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ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY, AND SUSTAINABILITY

DIVISION OF AIR QUALITY

Motor Vehicle Inspection and Maintenance

Notice of Proposed Revisions to the State Implementation Plan (SIP) for New Jersey's Enhanced Inspection and Maintenance (I/M) Program

Proposed Amendments: N.J.A.C. 7:27-14.1 through 14.7, 14.10, and Appendix, 7:27-15.1 through 15.7, and Appendix, 7:27A-3.10, 7:27B-4.1 through 4.3, 4.6 through 4.8, 5.1 through 5.3, and 5.5 through 5.8.

Proposed Repeals: N.J.A.C. 7:27-14.8 and 14.9, 7:27B-4.5 and 5.4.

Proposed New Rule: N.J.A.C. 7:27B-5.4.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection

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.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

DEP Docket Number: 04-16-04

Proposal Number:

A **public hearing** concerning this proposal and the proposed State Implementation Plan (SIP) revision for New Jersey's Enhanced Inspection and Maintenance (I/M) Program, of which this proposal is a part, will be held on June 24, 2016 at 10:00 A.M. at:

New Jersey Department of Environmental Protection

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Hearing Room, 1st Floor

401 East State Street

Trenton, New Jersey 08625

Directions to the hearing room may be found at the Department's website address at www.nj.gov/dep/where.htm.

The within proposed new rules, repeals, and amendments, as well as the proposed Motor Vehicle Commission (MVC) rules published in the February 16, 2016, New Jersey Register (48 N.J.R. 249(a)), implement changes to New Jersey's I/M program and constitute a revision to the State's approved I/M SIP. The proposed SIP revision also includes I/M program modeling and United States Environmental Protection Agency (USEPA) performance standard modeling that evaluates the emission impacts that will result from the proposed changes. The New Jersey Department of Environmental Protection (Department) will provide a copy of the proposed SIP revision to the USEPA. Copies of the Department's proposed SIP revision are available on the Department's website at www.nj.gov/dep/baqp/sip/siprevs.htm.

Submit comments by (60 days after publication), electronically at www.nj.gov/dep/rules/comments. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

The Department encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

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Alice A. Previte, Esq.

Attention: DEP Docket No. 04-16-04

Office of Legal Affairs

New Jersey Department of Environmental Protection

401 East State Street, 7th Floor

Mail Code 401-04L

PO Box 402

Trenton, NJ 08625-0402

Written comments may also be submitted at the public hearing. It is requested (but not required) that anyone providing oral testimony at the public hearing provide a copy of any prepared text to the stenographer at the hearing.

The proposed new rules and amendments will become operative 60 days after their adoption (see N.J.S.A. 26:2C-8). The rule proposal may be viewed or downloaded from the Department's website at www.nj.gov/dep/rules.

The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department is proposing to amend its rules governing motor vehicle inspection and maintenance to update the emission tests and standards for certain classes of both gasoline and

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diesel vehicles and further enhance the State's use of the available on-board diagnostic (OBD) capabilities of modern motor vehicles. The new rule, amendments, and repeals as contained in this proposal are the Department's contribution to changes to the State's enhanced motor vehicle I/M program, developed by the Department, the MVC, and the Department of the Treasury. The MVC's proposal to amend its rules related to the I/M program is published in the February 16, 2016, issue of the New Jersey Register (48 N.J.R. 249(a)).

Background

In 1974, New Jersey was among the first I/M programs in the nation to implement mandatory emissions testing for motor vehicles, primarily in response to the Clean Air Act of 1970. Early generations of this vehicle testing program were basic I/M programs that relied for the most part on exhaust emission testing using an idle test, which measured emissions in tailpipe exhaust while the vehicle was at idle. New Jersey's I/M program remained largely unchanged, with only minor updates in equipment and test standards, from 1974 until 1999.

