part 4.1.8 of this regulation.

- 2.43. "Motorcycle" shall mean every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.
- 2.44. "Non-certified inspector" shall mean any person who has not been certified or qualified by the Department to perform inspections.
- 2.45. "On-board diagnostics" or "OBD" or "OBD II" shall mean an electronic monitoring and fault detection system installed on a motor vehicle to self-diagnose and control the vehicle's emission controls and engine/transmission operation.
- 2.46. "PCV (Positive Crankcase Ventilation) System" shall mean an emissions control system which returns crankcase vapors and blowby gases to the combustion chamber to be burned.
- 2.47. "Publicly-owned vehicle" shall mean a motor vehicle owned by a government entity, including but not limited to the Federal Government, any agency or bureau thereof, and the State of Utah, any agency, bureau, or political subdivision thereof.
- 2.48. "Repeatability" shall mean the instrument's capability to provide the same value, within specified tolerances, for successive measurements of the same sample.
- 2.49. "Salt Lake Valley Board of Health" shall mean the Salt Lake Valley Board of Health as authorized by Section 26A-1-109, Utah Code annotated, 1953, as amended.
- 2.50. "Stabilization" shall mean the process of bringing an instrument into equilibrium with the ambient environment and operating conditions.
- 2.51. "Technical Bulletin" shall mean a document, issued to Certified Emissions Inspectors and/or I/M Stations by the Department, to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.
- 2.52. "Temporary waiver" shall mean a waiver that may be issued by the Director which will allow the temporary registration of a vehicle based upon a vehicle owner's compliance with the conditions of the waiver.
- 2.53. "Training course" shall mean a formal program, administered, conducted, or approved by the Department, for the education of Certified Emissions Inspectors in basic emissions control technology, inspection procedures, diagnosis and repair of emissions related problems, I/M Program policies, procedures, and this regulation.
- 2.54. "UTAH98 Analyzer" shall mean a computerized engine exhaust gas analyzer and associated loaded mode test equipment.

- 2.55. "Vehicle Emissions Inspection/Maintenance Program" or "I/M Program" shall mean the program operated by Salt Lake County and the Department pursuant to Section 41-6a-1642, Utah Code Annotated 1953, as amended to ensure that motor vehicles are not emitting excessive amounts of air pollution in Salt Lake County.
- 2.56. "Vehicle Inspection Report" or "VIR" shall mean the report printed by the UTAH98 analyzer at the conclusion of the inspection and indicates if the vehicle passes, fails, or is not ready for the I/M inspection.
- 2.57. "Waiver" or "Certificate of Waiver" shall mean a document, issued by the Department, used to verify that a vehicle has met the repair or adjustment requirements of the Vehicle Emissions Inspection/Maintenance Program Regulations even though specific emissions standards have not been met.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

- 3.1.1. This regulation is promulgated by the Salt Lake Valley Board of Health as authorized by Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.1.2. The Department is empowered to enforce this regulation as authorized by Section 26A-1-114(1)(a), in all incorporated and unincorporated areas served by the Department, Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.2. It shall be unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake Valley Board of Health.
- 3.3. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal Action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.
- 3.6. Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this regulation.

3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation.

4. **SUBSTANTIVE PROVISIONS**

4.1. **Requirements and Exemptions for Owners, Operators, and Dealers of Motor Vehicles.**

4.1.1. **I/M Program Compliance Required.** Unless otherwise provided for in part 4.1.8 motor vehicles of model years 1968 and newer that are or will be registered in Salt Lake County, shall be subject to an annual or, biennial Inspection or OBD inspection performed by an Inspector at an I/M Station or other entity approved by the Director.

4.1.2. A Certificate of Compliance issued upon the successful completion of a Inspection or Waiver, or evidence that the motor vehicle has passed an Inspection or OBD inspection or is exempt from the I/M Program requirements as provided for in part 4.1.8 of this regulation shall be presented to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee stated in subsection 5.1 paid as conditions-precedent to annual registration or annual renewal of registration of a motor vehicle. Certificates of Compliance from other EPA approved I/M Programs outside of Salt Lake County may be accepted, if approved by the Director, provided those I/M Programs are as equally effective in reducing emissions.

4.1.3. **Emissions Standards for Motor Vehicle Exhaust Gases.**

- (i) In order to obtain a valid emissions Certificate of Compliance, exhaust emissions from a motor vehicle shall not exceed the maximum concentrations for carbon monoxide (CO), oxides of nitrogen (NO_x) and Hydrocarbons (HC) or pass an OBD inspection as established by the Director.
- (ii) Maximum concentration cutpoints shall be determined by the Director as needed to meet the National Ambient Air Quality Standards established by the United States Environmental Protection Agency (EPA). The established cutpoints shall remain in effect until changed by the Director. Any change in the cutpoints shall be effective upon the first day of any calendar month designated by the Director. The Director shall establish cutpoints by considering the following factors:
 - a The stringency required to meet air quality standards;

- b The existing ambient air quality;
- c The requirements for air quality programs currently in effect as promulgated by the EPA, the Utah Department of Environmental Quality, and the Department. The cutpoints established shall be part of an overall program, in accordance with EPA guidelines, to achieve the required tailpipe reductions of CO, NO_x and HC from motor vehicles measured from the date this program is implemented;
- d The general level of emission control technology on vehicles registered in the county;
- e The population growth and other factors which may reasonably be expected to impact air quality;
- f The likelihood of a particular cutpoint to achieve desired air quality goals; and
- g The ability to ensure compliance with the requirements of Section 41-6a-1642 and Section 41-6-163.7, Utah Code Annotated, 1953, as amended.

4.1.4. **Certificate Validity Period.** Unless otherwise provided, the Certificate of Compliance for Motor Vehicles shall be valid for two (2) months after the date of issuance for the purposes of obtaining vehicle registration as required under part 4.1.2 of this regulation.

4.1.5. **Motor Vehicle Dealer's Certificate Validity Period.** A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name and dealer's number, shall be valid for six (6) months as specified in Section 41-1a-205, Utah Code Annotated, 1953, as amended for purposes of obtaining vehicle registration as required under part 4.1.2 of this regulation.. The vehicle purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate of Compliance.

