

Salt Lake Valley Health Department

Health Regulation

#28

**DIESEL VEHICLE INSPECTION/
MAINTENANCE PROGRAM
REGULATION**

**Adopted by the Salt Lake Valley Board of Health
September 1, 1994**

**Amended:
September 5, 1996,
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 PM₁₀ air pollution levels by requiring annual inspections of diesel powered vehicles and by requiring emissions related repairs/adjustments for those vehicles that fail to meet prescribed standards so as to protect and promote the public health, safety and welfare; improve air quality; comply with the Utah State Implementation Plan for PM₁₀ and comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1644 Utah Code Annotated, 1953, as amended.
- 1.2. This regulation applies to owners of diesel powered vehicles in Salt Lake County; publicly owned diesel powered vehicles operated in Salt Lake County; owners, operators, and managers of Diesel I/M Stations, Diesel I/M Inspectors, and suppliers of diesel emissions inspection equipment.

2. DEFINITIONS

For the purpose of this regulation, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

- 2.1. “Accuracy” shall mean the degree by which an instrument is able to determine the true opacity of pollutants of interest.
- 2.2. “Audit” shall mean an onsite investigation by an Auditor for the purpose of determining I/M Station compliance with this regulation.
- 2.3. “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.
- 2.4. “Calibration” shall mean the process of establishing or verifying the accuracy of an exhaust opacity meter to perform an accurate and consistent evaluation of engine exhaust.
- 2.5. “Certificate of compliance” shall mean a document used in the Diesel Vehicle Emissions Inspection/Maintenance Program to certify that a vehicle meets all applicable requirements of the program.
- 2.6. “Certification” shall mean assurance by an authorized source, whether [~~it be~~] a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is, in fact, true and meets all specified requirements.
- 2.7. “County” shall mean Salt Lake County, Utah.
- 2.8. “Department” shall mean the Salt Lake Valley Health Department or its authorized representatives.

- 2.9. “Diesel inspection” shall mean a vehicle emissions test performed for the purpose of issuing a Certificate of Compliance or Waiver.
- 2.10. “Diesel Inspection /Maintenance Station” or “Diesel I/M Station” shall mean a facility authorized and permitted by the Department as a location where Diesel Inspectors may perform Diesel Inspections pursuant to this regulation.
- 2.11. “Diesel inspector” shall mean a person who has successfully completed all certification requirements; who possesses a current, valid Diesel Inspector Certificate of Qualification issued by the Department; and who performs emissions testing at a Diesel I/M Station pursuant to this regulation.
- 2.12. “Diesel 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 a Diesel Inspector.
- 2.13. “Diesel Vehicle Emissions Inspection/Maintenance Program” shall mean the program operated by Salt Lake County and the Department, pursuant to Section 41-6a-1644, Utah Code Annotated 1953, as amended to ensure that diesel vehicles are not emitting excessive amounts of pollution in Salt Lake County.
- 2.14. “Director” shall mean the Director of the Salt Lake Valley Health Department or his or her authorized representative.
- 2.15. “Dynamometer” shall mean a device for simulating actual driving conditions as specified in Appendix B.
- 2.16. “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.
- 2.17. “Exemption Form” shall mean a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Regulation.
- 2.18. “Fleet” shall mean a minimum of twenty five (25) diesel powered vehicles or a number specified by the Director.
- 2.19. “Heavy Duty Diesel” shall mean any diesel powered vehicle with a gross vehicle weight rating (GVWR) of 16,001 pounds or greater.
- 2.20. “Idle Mode” shall mean a condition where the vehicle engine is at normal operating temperature and running at the rate specified by the manufacturer's curb idle specification under no load, and where the throttle is in the closed or idle stop position. This condition must be achieved without placing a load to decrease the RPM to the specified rate (i.e. putting the vehicle in gear).