The Clean Air Act Amendments of 1990 required that areas in serious nonattainment of National Ambient Air Quality Standards (NAAQS) for certain criteria pollutants implement an "enhanced" I/M program, later codified in 1992 in USEPA regulations that prescribed the required elements of an enhanced I/M program. New Jersey, which was in nonattainment with the NAAQS for certain criteria pollutants, first promulgated rules to implement an enhanced program in 1995. This was followed by a series of rule amendments that further modified and defined the program. New Jersey vehicles were first subject to testing under the enhanced I/M program in December 1999. The program was more than just an idle test, and included such

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major changes as dynamometer-based ASM5015 testing and gas cap testing. In 2003, OBD testing was added for newer vehicles.

The I/M program is jointly operated by the Department and the MVC. The roles of the two agencies are complementary. MVC establishes inspection frequency, determines which vehicles are subject to inspection and where inspections may be conducted, licenses facilities and inspectors, and develops the procedures and standards to be used in inspecting the mechanical soundness of motor vehicles (such as the condition of the brakes, windshields, and tires); the Department establishes emissions inspection procedures and standards, approves inspection equipment, and provides program quality assurance. The agencies share administrative and oversight functions.

Certain portions of the I/M program are performed by a private firm under contract with the State. A contractor is responsible for operation of the centralized inspection facilities (CIFs), as well as for maintaining a transactional inspection database and inspection hardware and software used at both CIFs and private inspection facilities (PIFs). The State awarded a contract to Parsons Environment and Infrastructure Group Inc. (Parsons) in 2008. In 2013, Parsons was granted a three-year contract extension that is scheduled to expire in May 2016.

The existing New Jersey I/M program is a hybrid design, with two types of inspection facilities. A CIF is operated by a vendor under a contract with the State. Repairs are not available at a CIF. A CIF does not charge a fee for inspections or reinspections. A PIF is independently owned and operated, and State licensed, and is often located at a service station that can perform vehicle repairs. A PIF may charge a fee for inspection and reinspection services, but it must prominently post the fee for customers to see.

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There are four categories of vehicles that are subject to the enhanced I/M program: light and heavy-duty gasoline-fueled vehicles, and light and heavy-duty diesel-powered vehicles. Within each category are commercial and non-commercial vehicles. Depending on the category of vehicle, and whether it is commercial or non-commercial, the existing rules require either an emissions inspection, or an emissions inspection and a mechanical (safety) inspection. Both CIFs and PIFs can perform emissions inspections, as well as mechanical (safety) inspections. Motorists may choose to have their vehicles inspected at either a CIF or at one of the more than 1,000 PIFs. Under the existing rules, both CIFs and PIFs may perform mechanical and emissions inspections of light and heavy-duty gasoline-fueled vehicles, and light-duty diesel-powered vehicles. CIFs cannot inspect heavy-duty diesel-powered vehicles; accordingly, only PIFs for diesel vehicles inspect heavy-duty diesel-powered vehicles. Heavy-duty diesel vehicles are subject only to emission inspections.

The existing program's emissions inspections consist of both tailpipe testing and testing the OBD equipment, if the vehicle is equipped with OBD technology. OBD technology has been installed in light-duty gasoline-fueled vehicles since model year 1996, and is available in almost all of the vehicles subject to the State's I/M program. More I/M programs around the nation are moving toward OBD testing as the sole indicator of vehicle emissions compliance. Vehicles equipped with OBD monitor the status of emission controls and engine performance, alerting the driver via a dashboard indicator if there is a malfunction. An OBD inspection consists of connecting inspection equipment to the vehicle using a standardized connector and checking for malfunctions using the vehicle computer.

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In preparation for the expiration of Parsons' contract in 2016, the State has issued a request for proposal (RFP) to solicit bids for a new contract. In transitioning to a new I/M program (which includes changes in the program design effected since the awarding of the original contract in 2008), the State has the opportunity to take advantage of advances in vehicle and inspection technology to expand the population of vehicles subject to OBD testing and streamline the inspection process. The MVC's proposed rules, the RFP, and the Department's within proposed rules, all capitalize on the advanced technology.