4.1.6. **Publicly Owned Vehicles.** Owners of publicly-owned vehicles shall comply with the I/M Program requirements in accordance with this regulation. Federally-owned vehicles and vehicles of employees regularly operated on a federal installation, located in the County, that do not require registration in the State of Utah shall comply with the emissions testing requirements on an annual or biennial basis. pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act, 1990 Amendments.

4.1.7. **Waiver.** If a vehicle owner qualifies for a waiver pursuant to this regulation, he or she shall have until the expiration of the time period specified by the Director in the waiver to complete the necessary repairs or replacement. After repairs are

made, the owner shall submit the vehicle to the Department to verify the repairs and that the vehicle is in compliance with all provisions of this regulation.

4.1.8. **Vehicle Exemption.** The following vehicles are exempt from these Vehicle Emissions Inspection/Maintenance requirements:

- (i) Any vehicle of model year 1967 or older;
- (ii) All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption as required by Section 41-6a-1642 Utah Code Annotated, 1953, as amended;
- (iii) Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
- (iv) Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);
- (v) Any vehicle that operates exclusively on electricity or diesel fuel (diesel vehicles are subject to emissions testing under Health Regulation # 28); and
- (vi) Any new vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form.

4.2. **Equipment, Manufacturer, and I/M Station Requirements.**

4.2.1. **Permit Requirements of the I/M Station.**

- (i) It is a violation of this regulation to own or operate a facility where inspections are performed without obtaining a valid I/M Station Permit issued by the Department and obtaining a Utah State Safety Inspection Station license.
- (ii) **Permit Application, Duration and Renewal.**
 - a. Application for an I/M Station Permit shall be made upon a form provided by the Director.
 - b. An I/M Station Permit applicant shall ensure that the I/M Station complies with all the terms stated in the permit application and all the requirements of this regulation.
 - c. **Permit Duration and Renewal.** An I/M Station Permit is not valid if the Permit expires or if the I/M Station moves to a new location. The permit for an I/M Station shall expire one year from the date of

issuance and is not valid unless it is renewed annually, before expiration by paying the Annual I/M Station Permit Renewal Fee stated in part 5.1.2 of this regulation. If the permit is renewed after expiration, the applicant must pay the Renewal of Expired I/M Station Permit Fee stated in part 5.1.3 of this regulation.. If a I/M Station moves to a new location, the Permit is not valid until the Station has paid the I/M Station Relocation Fee stated in part 5.1.4 of this regulation. It is the responsibility of the owner/operator of the I/M Station to pursue permit renewal through appropriate channels. The permit shall be renewable within sixty (60) days prior to the date of expiration.

- (iii) **I/M Station To Hold Department Harmless.** In making application for an I/M Station Permit or for its renewal, such action shall constitute a declaration by the applicant on behalf of the station's owner and/or operator that the Department shall be held harmless from liability incurred due to action or inaction of any I/M Station owner or his or her employees.
- (iv) As a condition for permitting all I/M Stations, the following tools shall remain on the facility's premises for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Director:
 - a. A Department approved exhaust gas and/or OBD analyzer system;
 - b. A handbook, approved by the Department, that includes high altitude specifications;
 - c. Department approved calibration/span gas and equipment for performing a gas calibration/span check;
 - d. A suitable non-reactive tail pipe extender or suitable probe adapter for baffled exhaust systems;
 - e. The analyzer manufacturer's instruction manual and maintenance and calibration manual which must be retained in the inspection area;
 - f. All forms, Technical Bulletins, and other information materials provided by the Department;
 - g. A Department approved instrument to test the vehicle gas cap for pressure.
- (v) The I/M Station Permit shall be posted on the premises, in a conspicuous place, and within the public view.

4.2.2. I/M Station Owner or Operator's Duty to Return Certificates of Compliance to Department.

- (i) An I/M Station owner, manager, or other responsible person shall ensure that all unused Certificates of Compliance issued to the Station shall be returned to the Department upon final cancellation, suspension, or revocation of the I/M Station Permit.
- (ii) An I/M Station owner, manager or other responsible person shall notify the Department immediately and return all unused Certificates of Compliance and associated paper work within twenty-four (24) hours if the station does not have a Certified Emissions Inspector employed and available to perform inspections.
- (iii) Upon transfer or termination of business ownership, the I/M station permit and all Certificates of Compliance shall be immediately forwarded to the Department.
- (iv) The Department shall receipt and refund any fee paid for unused Certificates of Compliance to the station owner according to the Salt Lake County Auditor's procedures.

4.2.3. I/M stations may charge fees for Inspections and related services. Those fees include the following conditions:

- (i) If a vehicle fails the inspection, the owner is entitled to two free re-inspections for an OBD test or one free reinspection for a tail pipe test if he or she returns to the I/M station that performed the original inspection within thirty (30) days from the date of the initial inspection. The I/M station shall extend the thirty-day free re-inspection time to accommodate the vehicle owner if the I/M station is unable to schedule the re-test of the vehicle within the thirty-day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emission test.
- (ii) At the request of the Department, an I/M station shall extend the free retest time for vehicle owners who were unable to complete emissions repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed the data storage capacity time of the emissions analyzer.

4.2.4. Informational pamphlets required by the Department shall be displayed at the I/M Station in an area readily accessible by the public.

4.2.5. An I/M Station premises shall be kept in good repair, free of obstructions and hazards, and in a safe condition for inspection purposes.

- 4.2.6. **Station Location Permanent.** To provide for the inspection of vehicles, the I/M Station shall be a permanent location which meets all applicable zoning requirements.
- 4.2.7. **Standards and Specifications for Exhaust Gas Analyzer Systems and Span Gases.**
- (i) **Approval of Engine Exhaust Gas Analyzer Systems.** No Inspection required by this regulation shall be performed unless the type of instrument used for measuring engine exhaust gases or testing the OBD system from/on motor vehicles is contained in the list of approved UTAH98 analyzer systems as provided by the Department.
 - (ii) The analyzer shall meet the requirements of the analyzer specifications referenced in Appendix B to this regulation.
 - (iii) The analyzer shall be certified by the manufacturer as meeting the criteria of Section 207(b) warranty provisions of the Clean Air Act.
 - (iv) All exhaust gas analyzer systems shall be covered by a repair warranty approved by the equipment manufacturer and the Department.
 - (v) Any analyzer used by an I/M Station shall be approved and registered by the Department and shall be labeled with a registration sticker issued by the Department. Registration stickers are not transferable or assignable. Analyzer systems used temporarily, during times of breakdown or repair of the registered analyzer, do not require a registration sticker, but shall meet all other requirements of this Section including the approval of the Department before use.
 - (vi) The electrical supply to the analyzer shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability.
 - (vii) The analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, extreme temperatures or any other abuse.
 - (viii) The analyzer printers shall be maintained in such a manner that the printing of the Certificate of Compliance and inspection report shall be clearly visible on all copies. If any printer fails to properly function, the I/M station shall discontinue testing until the required repairs have been performed.
 - (ix) It shall be unlawful for any person to alter or modify the hardware or software associated with the inspection or with an approved emissions

analyzer without written application and formal written approval by the Department.