- 2.21. "Inspection area" shall mean the area that is occupied by the analyzer, sample hose, and the vehicle being inspected.
- 2.22. "Light duty diesel" shall mean any diesel powered vehicle with a gross vehicle weight rating of 16,000 pounds or less.
- 2.23. "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.
- 2.24. "Non-certified inspector" shall mean any person who has not been certified by the Department to perform Diesel Inspections.
- 2.25. "Off-highway vehicles" shall mean a vehicle licensed to operate exclusively off highways.
- 2.26. "Opacity" shall mean the percentage of light obstructed from passing through the exhaust plume of a motor vehicle.
- 2.27. "Opacity meter" shall mean an instrument that is capable of measuring the opacity of the smoke emanating from a motor vehicle which instrument is approved by the Department for this use in accordance with this regulation as an official test instrument.
- 2.28. "Person" shall mean any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, or agencies; any municipal corporation, county, city, political subdivision, or any other legal entity recognized by law.
- 2.29. "Publicly-owned vehicles" 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.
- 2.30. "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.
- 2.31. "Technical bulletin" shall mean a document, issued to Diesel Inspectors and/or Diesel I/M Stations by the Department, to update, clarify or establish policies and/or procedures for their implementation in the Diesel Vehicle Emissions Inspection/Maintenance Program.
- 2.32. "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.

- 2.33. "Training course" shall mean a formal program, administered, conducted, or approved by the Department, for the education of diesel inspectors in basic emission control technology, diesel inspection procedures, diagnosis and repair of emissions related problems, Diesel I/M Program policies, procedures, and this Regulation.
- 2.34. "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 this regulation 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 in all incorporated and unincorporated areas served by the Department as authorized by Section 26A-1-114(1)(a), 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 Diesel Powered Vehicles.**

- 4.1.1. **Diesel I/M Program Compliance Required.** Unless otherwise provided for in part 4.1.8, diesel powered motor vehicles of model years 1968 and newer that are or will be registered or principally operated in Salt Lake County shall undergo a diesel inspection performed by a Diesel I/M Station, a Department operated test facility or other entity approved by the Director.
- 4.1.2. A Certificate of Compliance issued upon the successful completion of a Diesel Inspection or Waiver, or evidence that the motor vehicle is exempt from the Diesel I/M Program requirements (as defined 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 5.1.10 shall be paid as conditions precedent to annual registration or annual renewal of registration of a motor vehicle.
- 4.1.3. **Certificate Validity Period.** Unless otherwise provided, the Certificate of Compliance or Waiver for heavy duty diesels shall be valid for eleven (11) months after the date of issuance for the purposes of obtaining vehicle registration as required under part 4.1.2 of this regulation. The Certificate of Compliance or Waiver for light duty diesels 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.
- 4.1.4. **Dealer Certificate Validity Period.** A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name, 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 purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate of Compliance.
- 4.1.5. **Fleet Owners.** Upon issuance from the Department of a Diesel I/M Station Permit, fleet owners may inspect their own vehicles if such vehicles are registered to that same individual or corporation.
- (i) All Diesel I/M fleet stations and inspectors certified to perform Diesel inspections will be subject to regular and unannounced audits by the department.
 - (ii) During fleet audits, Department auditors will review diesel inspection and maintenance records and may inspect a representative sample of vehicles with an opacity meter to verify compliance.

- (iii) Fleet vehicles may be subject to a snap idle test with visual evaluation of smoke opacity. Vehicles that appear to exceed the opacity limit may be re-measured with an opacity meter and repaired if the meter confirms that the exhaust opacity exceeds the standard.
- (iv) Diesel I/M fleet stations shall maintain records of specific repairs performed to bring failed vehicles into compliance.
- (v) Diesel I/M Stations that test only heavy duty diesels are exempted from the dynamometer requirement of 4.1.5 (iv) b.

4.1.6. **Publicly-Owned Vehicles.** Owners of publicly-owned vehicles shall comply with the Diesel I/M Program requirements in accordance with this regulation. Federally-owned vehicles and vehicles of employees operated on a federal installation located in the County that do not require registration in the State of Utah shall comply with the Diesel I/M Program requirements.

4.1.7. **Waiver.** If a diesel 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 to complete the necessary repairs or replacement, and submit a Certificate of Compliance to the Director to verify that the parts(s) have been installed 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 Diesel I/M Program requirements of part 4.1.1:

- (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 41-6-163.6 Utah Code Annotated, 1953, as amended;
- (iii) Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway; and
- (iv) Any new vehicle being sold for the first time that has a valid MSO (manufacturers statement of origin) form;
- (v) Any diesel powered vehicle of the current or future model year or of the two (2) model years immediately proceeding the current model year, provided that the owner pay the Emission Exemption Fee stated in part 5.1.9 of this regulation and each of the following requirements are met:

- a. the Gross Vehicle Weight Rating (GVWR) of the vehicle is at least twenty six thousand pounds;
- b. the vehicle is registered with the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA);
- c. the vehicle travels less than fifty percent (50%) of its total annual vehicle miles within the State of Utah. Annual vehicle miles and percentages shall be calculated on a per vehicle basis using actual mileage from the prior year. The percentage of in state mileage on new vehicles shall be estimated based on mileage from a replaced or other similarly situated vehicle.
- d. the vehicle owner submits a completed, signed Diesel Emissions Exemption Affidavit at the time of vehicle registration.

