

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL REGULATION
DIVISION OF AIR QUALITY
BUREAU OF MOTOR VEHICLE INSPECTION AND MAINTENANCE

Notice of Rule Proposal

N.J.A.C. 7:27-14, 7:27-15, 7:27A-3, 7:27B-4, and 7:27B-5

Notice of Public Hearing and Availability

Proposed Revisions to New Jersey's State Implementation Plan Addressing New Jersey's Motor Vehicle Inspection and Maintenance Program

Take notice that the New Jersey Department of Environmental Protection (Department) is proposing amendments and new rules to implement changes to New Jersey's motor vehicle Inspection and Maintenance (I/M) program. This proposal also constitutes a proposed revision to the State's I/M State Implementation Plan (SIP); a copy of the proposal has been forwarded to the United States Environmental Protection Agency (USEPA). A statement of the substance of the proposal follows:

The proposed rules will substantially amend the inspection requirements, standards and test procedures for both gasoline and diesel vehicles. These amendments are required to align Department regulations with the new inspection program design as agreed upon by the Department, the Motor Vehicle Commission, Treasury and the Office of Information Technology. The Department is proposing new rules and rule amendments to N.J.A.C. 7:27-14, 7:27-15, 7:27B-4 and 7:27B-5 that implement these changes to the I/M program. The Department's rulemaking coordinates with changes to the I/M laws and changes by the Motor Vehicle Commission to its I/M rules.

These changes include the following:

- Emission tests will no longer require the use of a dynamometer. Emission tests will include On-Board Diagnostics (OBD), gas cap, visible smoke and two-speed idle tailpipe tests. The two-speed idle tailpipe test replaces both the ASM5015 and 2500 RPM tests.
- Repair cost waiver provisions have been removed.
- Gas cap testing is excluded for vehicles of model year 2001 and newer.
- Certain classes of commercial vehicles, limousines, taxis and jitneys will require annual (more frequent) inspection.
- Light-duty diesel vehicles will be subject to emission testing. Model year 1997 and newer light-duty diesel vehicles will receive an OBD test and all light-duty diesel vehicles will be subject to a visible smoke test.
- Emission test exemptions for alternative fuel and hybrid electric vehicles have been removed. These vehicles will be subject to the appropriate OBD or tailpipe test, as applicable.

In addition to the proposed amendments and new rules, the SIP revision includes an evaluation of the emission impacts of the proposed I/M program changes. The results

indicate that there is no significant difference between the existing and proposed I/M programs in addressing the emissions of ozone precursors (VOCs and NO_x). The proposed changes to the I/M program do not compromise the State's efforts to meet and/or maintain National Ambient Air Quality Standards (NAAQS) for ozone or carbon monoxide. This SIP revision also revises the State's enhanced I/M performance standard modeling to account for the proposed I/M program changes. This SIP revision shows that the State's proposed enhanced I/M program meets the applicable USEPA performance standard.

In an effort to better align and coordinate the Department's enforcement of its anti-idling provisions for gasoline vehicles with the enforcement of its anti-idling provisions for diesel vehicles, the Department will amend the idling exemptions for gasoline vehicles and associated administrative penalties at N.J.A.C. 7:27A to substantially match, where appropriate, those exemptions and penalties already adopted for diesel vehicles. This will not fundamentally alter the existing three-minute idling standard, but will clarify the exemptions and revise the penalties.

The proposal is scheduled to be published in the New Jersey Register dated **April 20, 2009**. Copies of the Department's proposal are available from the Department's web site at www.state.nj.us/dep/agm, the Department's Public Information Center at 401 E. State Street in Trenton, the Department's Regional Enforcement Offices, a number of public libraries throughout the State, and, for a fee, LexisNexis Customer Service at (800)223-1944 or www.lexisnexis.com/bookstore. A free copy of the proposal is also available for viewing from Lexis-Nexis at www.lexisnexis.com/njoal. For more information on obtaining copies, please contact:

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A public hearing concerning the proposal is scheduled as follows:

Monday, June 8, 2009 at 10:00 a.m.
The NJDEP Building, Public Hearing Room (1st Floor)
401 East State Street
Trenton, New Jersey

Written comments may be submitted by close of business, **Friday, June 19, 2009**, to:

NJ Department of Environmental Protection
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