- (x) **Propane Equivalency Factor (P.E.F.).** Each analyzer shall be labeled with a valid propane equivalency factor, shown with an accuracy of at least two decimal places, (e.g., 0.52). P.E.F. confirmation shall be made on each assembled analyzer by measuring both N-hexane and propane values on assembly line quality checks. If a bench is changed in an analyzer and it results in a P.E.F. change, the manufacturer is required to update the software accordingly and re-label the P.E.F. on the outside of the analyzer.
- (xi) **Analyzer Maintenance.** The analyzer shall be maintained by a Department approved business and individual to BAR 97 specifications and in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.
- (xii) **Running Changes.** Any changes to the design characteristics or component specifications that may affect the performance of an analyzer to be used as an official test instrument in the Salt Lake County Inspection/Maintenance Program shall be approved by the Department. It shall be the instrument manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the analyzer.
- (xiii) The instrument shall be in good working condition, capable of meeting calibration requirements of the Department, and operated according to manufacturer's specifications and operating procedures. (For 207(b) Warranty Inspection Procedures see Appendix A.)
- (xiv) **Calibration of Exhaust Gas Analyzers.** The Department shall use and require for use in the calibration and spanning of exhaust gas analyzers, calibration and span gases and containers meeting the guidelines contained in 40 CFR Part 85.2233.
- (xv) **Span Gases Generally.** The instrument manufacturer and/or his designated marketing vendors shall, on request, supply at a reasonable cost, span gases approved by the Department to any ultimate purchaser of his unit. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall have approved full span gas containers installed and operational at the time of delivery.
- (xvi) **Span Gas Blends.** The span gases supplied to any I/M Station shall conform to the specifications of the Department. All span/calibration gases shall meet the requirements for the 207(b) warranty as contained in the June 12, 1984 Federal Register 40 CFR Part 85 Subpart W. Two

span/calibration gases shall be used to perform analyzer calibration. Both a low range and a mid range gas, approved by the Department, shall be used. Only gas blends supplied by Department approved blenders shall be used to calibrate official analyzer systems.

- (xvii) Any analyzer manufacturer or its authorized representative who repossesses or otherwise remove an approved I/M analyzer from an I/M Station, shall immediately notify the Department and shall immediately forward any certificates and the data disk that may still be in the analyzer to the Department.
- (xviii) **Instruction Manual.** An instruction manual shall be supplied by the analyzer manufacturer or his authorized representative for each exhaust gas analyzer sold or leased by the analyzer manufacturer and shall contain at least the following information for the analyzer:
 - a. A complete technical description;
 - b. The functional, mechanical, and electrical schematics;
 - c. The accessories and options that are included and/or available;
 - d. The model number, identification marking, and location;
 - e. Operating maintenance including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to leaks, hang-up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
 - f. Field calibration procedures (i.e., Department inspection procedure with separate gas supply);
 - g. Cal-port gas inlet calibration, zero, and span instructions;
 - h. Information concerning the nearest service facility where equipment can be serviced; and
 - i. The warranty provisions for the analyzer, including a list of warranty repair stations by name, address and telephone number.

4.2.8. **Official Signs .**

- (i) All I/M Stations, except those stations authorized to inspect only their own motor vehicles as a fleet inspection station, shall display in a conspicuous

location on the premises an official sign provided or approved by the Department.

- (ii) The I/M station shall post on a clear and legible sign and in a conspicuous place, in the public's view, at the station, the fees charged by that I/M station for the performance of the emissions inspection. Block lettering shall be a minimum size as determined by the Director.

4.3. Requirements for Certified Emissions Inspectors.

4.3.1. Testing and Certification of Applicant for Emissions Inspector Certification.

- (i) No person shall perform any part of the Inspection for the issuance of a Certification of Compliance unless the person possesses a valid Inspector Certificate of Qualification issued by the Department.
- (ii) The Inspector Certificate of Qualification shall be valid only at the I/M station where the Inspector is employed at the time of application. If the Inspector is employed later at another station, he or she shall notify the Department of the employment change. He or she shall also be required to obtain Inspector Dual Certification at the new location and remit the Inspector Dual Certification fee stated in part 5.1.6 prior to performing any emissions tests at the new location. The dual certificate shall expire on the same expiration date on the initial Certificate of Qualification.
- (iii) **Certification Application, Duration, and Renewal.**
 - a. Applications for an Inspector's Certificate of Qualification shall be made upon a form prescribed by the Department.
 - b. An Inspector shall comply with all terms stated in the Certificate Application and all requirements of this regulation.
 - c. **Certificate Duration and Renewal.** The Inspector Certificate of Qualification shall expire one year from the date of issuance. If the Certificate is renewed before expiration, the applicant shall pay the Renewal Fee for an Inspector's Certificate of Qualification as provided for in part 5.1.7. If the Certificate is renewed after expiration, the applicant must pay the Renewal of Expired I/M Inspector Certificate of Qualification Fee stated in part 5.1.8 of this regulation. It is the responsibility of the inspector to pursue the renewal of the Inspector Certificate of Qualification. The certificate shall be renewable sixty days prior to the date of expiration.