- (vi) The Department may request, prior to the granting of an exemption or any time during the exemption period, various records such as apportionment, mileage (IRP, IFTA), and registration records documenting a vehicles actual age, weight, and Utah/total mileage. Failure to provide the Department with requested documents is grounds for denial of exemption privileges.
- (vii) Discovery by the Department of incorrect application information may result, in addition to the penalties described in section 8.0 of this regulation, in the permanent denial of exemption privileges for all vehicles registered to that person, owner, corporation or entity.

4.1.9. **Vehicle Idling Limitation.** No owner or operator of a diesel powered vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period of time exceeding fifteen (15) minutes.

- (i) **Exemption to Idling Limitations.** Vehicles may be exempted from the idling limitation requirements of part 4.1.9 under the following conditions:
 - a. To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer.
 - b. To provide heat or air conditioning to a sleeper unit of the vehicle.
 - c. Emergency vehicles.
- (ii) Vehicles exempted from the Vehicle Idling Limitations as applicable under chapters 4.1.9 (i) a. and b. of this regulation shall not remain in an idling condition for a period longer than fifteen (15) minutes if located within five hundred (500) feet of any residence.

4.1.10. If a vehicle fails the Diesel inspection, the owner is entitled to one free re-inspections if he/she returns to the Station that performed the original diesel inspection within thirty (30) days from the date of the initial Diesel inspection. The Station shall extend the thirty day re-inspection time to accommodate the vehicle owner, if the station is unable to schedule the re-test of the vehicle within the thirty-day time period.

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

4.2.1. **Permit Requirements of The Diesel I/M Station.**

- (i) It is a violation of this regulation to own or operate a facility where diesel inspections are performed without obtaining a valid Diesel 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 a Diesel I/M Station Permit shall be made to the Department upon a form provided by the Director.
 - b. A Diesel I/M Station Permit applicant shall ensure that the Diesel I/M Station complies with all terms stated in the permit application and all the requirements this regulation.
 - c. **Permit Duration and Renewal.** Diesel I/M Station Permits are not valid if the permit expires or if the Diesel I/M Station moves to a new location. The permit for a Diesel I/M Station shall expire one year from date of issuance and shall be renewed before expiration by paying the Annual Diesel 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 Diesel I/M Station Permit Fee stated in part 5.1.3 of this regulation. If a Diesel I/M Station moves to a new location, the Permit is not valid until the Station has applied for a new Diesel I/M Station permit and paid the Diesel I/M Station Relocation Fee as stated in part 5.1.4 of this regulation. It is the responsibility of the owner/operator of the Diesel I/M station to pursue the permit renewal through appropriate channels. The permit shall be renewable sixty (60) days prior to the date of expiration.
- (iii) **Diesel I/M Station to hold Department Harmless.** In making application for a 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 Diesel I/M Station's owners or their employees.

- (iv) As a condition for permitting all Diesel I/M Stations, the following tools and references shall be available for performance of the inspection and maintenance of diesel powered motor vehicles unless specifically exempted by the Director:
 - a. A Department approved exhaust opacity meter that meets the minimum specifications as outlined in Appendix C of this regulation;
 - b. A Department approved dynamometer (if testing light duty diesel vehicles) that meets the minimum specifications as outlined in Appendix B of this regulation;
 - c. A Department approved personal computer capable of meeting the minimum specifications as outlined in Appendix C of this regulation;
 - d. A handbook, approved by the Department, that includes testing procedures to be followed by the Diesel Inspector;
 - e. An accurate strip chart recorder or other recording device, approved by the Department and capable of recording diesel test data, to be analyzed at a later date;
 - f. Reference manuals approved by the Department that contain tune up specifications, and information covering the emissions control systems for the model years and makes of vehicles involved in the Diesel Vehicle Emissions Inspection/Maintenance Program;
 - g. Sufficient hand tools for proper performance of inspection and maintenance of the vehicle;
 - h. Department approved vehicle exhaust removal equipment;
 - i. The Test Equipment manufacturer's maintenance and calibration manual which must remain in the inspection area; and
 - j. All forms, Technical Bulletins, and other information materials provided by the Department.
- (v) The permit shall be posted in a conspicuous place within public view on the premises.

