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## **ENVIRONMENTAL PROTECTION**

### **AIR QUALITY, ENERGY, AND SUSTAINABILITY**

#### **DIVISION OF AIR QUALITY**

##### **Motor Vehicle Inspection and Maintenance Program**

**Adopted Amendments: N.J.A.C. 7:27-14.1 through 14.7, 14.10, and 15.1 through 15.7; 7:27A-3.10; and 7:27B-4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 5.1, 5.2, 5.3, and 5.5 through 5.8**

**Adopted Repeals: N.J.A.C. 7:27-14.8 and 14.9; and 7:27B-4.5**

**Adopted Repeals and New Rules: N.J.A.C. 7:27-14 Appendix, 7:27-15 Appendix; and 7:27B-5.4**

Proposed: May 16, 2016, at 48 N.J.R. 748(a).

Adopted: 2016, by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: **with non-substantial changes** not requiring additional public notice (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 13:1B-3.e, 13:1D-9, 26:2C-8 et seq., specifically 26:2C- 8 through 8.5, and 8.11 and 39:8-41 et seq.; specifically 39:8-41 through 58.

DEP Docket Number: 04-16-04

Effective Date:

Operative Date:

Expiration Date: N.J.A.C. 7:27, exempt; N.J.A.C. 7:27A, March 21, 2020; N.J.A.C. 7:27B, exempt.

The Department is adopting amendments, new rules, and repeals in its rules governing motor vehicle inspection and maintenance at N.J.A.C. 7:27, 27A, and 27B to update the

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emissions tests and standards for certain classes of both gasoline and diesel vehicles and further enhance the State's use of the available on-board diagnostic (OBD) capabilities of modern motor vehicles. The new rules, amendments, and repeals are the Department's portion of the changes to the State's enhanced motor vehicle inspection and maintenance (I/M) program, which is developed by the Department, the Motor Vehicle Commission (MVC), and the Department of the Treasury. This rulemaking also constitutes a revision to New Jersey's State Implementation Plan (SIP). The proposed and final SIP revisions are available on the Department's website at [www.nj.gov/dep/baqp/sip/siprevs.htm](http://www.nj.gov/dep/baqp/sip/siprevs.htm).

The Department is repealing the exhaust emissions tests (tailpipe tests) for all gasoline-fueled motor vehicles, and the smoke opacity test for diesel-powered vehicles equipped with OBD. Under the new inspection program, every vehicle subject to inspection that is required by the United States Environmental Protection Agency (USEPA) to be equipped with an OBD system will be subject to an OBD test. The Department is also amending rules related to inspection requirements and inspection procedures. Of the three smoke opacity tests for heavy-duty diesel-powered motor vehicles, the Department is repealing the rolling acceleration smoke opacity test, and the power brake smoke opacity test, and retaining only the snap acceleration smoke opacity test. The NJ Diesel Emission Inspection Center (DEIC) inspection forms previously in use are replaced with daily electronic reporting of diesel inspections. In the new program, private inspection facilities (PIFs) will submit diesel inspection information through an electronic portal or a workstation. Other amendments add requirements and standards for the fuel leak check, which the Motor Vehicle Commission's (MVC's) rules require; add procedures for the diesel exhaust after-treatment checks; and replace the fuel cap leak test (gas cap test) for gasoline-fueled vehicles with a visual gas cap check to ensure that a gas cap is present.

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Enforcement-related amendments include authorizing inspectors of both gasoline-fueled and diesel-powered motor vehicles to fail a vehicle if it is determined that there has been tampering with the vehicle's emission controls, and the Department may also impose penalties for tampering with emission controls on diesel vehicles. Rule amendments also enumerate specific penalties for diesel emission control tampering. The penalties are consistent with existing penalties for tampering with emission controls on gasoline vehicles.

This rule adoption can also be viewed or downloaded from the Department's website at <http://www.nj.gov/dep/rules>.