Proposed amendments to the I/M program

The following is a general summary of the proposed I/M program. Proposed amendments to individual rules are discussed under the heading, "Discussion of proposed rules."

On-board diagnostic testing

Under the proposed Department and MVC rules, the enhanced I/M program will continue to use a hybrid approach that includes both CIFs and PIFs; however, more of the inspections will be shifted to PIFs, and more inspections will be conducted using OBD. Under the proposed I/M program, every vehicle subject to an emissions inspection that is required to be equipped with an OBD system will be subject to an OBD test. USEPA regulations govern whether a vehicle is required to be equipped with OBD (40 CFR Part 86). OBD was required for light-duty vehicles (both gasoline and diesel) beginning in the 1990s, and for heavier vehicles (both gasoline and diesel) beginning in 2008 or 2014, depending on the weight of the vehicle. As of model year 2014, all new vehicles are equipped with OBD technology.

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The MVC has authority to determine which vehicles are subject to inspection. While MVC's rules identify the vehicles subject to inspection, the Department's rules provide the requirements for the inspections. The proposed MVC rules exempt from inspection non-commercial vehicles that are not required to have OBD (48 N.J.R. 249(a)). Therefore, the Department proposes to eliminate the exhaust emissions tests (tailpipe tests) for all gasoline-fueled motor vehicles, and the smoke opacity test for diesel-powered vehicles equipped with OBD. Instead, if USEPA regulations require these vehicles to be equipped with OBD, then the proposed rules will require them to undergo OBD inspection. For gasoline-fueled vehicles, the proposed OBD test requirements apply to model year 1996 and newer light-duty vehicles, model year 2008 and newer vehicles with a gross vehicle weight rating (GVWR) of 8,501 to 14,000 pounds, and model year 2014 and newer vehicles with a GVWR over 14,000 pounds. For those diesel vehicles subject to emissions inspection, the OBD test requirements apply to model year 1997 and newer light-duty vehicles, model year 2008 and newer vehicles with a GVWR of 8,501 to 14,000 pounds, and model year 2014 and newer vehicles with a GVWR over 14,000 pounds. With each successive year the proportion of OBD-equipped motor vehicles in the overall fleet of vehicles increases, making the use of the tailpipe tests practically and economically less attractive.

The proposed new I/M program will not entirely eliminate emission testing for gasoline and diesel motor vehicles that are subject to tailpipe or smoke opacity testing under the existing rules. Emissions from OBD-equipped vehicles that are subject to a tailpipe or smoke opacity test under the existing rules, whether gasoline-fueled, diesel-powered, heavy-duty, commercial, or non-commercial, will be tested only through OBD under the proposed rules. Non-commercial

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vehicles that are not OBD-equipped will no longer be subject to emissions inspection. Only those commercial vehicles that are not equipped with an OBD system will be subject to other emissions tests, such as the visible smoke test, the visual fuel cap test, the fuel leak test, and anti-tampering check.

When the Department last amended the I/M program rules in 2009 to include OBD testing for some gasoline-fueled and diesel-powered vehicles (proposed 40 N.J.R. 3541(a), adopted 41 N.J.R. 2009(a)), there were not enough OBD-equipped heavy-duty vehicles to justify changing inspection of heavy-duty vehicles to OBD testing; accordingly, the existing rules continue to require tailpipe and smoke opacity testing for all heavy-duty vehicles. The proposed rules provide for the OBD testing of OBD-equipped gasoline-fueled and diesel-powered heavy-duty vehicles. A commercially-registered heavy-duty vehicle that is not required to be equipped with an OBD system will be subject to other emissions tests, as applicable, such as the visible smoke test, the visual fuel cap test, the fuel leak check and an anti-tampering check. A heavy-duty diesel-powered vehicle not equipped with an OBD system will also still be subject to a smoke opacity test.