4.2.2. Upon final cancellation, suspension or revocation of the Diesel I/M Station Permit of any station, the station owner, manager or other responsible person shall

immediately surrender all unused Certificates of Compliance to the Department. The Department shall receipt and refund the fee paid for unused Certificates of Compliance to the station owner according to the Salt Lake County Auditor's procedures. Upon transfer or termination of business ownership, the Diesel I/M station permit and all used and unused Certificates of Compliance shall be immediately forwarded to the Department. Any person acquiring a business that has been permitted as an Diesel I/M Station is prohibited from using any Diesel I/M Station permit or Certificates of Compliance issued to the former business.

- 4.2.3. Diesel I/M stations may charge fees for Diesel Inspections and related services. Those fees include the following conditions:
- (i) If a vehicle fails the diesel inspection, the owner is entitled to one free re-inspections 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, a Diesel 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 Diesel I/M Station in an area readily accessible by the public.
- 4.2.5. A Diesel I/M Station owner or operator shall ensure that the Department is notified immediately and that all unused Certificates of Compliance are surrendered immediately if the station does not have a Diesel Inspector employed.
- 4.2.6. A Diesel I/M Station shall be kept in good repair and in safe condition for inspection purposes and free of obstructions and hazards.
- 4.2.7. **Station Location Permanent.** To provide for the inspection of diesel vehicles, as permitted and provided for in this regulation, the Diesel I/M Station shall be a permanent location which meets all applicable zoning requirements.
- 4.2.8. **Standards and Specifications For Diesel Testing Equipment.**
- (i) No diesel inspection required by this regulation shall be performed unless the type of instrument used for measuring exhaust opacity from diesel powered motor vehicles is contained in the list of approved test equipment

as provided by the Department. The test equipment shall meet the requirements of the equipment specifications referenced in Appendix C of this regulation. 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.

- (ii) Any test equipment used by a Diesel I/M Station shall be registered with and approved by the Department and, if required, shall bear a registration sticker issued by the Department. Registration stickers are not transferable or assignable. Any new or used test equipment put in use after station approval must be approved by the Department before use. Test equipment used temporarily during times of breakdown or repair of the registered equipment do not require a registration sticker, but shall meet all other requirements of this section including the approval of the Department before use.
- (iii) The test equipment printers shall be maintained in such a manner that the printing of the test results shall be clearly visible on all copies. If any printer fails to properly function, then the station shall discontinue testing until the required repairs have been performed.
- (iv) It shall be illegal for any person to modify the hardware or the software of an approved opacity meter without written application and written approval by the Department.
- (v) The electrical supply to the diesel inspection equipment shall be able to meet the equipment manufacturer's requirements for voltage and frequency stability.
- (vi) The diesel inspection equipment shall be kept in an area that provides adequate protection from the weather, wind, and temperature extremes.
- (vii) **Instruction Manual.** An instruction manual shall accompany each exhaust opacity meter 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 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. Information concerning the nearest service facility where the equipment can be serviced;
 - g. The warranty provisions for the opacity meter, including a list of warranty repair stations by name, address, and telephone number; and
- (viii) The opacity meter shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.
- (ix) **Station to Notify Department of Opacity Meter Condition.** If the opacity meter is out of service, the Diesel I/M station owner, operator, or other responsible person shall notify the Department that the opacity meter is "Out of Service" and shall again notify the Department after repairs are made and before testing is resumed.

4.2.9. **Approval of Changes to Test Equipment.** Any changes to the design or performance characteristics of component specifications which may affect the equipment or instrument performance shall be approved by the Department. It shall be the instrument manufacturer's responsibility to confirm that such changes have no detrimental effect on the opacity meter or other equipment or instrument performance.