**Summary of Hearing Officer's Recommendations and Agency Response:**

A public hearing was held on this rulemaking and the revision to the New Jersey State Implementation Plan that it represents on Friday, June 24, 2016, at the Department's Public Hearing Room, 1st Floor, 401 East State Street, Trenton. Tony Iavarone, Chief of the Department's Bureau of Mobile Sources, served as the Hearing Officer. Two persons commented at the public hearing. After reviewing the comments received, the Hearing Officer has recommended that the proposal be adopted with the changes described in the summary of agency-initiated changes below. The Department accepts the Hearing Officer's recommendation. A record of the public hearing is available for inspection in accordance with applicable law by contacting:

Department of Environmental Protection

Office of Legal Affairs

ATTN: DEP Docket No. 04-16-04

401 East State Street

Mail Code 401-04L

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PO Box 402

Trenton, NJ 08625-0402

**Summary of Public Comments and Agency Responses:**

The Department accepted comments on the proposal through July 15, 2016. The following individuals provided written and/or oral comments:

1. Doug O'Malley, Environment NJ
2. Sal Risalvato, NJ Gasoline, C-Store, Automotive Association
3. Barbara Sachau
4. Jamie Zaccaria, NJ Sierra Club

The comments received and the Department's responses are summarized below. The number(s) in parentheses after each comment identify the respective commenter(s) listed above.

**State Implementation Plan (SIP)**

1. COMMENT: The proposed amendments would violate the SIP. (4)

RESPONSE: The Department's analysis of the emission impacts of the proposed I/M program changes, which include the Department's adopted rules, demonstrated that the proposed changes to the I/M program achieve the two requirements that the USEPA has established regarding I/M SIP revisions.

First, the proposed I/M program changes must pass or meet the USEPA I/M Performance Standard Test. The I/M Performance Standard Test provides a gauge by which the USEPA can evaluate the adequacy and effectiveness of each state's I/M program when compared to a benchmark reference I/M program (performance standard I/M program). The USEPA I/M

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Performance Standard Test requires the calculation of the emissions for the state's proposed I/M program and the USEPA performance standard I/M program. Each state is required to demonstrate that its I/M program achieves applicable area-wide emission levels for the pollutants of interest that are equal to, or lower than, those that would be realized by the implementation of the performance standard I/M program. The changes to New Jersey's I/M program pass the USEPA I/M Performance Standard Test because the emissions from the State's I/M program were shown to be lower than the emissions that would result from the performance standard I/M program.

Second, the state must demonstrate that the changes to the I/M program will not interfere with the state's ability to attain or maintain any National Ambient Air Quality Standards (NAAQSs). New Jersey demonstrated this by quantifying the difference in emission reductions between New Jersey's I/M program under the existing rules and its adopted I/M program and offsetting any shortfall through new, previously unclaimed, and contemporaneous emission reductions resulting from the Department's Low Emission Vehicle (NJLEV) program (N.J.A.C. 7:27-29). The shortfall is calculated by using the USEPA MOVES2014 emissions model for both the existing and adopted I/M programs for the year being evaluated, which in this case is 2018. The differences in emissions between the existing and adopted I/M programs are the emissions shortfall. The emission reduction benefits in the evaluation year are estimated by using the USEPA MOVES2014 model with and without the model inputs that represent the NJLEV program. The NJLEV program requires new light-duty vehicles sold in the State to meet the California vehicle emissions standards. The State demonstrated that the emission reduction benefits from the NJLEV program are equal to or greater than any emission reduction benefit losses from the I/M program changes.

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The Department is following the appropriate procedures for revising its I/M SIP as set forth in the Clean Air Act and the Environmental Protection Agency's implementing regulations, 42 U.S.C. § 7410 and 40 C.F.R. Part 51, Subpart F. Additional details are provided in the proposed SIP revision documentation available at [www.nj.gov/dep/baqp/sip/siprevs.htm](http://www.nj.gov/dep/baqp/sip/siprevs.htm).

### **Elimination of tailpipe testing for older vehicles**

2. COMMENT: The elimination of the tailpipe tests for older cars will mean that more of them will be kept on the road longer than they would if they were subject to emissions inspection and required to be repaired. It will also encourage owners to not maintain their vehicles. The justification for those cars to come off the road is the stick of emissions testing, which not only ensures that the clunkers on the road are going to be retired, but also ensures that they actually get the repairs that they need. Though the number of older cars is decreasing, this proposal would slow that decrease. The proposed rules will increase air pollution because the elimination of emissions tests for older cars will allow them to continue to pollute without being repaired. New Jersey should be taking efforts to make air quality better, and not worse. The 50,000 or more cars that would be allowed to keep running because of this amendment are far dirtier than the newer cars and hybrid cars, and add air pollution that contributes to the already high levels of asthma throughout the State. (1, 4)