4.3.2. **Certification Requirements.** As a condition for issuing an Inspector's Certificate of Qualification, the applicant shall:

- (i) Successfully complete a Department approved training course;
- (ii) Successfully pass a written qualification exam testing knowledge, skill, and competence of:
 - a. Operation and purposes of emission control systems;
 - b. Inspection procedures as outlined in this regulation;
 - c. Operation of an exhaust gas analyzer including the performance of a gas calibration and leak check and the OBD system;
 - d. The provisions of Section 207 (b) warranty provisions of the Federal Clean Air Act; and
 - e. The provisions of this regulation and the Department policies and procedures; and
- (iii) Successfully pass a Performance Qualification Exam. The Performance Qualification Exam shall include a hands-on-performance checksheet to be signed by the applicant and instructor or other person approved by the Department and shall test skill and competence of the following:
 - a. Visual inspection and knowledge of the function of the required emission control equipment;
 - b. Demonstration of skill in the proper use, care, maintenance, calibration and leak checking of approved analyzers;
 - c. Demonstration of ability to conduct the inspection or OBD inspections; and
 - d. Demonstration of ability to safely conduct tests using a dynamometer including the ability to properly restrain the vehicle.

4.3.3. **Re-qualification Requirements for Inspectors.** Upon determination by the Director of the necessity of updating the qualifications for Certified Emissions Inspectors, they shall be required to re-qualify. Certified Emissions Inspectors shall be required to re-qualify within a specified time period, determined by the Director, from the date of written notification by the Director. The notice shall be mailed to the address of record in the office of the Department. Failure to requalify within the required period of time shall result in the suspension or revocation of the Inspector's Certificate of Qualification.

4.3.4. Inspector's Duty to Inform.

- (i) It shall be the responsibility of the inspector, if a vehicle exempted from the Inspection by part 4.1.8 of this regulation is brought to the Inspector for an Inspection, to inform the owner/operator that the vehicle is not required to have an Inspection for vehicle registration purposes.
- (ii) If a vehicle fails Inspection, and is within the time and mileage requirements of the Federal emissions warranty contained in the Federal Clean Air Act, the Inspector shall inform the owner/operator that he or she may qualify for warranty coverage of emissions related repairs, as provided by the vehicle manufacturer, and mandated by the United States Environmental Protection Agency. The Inspector shall provide the owner with a copy or copies of the applicable emissions warranty pamphlets provided by the Department.
- (iii) If the Inspector is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the Inspection, he or she shall notify the owner/operator of the vehicle before the Inspection is administered.

4.3.5. All procedures of the Vehicle Inspection/Maintenance Program shall be performed by an Inspector including:

- (i) Analyzer preparation, calibration, gas span and leak checks;
- (ii) Exhaust gas sampling and analysis for purposes of an official emissions test for issuance of a Certificate of Compliance;
- (iii) Preparation of reports, forms, and certificates;
- (iv) Accessing the official emissions testing section of the analyzer; and
- (v) All other aspects of the inspection, including but not limited to, the tampering inspection, placement of the vehicle on dynamometer, inserting the exhaust probe, OBD connection, entering data into the analyzer, verifying that the engine is at normal operating temperature, ensuring that accessories are off, preconditioning the vehicle, and signing certificates and inspection forms unless otherwise approved in writing by the Director.

4.3.6. Inspection Procedures and Specifications.

- (i) When a vehicle owner requests an Inspection, the Inspector shall perform the inspection in the testing mode of the approved UTAH98 analyzer. Performing a screening test in the manual mode of the approved UTAH98 analyzer or on a non-approved analyzer shall be a violation of this regulation if the vehicle owner requested an Inspection.

- (ii) The temperature of the inspection area shall be between 41° and 110° Fahrenheit during the inspection.
- (iii) The inspection shall be solely performed by a Certified Emissions Inspector who has been certified at the I/M station where the inspection is being performed.
- (iv) The Inspector shall not inspect or test any motor vehicle with a condition which may cause injury to inspection personnel or other persons or damage to the I/M station or test equipment or which may affect the validity of the test until such condition is corrected. Such conditions include, but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels, carburetor gas overflow, visible emissions or not adequately restraining or securing the vehicle. The Inspector shall also make certain that the vehicle's tires are adequately dry, properly inflated and free of rocks and that the dynamometer manufacturer's safety recommendations are followed.
- (v) The analyzer shall be warmed up and stabilized prior to performing any inspection.
- (vi) The entire inspection shall take place within the reach of the analyzer hose.
- (vii) Other than OBD tested vehicles, each vehicle shall be checked to determine that it is at normal operating temperature by feeling the radiator hose associated with the thermostat or by checking the temperature gauge. Each vehicle shall be at normal operating temperature before performing the inspection.
- (viii) The Inspector shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration with those on the vehicle and shall accurately record them into the analyzer.
- (ix) **For All Vehicles.** Vehicles shall be tested according to the testing sequence as detailed in the design and equipment specifications referenced in Appendix B. The specifications shall insure that the I/M Program achieves emissions reductions equal to or greater than those specified in the Utah State Implementation Plans.
- (x) The Inspector shall completely and accurately enter all information required by the data entry procedure of the UTAH98 analyzer approved for the official vehicle emissions test.

- (xi) Information regarding all repairs performed on the vehicle shall be entered into the appropriate data base of the analyzer prior to the vehicle being retested.
- (xii) The Inspector shall examine the emissions/tune-up specification decal (sticker) under the hood or check an approved reference manual to determine if the vehicle was manufactured with a catalytic converter, AIR system, PCV system, EGR system and fuel evaporative system.
- (xiii) The Inspector shall on 1990 and newer vehicles, visually look for the presence and apparent operability of the AIR system, catalytic converter, fuel filler neck restrictor, EGR system, evaporative control system, PCV system, and gas tank cap. If these parts or systems have been removed, or are inoperable, the vehicle fails and the owner shall repair or replace the parts or systems before the emissions test may be continued.
- (xiv) On 1989 and older vehicles, the Inspector shall visually inspect for the presence and apparent operability of the AIR system, catalytic converter, fuel filler neck restrictor and gas tank cap in accordance with Department procedures, and record the information on the emissions analyzer. For 1984 and newer model year vehicles, if these parts or systems have been removed or are inoperable, the owner shall repair or replace the parts or systems before an emissions test may be continued.
- (xv) On vehicles that require a gas cap test, the inspector shall follow procedures in accordance with the UTAH98 analyzer specifications as referenced in Appendix B of this regulation.
- (xvi) On vehicles that require an OBD inspection, the inspector shall follow procedures in accordance with the UTAH98 analyzer specifications as referenced in Appendix B of this regulation.
- (xvii) For vehicles receiving the loaded mode test, the inspection shall be performed with the transmission in drive with all accessories turned off. The Department will establish a shift schedule for manual shift vehicles. For vehicles receiving two-speed idle tests, the inspection shall be performed with the transmission in park or neutral, with all accessories off and the emergency brake applied.
- (xviii) The analyzer probe shall be inserted into the exhaust pipe at least twelve inches or as recommended by the analyzer manufacturer, whichever is greater.
- (xix) If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.