4.2.10. **Official Signs .**

- (i) All Diesel I/M Stations, except those stations authorized to inspect only their own motor vehicles as a diesel fleet inspection station, shall display in a conspicuous location on the premises an official sign provided or approved by the Department.
- (ii) The Diesel 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 Diesel Inspectors .**

4.3.1. **Testing and Certification of Applicants for Diesel Inspector Certification.**

- (i) No person shall perform any part of a Diesel Inspection for the issuance of a Certificate of Compliance or Waiver unless the person possesses a valid Diesel Inspector Certificate of Qualification issued by the Department.
- (ii) The Diesel Inspector Certificate of Qualification shall be valid only at the Diesel I/M station where the Diesel Inspector is employed at the time of application. If the Diesel 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 Diesel Inspector Dual Certification at the new location and remit the Diesel Inspector Dual Certification fee stated in part 5.1.5 prior to performing any emissions tests at the new location. The renewed certificate shall expire on the same expiration date on the initial Certificate of Qualification.
- (iii) **Certification Application, Duration, and Renewal.**
 - a. Applications for a Diesel Inspector Certificate of Qualification shall be made on a form to be prescribed by the Department.
 - b. A Diesel Inspector shall comply with all terms stated in the application and all requirements of this regulation.
 - c. **Certificate Duration and Renewal.** The Diesel 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 a Diesel 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 Diesel I/M Inspector Certificate of Qualification Fee as provided for in part 5.1.8 of this regulation. It is the responsibility of the inspector to pursue the renewal of the Diesel 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 a Diesel Inspector Certificate of Qualification, the applicant shall:

- (i) Successfully complete a Department approved training course; and
- (ii) 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. The Regulation of the Diesel Inspection and Maintenance Program;

- b. The proper use, care, maintenance, and calibration of the Department approved Diesel I/M Program Test Equipment;
- c. The use and distribution of inspection forms, Certificates of Compliance, calibration records, and supplemental documents; and
- d. The waiver requirements for all diesel vehicles failing the initial Diesel inspection.

4.3.3. **Re-qualification Requirements for Diesel Inspectors.** Upon determination by the Director of the necessity of updating qualifications, Diesel Inspectors shall be required to re-qualify. Re-qualification requirements shall be determined by the Director. Diesel Inspectors shall be required to re-qualify within a specified time period determined by the Director. The notice shall be mailed to the address of record. Failure to re-qualify within the required period of time shall result in the suspension or revocation of the Diesel Inspector Certificate of Qualification.

4.3.4. **Diesel Inspector's Duty to Inform.** If a vehicle fails the Diesel Inspection and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Diesel Inspector shall inform the vehicle's owner/operator that he/she may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.

4.3.5. All procedures of the Diesel I/M Program shall be performed by the Diesel Inspector including:

- (i) Diesel inspection equipment preparation, and calibration checks;
- (ii) Dynamometer operation, maintenance and calibration;
- (iii) Exhaust opacity sampling and analysis for the purpose of a Diesel inspection for issuance of a Certificate of Compliance; and
- (iv) Preparation of reports, forms, Certificates of Compliance, the tampering inspection, inserting or attaching the exhaust opacity sampling equipment, hooking up the tachometer, entering the data, preconditioning the vehicle, and signing Certificates of Compliance and inspection forms.

4.3.6. **Diesel Inspection Procedures and Specifications.**

- (i) The entire diesel inspection shall take place within the reach of the Diesel inspection equipment hoses and/or electrical leads.
- (ii) The temperature of the inspection area shall be maintained between 41 degrees Fahrenheit and 110 degrees Fahrenheit during the diesel inspection.

- (iii) The diesel inspector shall accurately identify and enter vehicle and owner information from the vehicle to be tested as required by the data entry process.
- (iv) The Diesel Inspector shall determine the appropriate test procedure to follow depending on vehicle type and proceed with the test procedures as recommended by EPA and the Society of Automotive Engineers (SAE) and outlined in Appendix D and E of this regulation.
- (v) The Diesel Inspector shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the Diesel 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.
- (vi) Any time an engine stalls during a Diesel Inspection, the test shall be re-started. If an inspector cannot complete a test because of continuous stalling, fluctuating RPM measurements, or RPM measurements that are not within the Department specified parameters, then these problems shall be corrected before the test is continued.
- (vii) For vehicles with multiple exhaust outlets, the Diesel Inspector shall observe the outlets during the pre-conditioning or clean-out cycle to determine which outlet emits the heavier exhaust smoke. During testing, the sample shall be taken from the exhaust outlet which emits the heavier smoke, if there is a difference in smoke levels.