RESPONSE: As stated in the proposal Environmental Impact (48 N.J.R. at 755), there may be some small increase in emissions, to the extent that the rules encourage owners of older vehicles that are no longer subject to emission inspection to keep the vehicles in service longer than they might otherwise. The Department is unable to estimate how many vehicles will remain in use, or for how long; however, the natural aging of vehicles and the less-than-ideal weather conditions

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in New Jersey contribute to a low rate of survival of older vehicles, particularly those that are poorly maintained. The Department anticipates that older vehicles will continue to be removed from the New Jersey vehicle fleet at a rate not significantly different from that currently observed. As the vehicles are retired, any increase in emissions that might result from implementation of these rule amendments will diminish. As stated in the proposal Economic Impact, the Department estimates that, in 2018, the number of gasoline-fueled vehicles that would have failed an emissions test under the existing rules but are not subject to inspection under the adopted rules, will be approximately 40,000. By 2021, this number is expected to drop to 10,000 or fewer vehicles (48 N.J.R. at 755).

See the response to Comment 1 for a discussion of offsets from the NJLEV program for purposes of demonstrating continued compliance with NAAQS.

3. COMMENT: The Department is correct in eliminating tailpipe inspections for older vehicles (N.J.A.C. 7:27-15 and 7:27B-5). Vehicles of model year 1995 and older, which do not have OBD systems, require a more costly and time-consuming form of inspection, the two-speed idle (TSI) test. Motor vehicle inspectors are trained technical professionals, and every minute of their time has a clear, concrete, and not inexpensive value. The act of performing a TSI test will therefore always cost a significant percentage more simply for that reason. Beyond the extra cost in staff hours, the purchase of these workstations is significantly more expensive (approximately three times). The current TSI workstations being used are reaching the end of their natural lifespan, and though most are still functioning, it is highly unlikely they will continue functioning for the six-year period the new inspection contract will last, much less the additional four years of extensions allowed by the contract. Further, the cost of maintenance of a TSI

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machine is also much higher than an OBD workstation. Add this all up and it results in a high cost per inspection as business owners try to earn back the cost of labor, the cost of the maintenance fee, and the high cost of the initial investment in the TSI workstation; not to mention all the other costs that go into operating a business, like the rent, the taxes, and the electricity.

If a private inspection facility (PIF) could count on performing multiple TSI inspections per day, then this would not present a particularly insurmountable problem. However, even now there are many PIFs that perform one or two TSI inspections per month. With such a small universe of vehicles, the high cost of these inspections must be amortized over a very small number of customers, driving up the price substantially. The pool of vehicles that are subject to TSI under the existing rules is shrinking. Approximately 3,500 of these vehicles leave the roadways every month through attrition. If that trend were to continue at that same rate, then these vehicles would be off the roads in about five years (of a six to 10-year contract). Even the handful that would remain would all become so old that they could in theory qualify for historic plates (depending on their usage) at that point. There simply is not, and would not be, enough potential revenue available to make TSI inspections worth the upfront and ongoing investment for a PIF. While over half of PIFs currently have a TSI machine, it is hard to imagine more than a handful choosing this option again in the new program, if it were offered. If the State were to overcompensate for this problem by mandating that all PIFs purchase a TSI machine, most current PIFs would simply abandon the program, greatly inconveniencing all motorists and driving up costs for the State.

From an environmental standpoint, the miniscule benefit to the environment from continuing these inspections is nowhere near the cost and the burden that would be involved in



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maintaining TSI inspection requirements, not now and certainly not six or 10 years from now. It should of course be pointed out that this change will not mean tens of thousands of perfectly functioning cars will suddenly become massive polluters with this change. The vast majority will continue to work as well as they currently do, and those that do suffer some form of malfunction will increase the chances that the owner will finally make the decision to upgrade to a car manufactured in the last 20 years; such a car would be OBD-capable and required to receive regular emissions inspections. (2)

RESPONSE: The Department acknowledges the commenter's support.

4. COMMENT: If older cars are no longer subject to emissions testing, they may not meet Federal standards for tailpipe emissions. (4)

RESPONSE: The only Federal standards for in-use (that is, not new) motor vehicles are those prescribed for emissions inspection tests when those tests are part of a state's SIP. As noted above, the Department is revising its SIP to reflect the changes to the emissions inspection tests, which are part of the State's I/M program. Thus, vehicles no longer subject to emissions testing as a result of the adopted amendments to the MVC's rules will also no longer be subject to the standards in the State's SIP. There are also Federal emissions standards for new vehicles.