The MVC's existing rules require all commercial vehicles to undergo an annual mechanical inspection, which can be conducted at either a PIF or a CIF. Commercial vehicles will remain subject to mechanical inspection under the proposed MVC rules. However, because CIFs will conduct only emissions inspections and not mechanical inspections, only PIFs can inspect commercial vehicles. If a vehicle requires a mechanical inspection, it must be taken to a PIF. Further, if any vehicle fails inspection at either a CIF or a PIF, reinspection is available only at a PIF; CIFs will not conduct reinspections.

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Miscellaneous non-OBD amendments

The Department is also proposing amendments related to inspection requirements and inspection procedures. The existing rules contain three smoke opacity tests for heavy-duty diesel-powered motor vehicles. The Department proposes to repeal the rolling acceleration smoke opacity test, and the power brake smoke opacity test, and retain only the snap acceleration smoke opacity test. The tests the Department proposes to repeal are used infrequently, and only during PIF inspections. The snap acceleration smoke opacity test is used both during PIF inspections and in roadside inspections. By retaining the snap acceleration smoke opacity test at both the PIF and roadside inspections, the proposed rules make the two inspections (roadside and PIF) identical. The Department proposes to remove from the rules references to the rolling acceleration smoke opacity test, and the power brake smoke opacity test.

The proposed rules replace the existing NJ Diesel Emission Inspection Center (DEIC) inspection forms with daily electronic reporting of diesel inspections. Under the existing rules, the DEIC submits diesel inspection information to the Department in the form of a spreadsheet. In the new program, the PIF that inspects a diesel vehicle will submit diesel inspection information through an electronic portal or a workstation.

Other proposed amendments add requirements and standards for the fuel leak check, which the MVC's rules require; add procedures for the diesel exhaust aftertreatment checks; and replace the fuel cap leak test (gas cap test) for gasoline-fueled vehicles with a visual gas cap check. Proposed rules related to diesel emergency vehicles apply general highway standards and

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idling restrictions when the vehicles are not in an emergency situation. Emergency vehicles continue to be exempt from diesel emission inspection requirements under the proposed rules.

The proposed rules provide that a complete inspection may include only an OBD test, with no secondary tests, such as gas cap, visible smoke, or tampering. Although the enhanced I/M program anticipated under the new 2016 contract does not yet include testing at kiosks or testing of remote OBD, the proposed rules allow for such testing in the future. Kiosks or remote OBD testing would not be equipped for the secondary tests.

Proposed enforcement-related amendments include authorizing inspectors of both gasoline-fueled and diesel-powered motor vehicles to fail those vehicles if they determine that there has been tampering with the emission controls, and to assess penalties for tampering with emission controls on diesel vehicles. Tampering with diesel vehicles has become more prevalent with the introduction of manufacturer-equipped emission control devices, and the Department feels that more explicit anti-tampering rules coupled with administrative penalties will serve as a greater deterrent than simply failing inspection.

The Department also proposes to update contact information and addresses throughout the rules.

Discussion of proposed rules

Proposed amendments to N.J.A.C. 7:27-14, Control and prohibition of air pollution from diesel-powered motor vehicles

The rules governing the control and prohibition of air pollution from diesel-powered motor vehicles are contained in N.J.A.C. 7:27-14. The Department proposes to delete the