4.3.7. **Engine Changes.** Vehicles, in which the original engine has been changed, must meet the same emissions standards as were applicable on the originally manufactured vehicle. If the engine has been converted from diesel fuel to another type of fuel, the vehicle must comply with the regulations governing the type of fuel which is being used in the vehicle.

4.4. **Certificates of Compliance and Waiver, Temporary Waivers.**

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 photo copy, imitation or counterfeit of an official Certificate of Compliance or Waiver;
 - b. No person shall knowingly use a stolen or counterfeit Certificate of Compliance or Waiver;

- c. No person shall knowingly sell, loan, transfer, or give Certificates of Compliance to any other Diesel I/M Station, or any unauthorized individual.
- (ii) No refund or credit shall be allowed for unused Certificates of Compliance, except as provided in subsection 5.3.
- (iii) Obtaining Certificates of Compliance.
 - a. Certificates of Compliance shall only be sold or transferred to a representative of the Diesel I/M Station possessing an acceptable form of identification;
 - b. Certificates of Compliance shall be sold at a cost stated in Section 5 of this regulation, in lots to be determined by the Department. The Department may limit the number of Certificates of Compliance purchased; and
 - c. Diesel Inspectors shall not issue Certificates of Compliance until a diesel inspection has been performed as required by this regulation.
- (iv) The Diesel I/M Station shall at all times account for all Certificates of Compliance that have been purchased by the station. All unused Certificates of Compliance shall be kept in a secure place at all times at the Diesel I/M Station to prevent loss or theft. Duplicate copies of issued Certificates of Compliance shall also be kept at the Diesel I/M Station at all times in numerical order, separate from all other documents for a period of not less than eighteen months and shall be available for inspection and collection by the Department at any time the inspection station is open for business.
- (v) Certificates of Compliance that are missing, stolen or unaccounted for, shall be reported to the Department within 24 hours and the Diesel I/M Station shall cease performing Diesel Inspections until an investigation by the Department has been completed and the Department re-authorizes the station to again begin testing.
- (vi) Certificates of Compliance shall be used in sequential order.
- (vii) Duplicate Certificates of Compliance may be issued to a vehicle owner/operator within two months of the initial test. A Diesel I/M Station may not charge more than \$5.00 for a duplicate Certificate of Compliance.

4.4.2. **Certificates of Waiver.**

- (i) A Certificate of Waiver may be issued, by the Department, for light duty diesel vehicles if all of the following requirements are met:
 - a. All air pollution control devices originally installed on the vehicle by the manufacturer. are in place and apparently operable. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted. Costs for repairs or replacement of pollution control equipment shall not count towards the repair Waiver; and
 - b. The vehicle continues to exceed applicable opacity standards after \$750 (seven hundred fifty dollars) of acceptable emissions related repairs have been performed after the first diesel inspection failure. Proof of repair costs shall be provided for the vehicle to the Department in the form of a dated, 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 automobile or truck repair, then the cost of labor shall not be included in the \$750.

- (ii) A Waiver may be issued, by the Department, for heavy duty diesel vehicles if all of the following requirements are met:
 - a. Air pollution control devices originally installed on the vehicle by the manufacturer 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. Costs for repairs or replacement of pollution control equipment shall not count towards the repair waiver; and
 - b. The vehicle continues to exceed applicable opacity standards after \$1500 (fifteen hundred dollars) of acceptable emissions related repairs have been performed after the first [~~official test~~] diesel inspection failure. Proof of repair costs shall be provided for the vehicle to the Department in the form of a dated, 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 automobile or truck repair, then the cost of labor shall not be included in the \$1500.

- (iii) Any vehicle that experiences any increase in opacity levels after the first diesel inspection shall not be eligible for a waiver regardless of the amount spent in attempting to repair the vehicle.

- (iv) Waivers shall only be issued by the Department unless the Department determines other acceptable methods of issuing the waivers. A waiver

shall only be issued after determining that the vehicle complies with the requirements of this part for waiver issuance.