- (xx) For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an auxiliary sampling line attached to the main sampling line using a quick disconnect.
- (xxi) When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.
- (xxii) Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the UTAH98 analyzer specifications as referenced in Appendix B of this regulation.
- (xxiii) All testing procedures for re-start testing, second chance testing, etc., shall be followed as contained in the analyzer specifications referenced in Appendix B.
- (xxiv) Any time an engine stalls during an emissions test, the test shall be re-started. If a Inspector cannot complete a test because of continuous stalling, the stalling problem shall be corrected before the test is performed.
- (xxv) Certificates of Compliance shall only be issued after being printed by the approved analyzer printer dedicated to the printing of certificates. Completion of certificates by handwritten information by any person or I/M station other than the Department or Director is strictly prohibited. The Certificates shall be signed only after being printed and shall be signed immediately after printing.
- (xxvi) The customer shall be given the Certificate and appropriate copy of the VIR.
- (xxvii) If the vehicle fails the inspection or is not ready for the OBD inspection the inspector shall provide a copy of the VIR and any other written material required by the Department. The Inspector should explain the VIR to the Vehicle owner or operator.
- (xxviii) Prior to referring the vehicle owner/operator to the Department for a waiver, the Inspector shall verify that the repair and eligibility requirements have been met and shall provide the vehicle owner/operator with the required referral form.
- (xxix) The Inspector shall determine if a part or parts necessary to bring a vehicle into compliance. If a part or parts is/are not available by the time the vehicle's registration is due, the owner/operator may obtain a signed form to that effect from a manufacturer, dealer, or professional repair mechanic

who has verified the non-availability of the part(s). The owner or operator may then take such proof to the Department and request a waiver so that the vehicle may be registered.

4.3.7. If the vehicle fails the initial ASM or two-speed idle emissions inspection, the owner shall have thirty days to have repairs or adjustments made and return the vehicle to the I/M Station that performed the initial inspection for one (1) free re-inspection. If the vehicle fails the initial OBD inspection, the owner shall have thirty days to have repairs or adjustments made and return the vehicle to the I/M Station that performed the initial inspection for two (2) free re-inspections. The vehicle that failed the initial test shall then be issued a certificate of Compliance, if all the following are met:

- (i) The vehicle is re-tested;
- (ii) The vehicle emissions levels are the same as or less than the applicable emissions standards; and
- (iii) For 1984 and newer model year vehicles, the vehicle passes the visual emissions inspection as provided for in subparts 4.3.6 (xiv) and (xiii).

4.3.8. **Repair Procedures.** For purposes of this regulation, repairs performed on a vehicle that fails the Inspection shall be done in such a manner that they will correct the problem causing the excessive emissions.

4.3.9. **Engine Changes.** Vehicles qualifying for testing under this part shall not be eligible for a repair waiver.

- (i) Vehicles model year 1968 to 1983 shall be tested according to the year of the vehicle (regardless of the year of the engine) and may be tested at any station.
- (ii) If a 1984 and newer vehicle has an engine other than the original, the vehicle owner must have the vehicle inspected by the Department and must demonstrate to the Director that the emission control systems on that engine are equally or more effective in controlling emissions as those systems originally manufactured on the vehicle before a Certification of Compliance is issued.
- (iii) Kit cars must be inspected by the Department and may be inspected according to the year of the engine provided that the owner can provide appropriate documentation.

4.4. **Certificates of Compliance and Waiver.**

4.4.1. **Certificates of Compliance.**

- (i) Certificates of Compliance shall be obtained or purchased only from the Department.
 - a. No person shall make, issue or knowingly use any imitation or counterfeit of an official Certificate of Compliance or waiver.
 - b. No person shall knowingly use a stolen Certificate of Compliance.
 - c. Certificates of Compliance shall not be loaned, transferred, or given to any other I/M Station, or any unauthorized individual. The I/M Station shall at all times account for all Certificates that have been issued to the I/M station.
- (ii) No refund or credit shall be allowed for unused certificates of compliance, except as provided in part 4.2.2.
- (iii) **Obtaining Certificates of Compliance – I/M Stations .**
 - a. Certificates of Compliance shall be obtained at the Department, in person, by an authorized representative of the I/M Station possessing an acceptable form of identification.
 - b. Certificates of Compliance shall be issued in lots to be determined by the Department. The Department may limit the Certificates of Compliance to the number the Director believes can be secured and stored safely.
- (iv) I/M Stations shall have Certificates of Compliance on hand at all times when performing Inspections.
- (v) I/M Station owners or other responsible persons shall at all times account for all certificates of compliance that have been purchased by the Station. All unused certificates shall be kept in a secure place at all times to prevent loss or theft. I/M station copies of Certificates of Compliance and Inspection records shall be kept on file, in numerical order, and separate from all other documents at the I/M station for a minimum of eighteen (18) months and shall be available for inspection and collection by the Department at any time the inspection station is open for business..
- (vi) Certificates of Compliance found to be missing, stolen, or unaccounted for, shall be reported to the Department by the I/M station owner, manager or other responsible party within twenty-four hours and the I/M station shall cease performing emissions tests until an investigation by the Department has been completed and the Department re-authorizes the I/M station to begin testing again.

- (vii) Certificates of Compliance shall be issued in sequential order.
- (viii) Duplicate Certificates of Compliance may be issued to a vehicle owner or operator within two months of the initial test. A I/M Station may not charge more than \$2.00 for a Duplicate Certificate of Compliance
- (ix) **Obtaining Certificates of Compliance – Vehicle Owners .**
 - a. Certificates of Compliance shall not be issued to an owner until an Inspection has been performed as required by this regulation.
 - b. A Certificate of Compliance shall be issued by an Inspector if the vehicle emissions levels are the same as or less than the applicable emissions standards;
 - c. For 1984 and newer model year vehicles, A Certificate of Compliance shall be issued by an Inspector if the vehicle passes the visual inspection described in part 4.3.6;
 - d. For 1996 and newer model year vehicles, A Certificate of Compliance shall be issued by an Inspector if the vehicle passes the On-Board Diagnostics (OBDII) requirements as specified in Appendix B of this regulation.