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definitions of terms at N.J.A.C. 7:27-14.1 that are no longer used in the proposed amended rules relating to diesel-powered motor vehicles. These include “alternative smoke opacity standard,” “diesel emission inspection center” or “DEIC,” “high speed diesel engine,” “low speed diesel engine,” “medium speed diesel engine,” and “NJ DEIC Inspection Form.” The Department proposes definitions of new terms, including “auxiliary power unit” or “APU,” “indicator light,” “private inspection facility” or “PIF,” and “selective catalytic reduction” or “SCR.” Throughout the proposed amended rules, references to “DEIC” are replaced with “PIF,” which is the term that the new I/M program uses. Where any of the above definitions applies to the proposed rules relating to gasoline-fueled motor vehicles (N.J.A.C. 7:27-15), sampling and analytical procedures for diesel-powered motor vehicles (N.J.A.C. 7:27B-4), or sampling and analytical procedures for gasoline-fueled motor vehicles (N.J.A.C. 7:27B-5), the Department proposes to add them to those subchapters. Similarly, the Department proposes to amend existing definitions in those subchapters in the same manner as discussed below, to the extent applicable.

The Department proposes to amend existing definitions to conform to the proposed I/M rules. As discussed above, the new I/M program no longer includes the rolling acceleration smoke opacity test and the power brake smoke opacity test. Therefore, the Department proposes to remove all references in the rules to the stall smoke opacity test (the term used to refer to the power brake smoke opacity test before the 2007 amendments to N.J.A.C. 7:27B-4) and the rolling acceleration opacity test, including references to these tests in the definition of “peak smoke opacity.” The existing definition of “data link connector” or “DLC” refers to a 16-pin diagnostic test receptacle. This does not include the nine-pin connector that is used exclusively

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on heavy-duty OBD vehicles that will be subject to OBD testing. The proposed amended definition refers to both the nine-pin and the 16-pin connectors.

The Department proposes to add the acronym “DPF” to the definition of “diesel particulate filter.” Proposed amendments to “EPA memorandum 1A” update the name of the former Bureau of Motor Vehicle Inspection and Maintenance to the Bureau of Mobile Sources. Similar amendments update contact information and addresses throughout the proposed rules. The proposed amended definition of “Motor Vehicle Commission” or “MVC” at N.J.A.C. 7:27-14.1 matches the definition at existing N.J.A.C. 7:27-15.1.

N.J.A.C. 7:27-14.2 describes the applicability of this subchapter to diesel-powered vehicles. In addition to deleting an outdated cross-reference, the Department proposes to amend the applicability of the subchapter to emergency vehicles. Existing N.J.A.C. 7:27-14.2(b) provides that the subchapter does not apply to “a diesel-powered motor vehicle that is owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes; and that is generally held in ready status, and only brought into service during an emergency requiring immediate action.” An ambulance and fire truck are examples of such vehicles. The Department proposes to amend the rule to provide that the vehicles identified in the subsection are exempt only from N.J.A.C. 7:27-14.5, Test requirements, and N.J.A.C. 7:27-14.6, Inspection standards. Under the proposed amended rule, such vehicles remain subject to the three-minute idling limitation of N.J.A.C. 7:27-14.3(a), unless they are actively performing emergency services (N.J.A.C. 7:27-14.2(b)4), and remain subject to the general highway, and anti-tampering standards. This is consistent with the Department’s intention when it amended N.J.A.C. 7:27-14.3(b)4 in 2009 (41 N.J.R. 1606(a),

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41 N.J.R. 4195(b)). At that time, the Department stated, “Heavy rescue and HAZMAT response vehicles, on the other hand, are ‘emergency vehicles’; however, they would not qualify for the exception *unless they are actively performing emergency services.*” The Department intends that the amendment will reduce unnecessary idling by vehicles not in an emergency situation.

Fire trucks are among the examples at existing N.J.A.C. 7:27-14.3(b)4 of emergency vehicles that are exempt from the idling limitation while they are performing emergency services. However, the use of fire trucks as an example is not consistent with existing N.J.A.C. 7:14.2(b), which exempts fire trucks from the entire subchapter, including the idling limitation. The proposed amendment to N.J.A.C. 7:27-14.2(b) corrects the inconsistency by removing fire trucks as an example.