USEPA and California regulate the emissions that are permitted from vehicles when newly manufactured. These standards must be met by the vehicle manufacturer, not the owner of the vehicle. The Department's rules do not violate or affect the standards to which vehicles were originally designed and manufactured.

### **Centralized Inspection Facility (CIF) and Private Inspection Facility (PIF) inspections**

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5. COMMENT: The proposed rules may lead to privatization of the inspection system, which could again lead to more vehicles not being maintained or being able to pass inspection when they should not. (4)

RESPONSE: The State's inspection system is already largely privatized and the Department's rulemaking does not modify that aspect of the program. The motor vehicle inspection system is a hybrid network that has both test-only State-run centralized inspection facilities (CIFs) and test-and-repair private inspection facilities (PIFs). The State-run CIFs have been privately operated under contract between the State and a private vendor since 1999. PIFs have been licensed by the State to conduct inspections for more than 30 years. New Jersey motorists currently elect to use the CIFs for 86 percent of their inspections and PIFs for the remaining 14 percent of inspections.

CIFs and PIFs are required to apply the same emissions inspection procedures and may identify a vehicle as passing inspection only if the vehicle meets the standards established under the applicable rules. CIFs and PIFs are required to report the results of vehicle inspections in the same manner. All facilities and inspectors are subject to audits on a regular basis.

See the response to Comment 2 above regarding older vehicles remaining on the road.

6. COMMENT: The pilot program proposed at N.J.A.C. 7: 24-15.5(f) has long-term negative implications for PIFs. It is good that the test is limited to no more than 20,000 vehicles, though the fact that each test is so limited could leave room for future abuse. As the State moves forward in the coming years with investigating the feasibility of OBD testing that would, in effect, result in fewer inspections conducted at PIFs, it should bear in the mind the ripple effects that would result from the full-scale implementation of such a program.

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The continued existence of the CIFs in the new program will continue to provide a disincentive for private facilities to become official PIFs, because for passenger vehicle inspections they are competing with CIFs that offer the same product at no cost to owners. Convenience is the one thing that a PIF can offer that a CIF does not, and allowing self-serve kiosk or remote testing would take away that advantage. Fewer incentives will result in fewer PIFs, as more small business owners decide the costs of the equipment, the staff, the licensing, and the regulatory compliance no longer make financial sense and they drop out of the program. Fewer PIFs is a problem for the State, as there will be fewer options for motorists who need a secondary form of inspection or who need a reinspection. (2)

RESPONSE: The primary goal of the Department's amendment to allow pilot testing is to evaluate inspection methods for future consideration in a manner that ensures such tests still represent legitimate inspections. The Department must consider not only technical feasibility, but also motorist convenience. The Department continues to seek additional inspection methods that further the goal of controlling emissions from motor vehicles. The more convenient it can make emission testing, the higher the compliance rate.

The Department recognizes the significant investment that a business makes when it participates in the inspection program as a PIF. The Department has taken that into account in promulgating the rules, as indicated in the proposal Economic Impact (48 N.J.R. at 754). The adopted rules repeal the gas cap test and exhaust emissions components, which should save an initial \$3,500 per workstation that does not need to have the gas cap test and exhaust emissions components installed, and approximately \$110.00 per month, per workstation, in maintenance costs.

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As the commenter states, PIFs provide a level of convenience for motorists that is not necessarily available at a CIF. Further, there are some inspections, such as mechanical inspections of commercial vehicles and reinspections of all vehicles, that only PIFs can provide under MVC's adopted rules (48 N.J.R. 810(a)). The Department anticipates, therefore, that there will continue to be an incentive for businesses to become PIFs.

7. COMMENT: Eliminating emissions tests at State inspection stations and sending vehicle owners to PIFs where they have to pay a fee is a form of taxation. Inspections should remain free. (3)

RESPONSE: The extent to which some inspections are available only at PIFs and others are available at CIFs is beyond the scope of the Department's proposal. However, under MVC's adopted rules (48 N.J.R. 810(a)), non-commercial vehicles may continue to undergo initial inspection at a CIF at no charge to the vehicle owner.