4.4.2. **Certificates of Waiver.**

- (i) Certificates of Waiver (“waiver”) shall only be issued by the Department and only after the Department determines that the vehicle complies with the requirements of this regulation.
- (ii) The Director is under no obligation to issue waivers. The person to whom the waiver is issued shall comply with the conditions of the waiver as agreed upon by a signed affidavit. Failure to comply with the affidavit shall be considered a violation of this regulation.
- (iii) A Certificate of waiver shall be issued only under the following conditions:
 - a. For 1968 to 1980 model year motor vehicles, if the vehicle continues to exceed applicable emissions standards after one hundred dollars (\$100) of acceptable emissions related repairs have been performed and the adjustments required by part 4.3.8 have been performed by a licensed automotive repair facility and if the pollution control devices (catalytic converter, fuel filler neck restrictor and AIR system) are in place and apparently operable. If repairs are made by the vehicle

owner or by someone who does not possess a valid business license for automotive repair, the cost of labor may not be included in the one hundred dollars \$100. If the pollution control devices have been removed or rendered inoperable, they shall be replaced or repaired before a waiver is granted.

- b. For 1981 to 1995 model year vehicles, if all of the following requirements are met:
 - i. Air pollution control devices applicable and specified in part 4.3.6 of this regulation are in place and apparently operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a waiver is granted; and
 - ii. At least two hundred dollars (\$200) has been spent on acceptable emissions related repair costs for that specific vehicle as specified in part 4.3.8, and if proof of repair costs for that specific vehicle have been provided in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive repair, the cost of labor shall not be included in the two hundred dollars (\$200.00);
- c. For 1996 or newer model year vehicles, if all of the following requirements are met:
 - i. Air pollution control devices applicable and specified in part 4.3.6 of this regulation are in place and apparently operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a waiver is granted; and
 - ii. At least four hundred and fifty dollars (\$450) has been spent on acceptable emissions related repair costs for that specific vehicle as specified in part 4.3.8, and if proof of repair costs for that specific vehicle have been provided in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive repair, the cost of labor shall not be included in the four hundred and fifty dollars (\$450); and
 - iii. The vehicle is not within the time and mileage requirements of the Federal emissions warranties. Any vehicle that is within the time and mileage requirements of the Federal emissions warranties shall

not be eligible for an emissions repair waiver, but shall be repaired to pass the emissions standards.

- d. Any vehicle that experiences an increase in overall emissions levels from the first inspection to the final inspection shall not be eligible for a waiver regardless of the amount spent in attempting to repair the vehicle.
- e. As used in subpart 4.4.2 (iii) a., subchapter 4.4.2 (iii) b. ii., and 4.4.2 (iii) c. i., acceptable emissions related repairs:
 - i. Refer to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cutpoints, and procedures;
 - ii. Do not include adjustments, maintenance, or repairs performed prior to the official emissions test;
 - iii. Do not include the fee paid for the test;
 - iv. Do not include costs associated with the repairs or replacements required by subparts 4.3.6 (xiii) and (xiv) or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems;
 - v. Do not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution; and
 - vi. Refer to repairs and maintenance, if done according to manufacturer's specifications, to the extent that the purpose is to reduce exhaust emissions to the following systems:
 - 1. Air Intake Systems;
 - 2. Ignition Systems;
 - 3. Fuel Control Systems;
 - 4. Emissions Control Systems, except as noted in subparts 6.3.6 (xiii) and (xiv);
 - 5. Basic Engine Systems; and

6. Repair of problems identified by on-board diagnostic (OBDII) fault codes.

5. LICENSES, PERMITS, CERTIFICATES, & REGULATORY FEES

5.1. The Department may establish and collect appropriate fees for licenses, certificates and permits as set out in this regulation. The Department may collect appropriate fees as set out in this regulation for the performance of services, including training courses and examinations. If information on a license, certificate or permit application changes, the applicant shall notify the Department in writing within 20 calendar days.

- 5.1.1. **I/M Station Permit Fee.** Any applicant who applies for a I/M Station Permit as required by subpart 4.2.1 (i) of this regulation shall be required to remit a I/M Station Permit Fee of \$253.00 upon application for a I/M Station Permit.
- 5.1.2. **Annual I/M Station Permit Renewal Fee.** Any applicant who applies to renew a valid I/M Station Permit as required by subpart 4.2.1 (ii) c of this regulation shall be required to remit a Annual I/M Station Permit Renewal Fee of \$28.00 upon application to renew.
- 5.1.3. **Renewal of Expired I/M Station Permit Fee.** Any applicant who applies to renew an expired I/M Station Permit as required by subpart 4.2.1 (ii) c of this regulation shall be required to remit a Renewal of Expired I/M Station Permit Fee of \$78.00 upon application to renew.
- 5.1.4. **I/M Station Relocation Fee.** Any applicant who applies for a I/M Station Permit for a new location as required by subpart 4.2.1 (ii) c of this regulation shall be required to remit a I/M Station Relocation Fee of \$53.00 upon application.
- 5.1.5. **I/M Inspector Certificate of Qualification Fee.** Any applicant who applies for a I/M Inspector Certificate of Qualification as required by subpart 4.3.1 (i) of this regulation shall be required to remit a I/M Inspector Certificate of Qualification Fee of \$23.00 upon application.
- 5.1.6. **Inspector Dual Certification Fee.** Any applicant who applies for Inspector Recertification as required by subpart 4.3.1 (ii) of this regulation shall be required to remit an Inspector Recertification Fee of \$23.00 upon application.
- 5.1.7. **Renewal Fee for a Inspector's Certificate of Qualification.** The fee for any applicant who qualifies to renew a Inspector's Certificate of Qualification as required by subpart 4.3.1 (iii) c of this regulation shall be required to remit Renewal Fee for an Inspector's Certificate of Qualification of \$13.00 upon application to renew a Inspector's Certificate of Qualification.