Among the general prohibitions at existing N.J.A.C. 7:27-14.3 is paragraph (b)6, which applies to motor vehicles (primarily trucks) equipped with sleeper berths. The prohibition applied only until April 30, 2011, which has passed; existing N.J.A.C. 7:27-14.3(b)7 now applies, as shown in the proposed amended rule. Accordingly, the Department proposes to delete N.J.A.C. 7:27-14.3(b)6 and renumber the remaining paragraphs. When the Department promulgated N.J.A.C. 7:27-14.3(b)7 in 2007, it neglected to require that the sleeper berth be in use and that the idling take place in a non-residential area. It was not the Department’s intention to allow a vehicle with a sleeper berth to idle in all locations, even when the sleeper berth is not in use. The proposed amended rule reflects the Department’s intent. The proposed amended rule also prohibits a vehicle from idling if it has a functional auxiliary power unit (APU) (a proposed new term at N.J.A.C. 7:27-14.1); there is no need for such a motor vehicle to idle, since it has an APU to maintain cabin comfort. Existing N.J.A.C. 7:27-14.3(b)6 (proposed to be

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deleted) contains a similar restriction. This amendment is proposed in part because of the numerous complaints the Department has received concerning the extended idling of trucks in residential neighborhoods. In light of the proposed definition of “auxiliary power unit” or “APU” at N.J.A.C. 7:27-14.1, the term “auxiliary or alternate power units” and the acronym “APU” at proposed amended N.J.A.C. 7:27-14.3(b)7 are unnecessary, and the descriptive language in existing N.J.A.C. 7:27-14.3(b)6 regarding the APU need not be recited at proposed amended N.J.A.C. 7:27-14.3(b)6.

Proposed amended N.J.A.C. 7:27-14.3(e) and 14.4(a)4 include anti-tampering language for diesel-powered motor vehicles that more closely matches the anti-tampering rule for gasoline-fueled motor vehicles at N.J.A.C. 7:27-15.7(a). Proposed new N.J.A.C. 7:27-14.3(e) is the same as existing N.J.A.C. 7:27-15.7(a)1, 3, and 4. Proposed new N.J.A.C. 7:27-14.4(a)4 is comparable to existing N.J.A.C. 7:27-15.7(a)2. The proposed amended rules expand the anti-tampering provisions for diesel-powered motor vehicles to prohibit tampering, the operation, sale, or lease of a tampered engine or vehicle, and the sale of any tampering device or component. The Department proposes new penalties at N.J.A.C. 7:27A-3.10(m)14 for tampering with diesel-powered motor vehicles, which are the same as existing penalties for violations of anti-tampering provisions related to gasoline-fueled vehicles, N.J.A.C. 7:27A-3.10(m)15.

The Department proposes to rename N.J.A.C. 7:27-14.5 as “Motor vehicle inspections,” to make the heading of N.J.A.C. 7:27-14.5, applicable to diesel-powered motor vehicles, consistent with the heading of its gasoline-fueled counterpart, N.J.A.C. 7:27-15.5. As discussed above, the Department proposes to delete existing N.J.A.C. 7:27-14.5(a) and (b), which provide