4.4.3. **Temporary Waivers.**

- (i) For all vehicles, if a part or parts necessary to bring a vehicle into compliance 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 mechanic who has verified the non-availability of the part(s). The vehicle's owner/operator shall then take such proof to the Department. The Director may issue a Temporary Waiver, for a period of time and under such conditions as he has determined, so that the vehicle may be registered. The owner shall have until the expiration of the time period specified by the Director to complete the necessary repairs or replacement, and submit a Certificate of Compliance to the Director to verify that the parts(s) have been installed and that the vehicle is in compliance with all provisions of this regulation. The Director is under no obligation to issue these Waivers.
- (ii) Under certain conditions as determined by the Director, the Director may issue a temporary waiver enabling a vehicle to be registered. The person to whom the temporary waiver is issued shall comply with the conditions of the temporary waiver as agreed upon by a signed affidavit. Failure to comply with the affidavit shall be considered a violation of this regulation. The Director is under no requirement or obligation to issue these waivers.

5. LICENSES, PERMITS, CERTIFICATION, & 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. **Diesel I/M Station Permit Fee.** Any applicant who applies for a Diesel I/M Station Permit as required by subpart 4.2.1 (i) of this regulation shall be required to remit a Diesel I/M Station Permit Fee of \$253.00 upon application.

5.1.2. **Annual Diesel I/M Station Permit Renewal Fee.** Any applicant who applies to renew a valid Diesel I/M Station Permit as required by chapter 4.2.1 (ii) c of this regulation shall be required to remit a Annual Diesel I/M Station Permit Renewal Fee of \$28.00 upon application to renew.

5.1.3. **Renewal of Expired Diesel I/M Station Permit Fee.** Any applicant who applies to renew an expired Diesel I/M Station Permit as required by chapter 4.2.1 (ii) c

of this regulation shall be required to remit a Renewal of Expired Diesel I/M Station Permit Fee of \$78.00 upon application to renew.

- 5.1.4. **Diesel I/M Station Relocation Fee.** Any applicant who applies for a Diesel I/M Station Permit for a new location as required by chapter 4.2.1 (ii) c of this regulation shall be required to remit a Diesel I/M Station Relocation Fee of \$53.00 upon application.
- 5.1.5. **Diesel Inspector Certificate of Dual Certification Fee.** Any applicant who applies for Diesel Inspector Dual Certification as required by subpart 4.3.1 (ii) of this regulation shall be required to remit a Diesel Inspector Recertification Fee of \$23.00 upon application.
- 5.1.6. **Diesel Inspector Certificate of Qualification Fee.** Any applicant who applies for Diesel I/M Inspector Certificate of Qualification as required by subpart 4.3.1 (i) of this regulation shall be required to remit a Diesel I/M Inspector Certificate of Qualification Fee of \$51.00 upon application.
- 5.1.7. **Renewal Fee for a Diesel Inspector's Certificate of Qualification.** The fee for any applicant who qualifies to renew a Diesel 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 Diesel Inspector's Certificate of Qualification of \$13.00 upon application to renew a Diesel Inspector's Certificate of Qualification.
- 5.1.8. **Renewal Fee for an Expired Diesel I/M Inspector's Certificate of Qualification.** The fee for any applicant who qualifies to renew an expired Diesel Inspector's Certificate of Qualification as required by subpart 4.3.1 (iii) of this regulation shall be required to remit Renewal Fee for an Expired Diesel Inspector's Certificate of Qualification of \$33.00 upon application to renew an expired Diesel Inspector's Certificate of Qualification.
- 5.1.9. **Emission Exemption Fee.** The fee for any vehicle which qualifies for an exemption from testing requirements under subpart 4.1.8 (v) of this regulation shall be required to remit an Emissions Exemption Fee of \$10.00 upon application for registration of the vehicle.
- 5.1.10. **Air Pollution Control Fee.** The owner of any vehicle which qualifies for registration pursuant to part 4.1.1 of this regulation shall be required to remit to the County Assessor an Air Pollution Control Fee of \$3.00 upon annual vehicle registration.
- 5.1.11. **Diesel Inspector Training Course and Examination Fee.** Any applicant who registers for the Diesel Inspection Training Course and Qualification examination required in part 4.3.2 of this regulation shall be required to remit a Diesel 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. **Suspension and Revocation of Permits.** The Department may suspend, revoke, negotiate a fee or deny a permit of a Diesel I/M Station and/or require the surrender of the permit and unused Certificates of Compliance of any Diesel I/M Station 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; or
 - (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 that did not, at the time of the Diesel inspection, comply with all applicable policies, procedures, Technical Bulletins, and this regulation;
- 5.3.3. A certified Diesel I/M Station owner allowed a Certificate of Compliance to be issued to a vehicle without an approved Diesel inspection being performed;
- 5.3.4. The Diesel I/M Station owner has violated this regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of a Diesel I/M Station;
- 5.3.5. The Diesel I/M Station was not equipped as required by Section 4.2.8 of this regulation;
- 5.3.6. The Diesel I/M Station was not operating from a location specified on the Diesel I/M Station;
- 5.3.7. A Diesel inspection was performed by an individual that, at the time of the inspection, did not hold a valid Diesel Inspector Certificate of Qualification;
- 5.3.8. The Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours; or
- 5.3.9. The Department may also suspend or revoke permits and require closure for failure to timely pay fees for permits.