- 5.1.8. **Renewal Fee for an Expired I/M Inspector's Certificate of Qualification.** The fee for any applicant who qualifies to renew an expired Inspector's Certificate of Qualification as required by subpart 4.3.1 (iii) c. of this regulation shall be required to remit Renewal Fee for an Expired Inspector's Certificate of Qualification of \$33.00 upon application to renew an expired Inspector's Certificate of Qualification.
- 5.1.9. **Air Pollution Control Fee.** The owner of any vehicle which qualifies for registration pursuant to part 4.1.2 of this regulation shall be required to remit to the County Assessor an Air Pollution Control Fee of \$3.00 upon annual vehicle registration.
- 5.1.10. **Inspector Training Course and Examination Fee.** Any applicant who registers for the Inspection Training Course and Qualification examination required in part 4.3.2 in this regulation shall be required to remit an Inspector Training Course and Examination Fee of \$51.00 upon registration.
- 5.2. Unless otherwise provided for in this regulation or approved by the Director in the Department's Fee Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.
- 5.3. **Denial, Suspension, or Revocation of Approval or Permit.** The Director may suspend, revoke, or deny a permit of an I/M Station and/or require the surrender of the permit and unused Certificates of Compliance upon showing that:
- 5.3.1. An inspector at the station is in violation of this regulation and:
- (i) The I/M Station Owner or other responsible person had knowledge of the inspector's violation;
 - (ii) The I/M station owner or other responsible person had no direct knowledge of the violation but is found to be careless in oversight of the inspector; or
 - (iii) The station has a history of violations;
- 5.3.2. A vehicle was inspected and issued a Certificate of Compliance by the station personnel, when the vehicle did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins and this Regulation;
- 5.3.3. A vehicle was inspected and rejected by the I/M station when, in fact, the vehicle was determined, by the Director, to be in such condition that it did comply with the requirements of this Regulation;

- 5.3.4. A vehicle was inspected and issued a Certificate of Compliance and did not, at the time of Inspection, comply with the requirements of Section 4.3.6 regarding tampering;
 - 5.3.5. The I/M station is not open and available to perform inspections during normal business hours of 8:00 a.m. to 5:00 p.m., Mondays through Fridays, or other hours approved by the Director (except I/M stations which test only their own vehicles);
 - 5.3.6. The I/M station has violated any provision of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Station;
 - 5.3.7. The I/M station was not equipped as required by this regulation;
 - 5.3.8. The I/M station is not operating within the property boundaries as specified on the permit;
 - 5.3.9. An official Inspection was done by a non-certified person or a non-certified person has gained access to the official testing portion of the analyzer or a non-certified Inspector person signed a Certificate of Compliance;
 - 5.3.10. The computerized analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the analyzer or the test vehicle has been altered or tampered with in any way so that it will pass the emissions test when it would not otherwise.
 - 5.3.11. The I/M station denies access to or conceals pertinent information from a representative of the Department during an audit or while conducting other necessary business during regular business hours; or
 - 5.3.12. A Certificate of Compliance was issued for a vehicle that was not emissions tested according to the I/M test procedures.
- 5.4. If legal or administrative action is taken to suspend or revoke an I/M Station permit at a location, a new I/M Station permit may not be issued for that location until the conditions of the suspension or revocation have been met.
- 5.5. **Denial, Suspension, or Revocation of Certificates:** The Director may suspend, revoke, or deny the Certificate of Qualification of a Inspector and require the surrender of his Certificate of Qualification upon showing that:
- 5.5.1. The Inspector issued or caused a Certificate of Compliance to be issued without an approved inspection being made;

- 5.5.2. The Inspector denied the issuance of a Certificate of Compliance to a vehicle owner/operator that, at the time of the inspection, complied with the law for issuance of said Certificate;
- 5.5.3. The Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;
- 5.5.4. The Inspector failed to re-qualify for a Certificate of Qualification within the required period of time;
- 5.5.5. The Inspector recorded "Passed" for the vehicle when the vehicle did not, at the time of inspection, comply with the tampering requirements of the inspection detailed in part 4.3.6, regardless of whether a Certificate of Compliance was issued or not;
- 5.5.6. Inspections were performed by the Inspector, but not in accordance with applicable policies, procedures, Technical Bulletins, and this Regulation;
- 5.5.7. The Inspector allowed a non-certified person to perform an official I/M Inspection or gain access to the official testing portion of the analyzer;
- 5.5.8. The Inspector signed an Inspection form or Certificate of Compliance stating that he or she had performed the emissions test when, in fact, he or she did not;
- 5.5.9. The Inspector signed a Certificate of Compliance prior to a test being performed and prior to the Certificate of Compliance being printed by the dedicated printer; and
- 5.5.10. A Certificate of Compliance was issued for a vehicle that was not tested.

6. AUDITS & INVESTIGATIONS

- 6.1. To ensure compliance, a periodic audit shall be made by a Department representative to verify compliance with this regulation for each I/M Station. As part of the periodic audit of the I/M Station the Department representative shall, as applicable, verify that the Inspection and OBD equipment is operating correctly, perform a gas calibration and leak check of each certified analyzer, examine leak check and gas calibration records, and examine inspection records and Certificates of Compliance as well as other required reports, forms, or records to see that the use of these items is in compliance with this regulation and the policies and procedures of the Department.
 - 6.1.1. During the time of the audit by the Department, the Department representative shall have exclusive access to the approved emissions testing analyzer(s).
 - 6.1.2. The Department representative may check the accuracy of the analyzer using Department gas to verify that the analyzer is reading within the tolerances

established by the Department. Analyzers not reading within the tolerances shall be re-calibrated to acceptable tolerances or placed "out of service".

6.2. Authority for Department to Enter Premises.

6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.

6.2.2. **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, audit or review as authorized by the Government Records Access and Management Act, §§ 63-2-101 to 63-2-1001 Utah Code Ann., 1953 as amended.

7. **ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;

- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the department;
- 7.1.4. The degree to which prosecution might deter future violations;
- 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2. Civil Enforcement Actions .

- 7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. Administrative Actions.

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
 - (i) Describe the property and the persons believed to be in violation;
 - (ii) Describe the violation;

- (iii) Describe remedial action that will comply with the provisions of this regulation;
- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the SLVHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLVHD's Adjudicative Hearing Procedures.
- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Adjudicatory Hearing Procedures.

- 7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.
- 7.4.2. Any variances allowed by the Department to the requirements of this regulation shall be only by written approval of the Board.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. **CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES**

8.1. **Criminal Penalties.**

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. Civil & Administrative Penalties.