8. COMMENT: There should be no easing of biennial inspections at proposed N.J.A.C. 7:27-15.5. On multiple occasions over the life of the I/M program, small businesses that signed up with the State as part of various I/M programs have seen the terms of the program changed mid-stream, after they had already made the investment in equipment and training. Such a change could presage further changes in the next 10 years that would lead to fewer vehicles being inspected per year, which would have a chilling effect on current and potential future PIFs. (2)

RESPONSE: Inspection frequency is established statutorily at N.J.S.A. 39:8-2 and, aside from the existing new vehicle exemption, may be no less frequent than biennial. MVC determines which vehicles are subject to inspection and where inspections may be conducted.

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### **Self-inspections**

9. COMMENT: Though the proposal acknowledges MVC is in charge of answering the fundamental questions of which vehicles should be subject to which type of inspections, the Department should take the initiative on one aspect of the inspection program, and that is the issue of self-inspections, because of the deleterious effect that self-inspections ultimately have on the environment. The Department can and should take action with new regulations to ban self-inspections, which are increased as part of the new I/M program, rather than decreased or eliminated as they should have been.

Self-inspection is not just somewhat ineffective; it may be the single most ineffective aspect of the entire inspection program. Experience has shown that self-inspection means no inspection at all. The diesel vehicles 10,000 to 18,000 pounds which have already been cleared for self-inspection have over the last several years proven to be the most frequent and egregious violators of inspection laws. There is little point in having a law if there is no one and no way to enforce it. Theoretically, all passenger vehicles are required to self-inspect for safety since various safety statutes still apply, yet many simply ignore the laws rather than pay to comply with them. The lack of compliance that already results from self-inspection, and the increased lack of compliance that will result from expanding the qualifications for self-inspection, will lower compliance with the law and damage air quality throughout the State, and all for no meaningful benefit. The State is doubling down on the mistake and expanding this failed policy to even more vehicles. These vehicles are among the largest and potentially most lethal vehicles on the road, and are the vehicles that, if the emissions technology fails, will pollute the air far worse than if the technology fails on a typical passenger vehicle. (2)

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RESPONSE: N.J.S.A. 39:8-1 gives MVC the authority, with the Department's concurrence, to determine which vehicles are subject to, or excluded from, inspection requirements. The Department is not authorized to regulate which vehicles may be excluded from inspection, or are subject to self-inspection. Therefore, this comment is beyond the scope of the Department's proposal.

### **Emission control equipment and antitampering**

10. COMMENT: Proposed N.J.A.C. 7:27-15.6(c), requiring all vehicle emission equipment to be functioning properly, is appropriate. Even though there will be vehicles on the road that are not inspected for functioning emissions equipment, the owners will still have to keep their vehicle properly maintained. Unfortunately, the elimination of safety inspections will encourage some motorists to ignore the requirement. Still, any added incentive to ensure that these vehicles are properly maintained is welcome. (2)

RESPONSE: The Department acknowledges the commenter's support.

11. COMMENT: The proposed enhanced anti-tampering language at N.J.A.C. 7:27-14.3(e), 14.4(a)4, 14.5, 15.7(a), 15.7(b) is beneficial. These amendments bring diesel inspections into compliance with rules similar to gas-powered vehicles, as they should be. Particularly welcome is the clarity that the new language brings that if there has been tampering, the vehicle must fail the inspection. (2)

RESPONSE: The Department acknowledges the commenter's support.

12. COMMENT: The proposed required check for multiple catalytic converters at N.J.A.C. 7:27B-5.5 is appropriate. When these regulations were originally written it was essentially and understandably unthought-of for vehicles to possess multiple catalytic converters. With this

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change in technology, it is only proper for the State to adapt its regulations as well and ensure that all emissions systems are properly installed and functioning. The clarification that an inspector must look for multiple functioning catalytic converters will prevent confusion in that a vehicle with more than one catalytic converter cannot pass inspection if even one is not working properly. (2)

RESPONSE: The Department acknowledges the commenter's support.

## **OBD**

13. COMMENT: The Department is correct to expand OBD testing at proposed N.J.A.C. 7:27-14.5(c)1 to all vehicles that are OBD-eligible. OBD testing is convenient for the motorist and the inspector, and the most effective form of emissions testing. The more vehicles tested with it the better for all. (2)

RESPONSE: The Department acknowledges the commenter's support.