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for the rolling acceleration or power brake smoke opacity test at a periodic inspection, and the option to conduct the power brake smoke opacity test at a roadside inspection. Under the proposed rule, only the snap acceleration smoke opacity test will be conducted at the roadside and periodic inspections. The snap acceleration smoke opacity test simulates on the road acceleration, although the vehicle remains in place. With the vehicle in neutral, the driver rapidly depresses the accelerator and holds the maximum governed speed for a few seconds, then returns to idle. A meter measures the opacity of the smoke while the driver repeats the test several times. Existing N.J.A.C. 7:27-14.5 is organized to reflect the different test options at the different inspection locations. With the same test being conducted at both roadside and periodic inspections, it is not necessary to retain this organization; accordingly, the Department proposes replacing existing N.J.A.C. 7:27-14.5(a) through (d) with new (a) through (e), which identify and describe the tests to which diesel-powered motor vehicles are subject, and recodify the remaining subsections. As discussed above, a heavy-duty diesel-powered motor vehicle or bus that is OBD-eligible (as defined at proposed amended N.J.A.C. 7:27-14.1), and is required to be inspected by the MVC, is subject to OBD inspection. A heavy-duty diesel-powered motor vehicle or diesel bus that is required to be inspected by the MVC and is not OBD-eligible is subject to the snap acceleration smoke opacity test. A heavy-duty diesel-powered motor vehicle, diesel bus, or a vehicle that the MVC designates as subject to self-inspection pursuant to N.J.A.C. 13:20-26 is subject to the visible smoke test, the indicator light check, visual leak test, and an examination of emission control apparatus. Light-duty diesel-powered motor vehicles required to be inspected by the MVC are subject to the visible smoke test, an OBD inspection (if the vehicle is OBD-eligible), and the visual leak test.

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Proposed amended N.J.A.C. 7:27-14.5 includes or references additional standards or tests that a diesel-powered motor vehicle must pass to be deemed to have passed inspection, and imposes the requirement that there be no tampering with the emission control apparatus. The additional tests are the visible smoke test, the indicator light check, the visual fuel leak test, and an emission control apparatus examination, which are part of proposed amended N.J.A.C. 7:27B-4.7. Diesel vehicles are equipped with particulate matter and NO_x emission control systems. Vehicles with engines 2007 and newer have dashboard indicator lights to indicate whether there is a problem with the exhaust aftertreatment system, designed to reduce emissions. Checking the indicator light on the dashboard of the vehicle ensures that the indicator light is functioning properly and can alert the operator to a problem with the emission control systems. This indicator light check differs from the malfunction indicator light (MIL) inspection at existing N.J.A.C. 7:27B-4.8, which is part of an OBD inspection. The proposed indicator light check will be conducted on diesel vehicles that are not OBD eligible. The visual fuel leak test will discover leaks of fuel, which indicate that the vehicle requires maintenance, and is intended to prevent the discharge of pollutants that may enter surface and groundwater. The proposed amended Appendix to N.J.A.C. 7:27-14 reflects the proposed new test requirements. Proposed amended N.J.A.C. 7:27-14.5(i) clarifies that the Department's list of vehicles that are not OBD-eligible is available now, rather than in the future. As a result of the proposed recodification of N.J.A.C. 7:27-14.5(g) as (h), the Department proposes to update the cross reference in the definition of "OBD-eligible" at N.J.A.C. 7:27-14.1.

The Department proposes to rename N.J.A.C. 7:27-14.6 as "Motor vehicle standards," to make the heading of N.J.A.C. 7:27-14.6, applicable to diesel-powered motor vehicles, consistent

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with the proposed heading of its gasoline-fueled counterpart, N.J.A.C. 7:27-15.6. The Department proposes to delete N.J.A.C. 7:27-14.6(a) through (e) as none of these provisions has been in effect since December 2, 2009. Similarly, the Department proposes to update N.J.A.C. 7:27-14.6(h) through (k), recodified as (a) through (d), by removing the reference to their effective date of December 2, 2009, and removing references to smoke opacity tests other than the snap acceleration smoke opacity test, as discussed above. N.J.A.C. 7:27-14.6(f) and (g) are unchanged, but relocated to follow what were existing (h) through (k). The Department proposes to substitute at proposed amended N.J.A.C. 7:27-14.6(b) through (d) a more specific reference to the description of the smoke opacity test at N.J.A.C. 7:27B-4.3 for the general reference to the section.