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may also be imposed by the Hearing Officer. Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

8.3. Recovery of Investigation & Abatement Costs.

8.3.1. The Department may recover its audit, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE.

9.1. This regulation shall become effective upon its adoption by the Salt Lake Valley Board of Health and the Salt Lake County Council pursuant to Utah Code Ann. § 41-6a-1642 (2).

APPROVED AND ADOPTED this _____ day of _____, 2006.

SALT LAKE VALLEY BOARD OF HEALTH

By: _____
William S. Kidder, D.D.S.

ATTEST:

By: _____
GARY L. EDWARDS, M.S.
Executive Director
Salt Lake Valley Health Department

APPENDIX A

207(B) WARRANTY INSPECTION PROCEDURES

The following procedures in this Section are included for informational purposes to make I/M Stations, Emissions Mechanics and vehicle owners aware of the emissions control system performance warranty requirements of Section 207(b) of the Federal Clean Air Act, which allows owners of 1982 and newer vehicles the opportunity to take advantage of emissions system warranties under certain conditions.

(a) In order to perform 207(b) warranty inspections on 1982 and newer model year vehicles, the exhaust gas analyzer shall also meet the specifications of 40 C.F.R. Part 85, Subpart W (June 12, 1984 Federal Register). Information as to whether an analyzer meets the specifications of 40 C.F.R. Part 85, Subpart W may be obtained from the manufacturer.

(b) Analyzers that are to be used for 207(b) warranty inspections shall be leak checked and gas span checked (and adjusted) using a low range span gas. If the analyzer has a separate calibration or gas port, the leak check shall be performed by introducing span gas through the probe and through the calibration or span gas port. If the probe-to-span gas port comparison of CO reading differs by more than 3%, the analyzer shall not be used for any emissions inspection until all leaks have been repaired. Span gases shall also meet the requirements specified in 40 C.F.R. Part 85, Subpart W (June 12, 1984 Federal Register).

(c) Analyzers that are to be used for 207(b) warranty inspections shall be zeroed and spanned on the lowest range capable of reading the applicable standards for 1982 and newer model year vehicles.

(d) If a 207(b) warranty inspection is performed, in addition to the inspection results, a signed statement shall be provided to the vehicle owner indicating the vehicle odometer reading and that the inspection has been performed in accordance with Federal Regulations.

(e) Additional procedural requirements and reporting requirements are found in 40 C.F.R. Part 85, Subpart W (June 12, 1984 Federal Register).

APPENDIX B

UTAH 98 ANALYZER SPECIFICATIONS

All proposed options for test procedures, equipment specifications and program design shall meet emission reductions required by this regulation

The inspection for light duty vehicles (0-8500 lbs. GVWR) will consist of a loaded mode emission test for concentrations of hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x), a functional inspection of the gas cap and a visual/tampering inspection of the fuel filler neck restrictor, PCV, EGR, AIR and catalytic convertor systems. The following procedures will be used:

Loaded mode test using the acceleration simulation mode (ASM2).

The inspection for medium and heavy duty vehicles (8501 and greater GVWR) will consist of a stationary test at low and high speed idle for concentrations of hydrocarbons (HC) and carbon monoxide (CO), a functional inspection of the gas cap and EGR system and a visual/tampering inspection of the fuel filler neck restrictor, PCV, AIR and catalytic convertor systems.

All test equipment must meet specifications established by the Director. The Director may require analyzers to meet portions of specifications established by the State of California Bureau of Automotive Repair termed BAR 97. Salt Lake County commits to meeting specifications for the ASM2 Test. These specifications may contain the following deviations from EPA's ASM specifications to reduce testing costs:

1. Zero Gas Adjustment:

Allow the use of ambient air to perform the zero between each test rather than requiring bottled zero gas. This will save thousands of dollars in bottled gas costs per analyzer over the life of the program. Concerns over the quality of ambient air as a zero gas can be overcome by porting outside ambient air into the building and/or using an ordinary charcoal canister (like on a vehicle) to scrub hydrocarbons from the ambient to zero. The specification should include minimum purity levels for zero gas.

2. Dynamometer Inertia Weight:

Based on discussions with dynamometer manufactures, providing upgrade ability to RG240 costs little and may be desired. A cost reduction is possible by eliminating requirements for future upgrades to full transient testing (i.e. multiple inertia weights.) This alone would reduce equipment cost to the end user by approximately \$10,000 to 15,000 per system.

3. Speed Tolerance:

The speed tolerance for loaded testing should be revised from + or -1 mph to + or -1.5 mph. This will eliminate the majority of restarts due to driver errors while having minimal effect on test accuracy.

4. Calibration Gas Accuracy:

Given the accuracy level of other measurement system components and the relatively poor repeatability of the vehicles themselves, a + or -2% standard for field calibration gases should be adequate. The more accurate span gases are estimated to cost \$8 to \$10 more per bottle. Audit gases should be to the + or - 1% standard.

5. Humidity Correction Factor:

Test results on newer technology vehicles have demonstrated the NOx humidity correction factor is unnecessary and in some cases can actually detract from measurement accuracy. The humidity correction factor for the NOx channel may be entirely eliminated, thereby eliminating the need for hardware to measure ambient humidity. This will save hundreds of dollars in hardware costs and will eliminate the need to check humidity sensor calibration.

Salt Lake County commits to implement the proposed EPA start-up cutpoints for ASM2 and subsequent final cutpoints as necessary to maintain compliance with air quality standards.

**APPENDIX C
PENALTY SCHEDULE**

VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE
Failure to inspect or probing a vehicle other than vehicle entered in test record.	6 month minimum suspension (Station & Inspector)	Revocation (Station & Inspector)	
A vehicle is intentionally, improperly passed or failed for any required portion of the test.	6 month minimum suspension (Station & Inspector)	Revocation (Station & Inspector)	
Non-certified person performed the test.	Up to 2 mo. suspension (Station & Inspector)	Revocation (Station & Inspector)	
Pass vehicle that should fail or fail vehicle that should pass (including tampering),	Up to 1 mo. suspension (Station & Inspector)	Up to 3 mo. suspension (Station & Inspector)	Revocation (Station & Inspector)
Inaccurate or incomplete data. (additional violations may result in revocation).	Formal warning	Up to 1 mo. suspension	Up to 3 mo. suspension Additional violations may result in revocation.
Failure to follow procedures. (additional violations may result in revocation).	Formal warning	Up to 1 mo. suspension	Up to 3 mo. suspension Additional violations may result in revocation.