5.4. Suspension and Revocation of Certificates of Qualification. The Department may suspend, revoke, negotiate a fee, or deny a Diesel Inspector Certificate of Qualification and require the surrender of this certificate upon showing that:

- 5.4.1. The Diesel Inspector caused a Certificate of Compliance to be issued to a vehicle without an approved Diesel inspection being performed;
- 5.4.2. The Diesel Inspector denied the issuance of a Certificate of Compliance to a vehicle that, at the time of the inspection, complied with the law for issuance of said Certificate of Compliance;
- 5.4.3. The Diesel 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;
- 5.4.4. The Diesel Inspector knowingly allowed a non-certified person to perform a Diesel Inspection, or any portion of a Diesel Inspection;
- 5.4.5. The Diesel Inspector signed an inspection form or Certificate of Compliance stating that he had performed the Diesel Inspection when, in fact, he/she did not; and
- 5.4.6. The Diesel Inspector signed a Certificate of Compliance prior to a Diesel Inspection being performed.

6. AUDITS & INVESTIGATIONS

6.1. To ensure compliance, the Department has the authority to perform audits, investigations, reviews, and other actions as necessary. A periodic audit of each I/M Station shall be made by a Department representative to verify compliance with this regulation.

- 6.1.1. The Department representative shall, as applicable, observe the performance of an electronic equipment calibration performed by the Diesel Inspector, examine calibration 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.
- 6.1.2. The Department representative may check the accuracy of the test equipment using Department audit procedures to verify that the equipment is reading within the tolerances established by the Department. Test equipment not reading within the tolerances shall be re-calibrated to acceptable tolerances or be 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, inspection 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 enactment 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

DYNAMOMETER SPECIFICATIONS

Equipment used for testing in the Diesel Inspection and Maintenance Program will be only those approved by the Department and included on the official Department list of approved equipment.

Equipment must meet those specifications as outlined in *Specifications for the Diesel Inspection and Maintenance Program* or as designated by the Director. Copies of this Document are available through the Bureau of Air Pollution Control.

APPENDIX B

EQUIPMENT SPECIFICATIONS

Equipment used for testing in the Diesel Inspection and Maintenance Program will be only those approved by the Department and included on the official Department list of approved equipment.

Equipment must meet those specifications as outlined in *Specifications for the Diesel Inspection and Maintenance Program* or as designated by the Director. Copies of this document are available through the Bureau of Air Pollution Control.

APPENDIX C

LIGHT DUTY DIESEL TESTING PROCEDURES

Light duty diesel powered vehicles will be tested using the procedures as outlined in *Specifications for the Diesel Inspection and Maintenance Program*. Copies of this document are available through the Bureau of Air Pollution Control.

APPENDIX D

HEAVY DUTY DIESEL TESTING PROCEDURES

Heavy duty diesel powered vehicles (16,001 and heavier GVWR) will be tested using the procedures as outlined in *Specifications for the Diesel Inspection and Maintenance Program*. This procedure is based on the Society of Automotive Engineers (SAE) paper J1667. Copies of the specification document and J1667 are available through the Bureau of Air Pollution Control.

APPENDIX E

PENALTY SCHEDULE

VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE
Failure to inspect or probing a vehicle other than vehicle entered in test record.	Up to 2 mo. suspension (Station & Inspector)	Revocation (Station & Inspector)	Revocation (Inspector)
Non-certified inspector	Up to 2 mo. suspension (Station & Inspector)	Revocation (Station & Inspector)	
Pass vehicle that should fail. 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
Failure to follow procedures. (additional violations may result in revocation)	Formal warning	Up to 1 mo. suspension	Up to 3 mo. Suspension