## **Diesel**

14. COMMENT: The requirement that diesel inspection information be submitted electronically, N.J.A.C. 7:27-14.7(c), is a positive change. As a result, diesel inspection results will be submitted through an easy to use online portal, or directly through the new workstations. This change will be easier to comply with for inspectors and will reduce accidental errors that occur under the current system, leading to more effective compliance. (2)

RESPONSE: The Department acknowledges the commenter's support.

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### **Summary of Agency-Initiated Changes**

The Department is modifying the rules on adoption to correct the penalty tables at N.J.A.C. 7:27A-3.10(m)14 for violations of N.J.A.C. 7:27-14. The penalty table incorrectly identifies N.J.A.C. 7:27-14.3(d) as the citation for the violation class “Disabled Closed Crankcase Ventilation System or Retrofit Device.” N.J.A.C. 7:27-14.3(d) is not a provision for which a penalty is directly associated, but requires general compliance with N.J.A.C. 7:27-5, Prohibition of Air Pollution, or any other applicable local, State, or Federal law. The Department is modifying N.J.A.C. 7:27A-3.10(m)14 on adoption to correct the citation for the violation class listed in the table to N.J.A.C. 7:27-14.3(f), which prohibits the disabling of a closed crankcase ventilation system.

The adopted amendments to N.J.A.C. 7:27-14.7, which include repeals and recodifications, required corresponding amendments to the penalties for these provisions at N.J.A.C. 7:27A-3.10(m)14. The Department is modifying the penalty provisions on adoption to delete the penalties for violations of N.J.A.C. 7:27-14.7(d) and (g), which are no longer in the rules as adopted. In addition, the reference to N.J.A.C. 7:27-14.7(h) is corrected on adoption to N.J.A.C. 7:27-14.7(c) and the reference to N.J.A.C. 7:27-14.7(i) and (k) is corrected on adoption to N.J.A.C. 7:27-14.7(d), to conform to the codification of N.J.A.C. 7:27-14.7 as adopted.

The Department is also modifying N.J.A.C. 7:27A-3.10(m)14 on adoption to remove references to deleted footnotes.

### **Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require State agencies that



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adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted repeals, new rule, and amendments to the Department's enhanced I/M program rules do not modify the program design so as to impose standards or requirements that exceed any Federal standards or requirements. The I/M program and the within adopted rules are intended to allow the State to comply with the Federal regulations that control establishment of enhanced I/M programs. (See generally, 40 CFR Parts 51 and 85.) Specifically, the Department is continuing and expanding the implementation of mandatory OBD inspections. The adopted program design does not exceed the Federal requirements set forth at 40 CFR Parts 51 and 85, nor do the adopted rules impose standards that exceed Federal requirements for those standards provided by the USEPA. Accordingly, no Federal standards analysis is required.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

## 7:27A-3 CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act

(a) - (l) (No change.)

(m) The violations of N.J.A.C. 7:27, whether the violation is minor or non-minor in accordance with (q) through (t) below, and the civil administrative penalty amounts for each violation are as set forth in the following Civil Administrative Penalty Schedule. The numbers of the following

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subsections correspond to the numbers of the corresponding subchapter in N.J.A.C. 7:27. The rule summaries for the requirements set forth in the Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

### CIVIL ADMINISTRATIVE PENALTY SCHEDULE

1. - 13. (No change.)

14. The violations of N.J.A.C. 7:27-14, Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
...						
N.J.A.C. 7:27-14.3*[(d)]* *(f)*	Disabled Closed Crankcase Ventilation System or Retrofit Device	NM	\$1,000	\$2,000	\$3,500	\$5,000
...						
*[N.J.A.C. 7:27-14.7(d)]	Submit Application	M	\$250	\$500	\$750	\$1,500
N.J.A.C. 7:27-14.7(g)	Complete Updates	M	\$250	\$500	\$750 <sup>11</sup>	\$1,500 <sup>11</sup> *
N.J.A.C. 7:27-14.7*[(h)]* *(c)*	Complete Form and Maintain Records	M	\$250	\$500	\$750* <sup>[11]</sup>	\$1,500* <sup>[11]</sup> *
N.J.A.C. 7:27-14.7*[(i) and (k)]* *(d)*	Submit Inspection Form	M	\$250	\$500	\$750* <sup>[11]</sup>	\$1,500* <sup>[11]</sup> *

1 (No change from proposal.)