Public highway standards at N.J.A.C. 7:27-14.4(a)1 prohibit a diesel vehicle operating on public roads to emit visible smoke. The visible smoke test is already required for light-duty diesel vehicles at existing N.J.A.C. 7:27-14.6(l), through the reference to the visible smoke test procedure at existing N.J.A.C. 7:27B-4.7. Proposed amended N.J.A.C. 7:27-14.6(h) expands the test to all diesel vehicles subject to inspection. Consistent with proposed amended N.J.A.C. 7:27-14.5(c)1 that expands OBD inspections to all OBD-eligible diesel vehicles required to be inspected by the MVC, the Department proposes to expand the OBD test at proposed amended N.J.A.C. 7:27-14.6(h), applicable to only light-duty diesel vehicles under the existing rule, to all diesel vehicles subject to inspection.

The Department proposes to rename N.J.A.C. 7:27-14.7 as “Licensed emission inspectors.” The individuals authorized to inspect diesel vehicles are referred to by that title. Proposed amendments to the section replace “certified diesel emission inspector” with “licensed

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emission inspector.” The Department does not certify the inspectors; rather, the MVC licenses them, as reflected in proposed amended N.J.A.C. 7:27-14.7(a) through (e), and the proposed deletion of existing (c) through (f). The Department proposes to delete penalties related to certification of diesel emission inspectors at N.J.A.C. 7:27A-3.10(m)14. The citation of the rule under which the MVC licenses inspectors is added in proposed amended N.J.A.C. 7:27-14.7(a). Existing N.J.A.C. 7:27-14.7(a) and (i) apply on and after January 1, 2009. Since that date has passed, the corresponding provisions of the proposed amended rule do not contain a starting date.

As discussed in the general summary of amendments above, the proposed rules require CIFs and PIFs to report diesel inspection information electronically. Proposed amendments to N.J.A.C. 7:27-14.7(d) and (e), and the deletion of (j) and (k), remove the requirement that an inspector submit the DEIC Inspection Form, and require the information to be transmitted electronically to the State within one day. Because electronic transmittal is more rapid than the existing reporting through DEIC forms, the Department proposes to reduce the reporting time from five days to one day. The existing rules provide that if it is a hardship for an inspector to submit the DEIC form electronically, he or she may request approval from the Department to submit the form in paper format. The proposed amended rule does not contain a hardship provision, but requires all inspection information to be submitted electronically. The Department has never received a hardship request to submit a DEIC Inspection Form via paper, and does not anticipate such a request for the electronic information required under the proposed amended rules.

The Department proposes to repeal and reserve N.J.A.C. 7:27-14.8, Diesel emissions repair technicians, because the State never implemented the certification program for diesel

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emission repair technicians. Similarly, the Department proposes to repeal and reserve N.J.A.C. 7:27-14.9, Training providers for diesel emissions inspectors and diesel emissions repair technicians, because the State never implemented this training provider program. MVC in its previous I/M contract streamlined training for licensed emission inspectors, including diesel inspectors. The Department proposes to amend N.J.A.C. 7:27-14.10, Penalties, to remove references to Department certification, training providers, diesel emission inspectors, and diesel emission repair technicians.

Proposed amendments to N.J.A.C. 7:27-15, Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles

N.J.A.C. 7:27-15 contains the general public highway standards, inspection requirements and standards, and anti-tampering requirements for gasoline-fueled motor vehicles. The Department proposes to delete definitions at N.J.A.C. 7:27-15.1 that are not used in the proposed amended rules. These are “carbon monoxide,” “g/mi,” “official inspection facility,” “oxides of nitrogen,” private inspection facility,” “RPM,” and “Tier 1 standards.” Proposed amendments to “motor vehicle testing equipment” remove references to emission test equipment that is unnecessary under the proposed rules. The Department proposes to add a new definition for “pilot test,” discussed further below in the summary of proposed N.J.A.C. 7:27-15.5(f). Throughout the subchapter the Department proposes to update cross references and Department contact information.

Questions to the Department from the public and law enforcement suggest that there is confusion regarding the inspection of electric vehicles. Electric vehicles that are not capable of

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combusting fuel at any time do not fit the definition of “gasoline-fueled vehicles”; therefore, the subchapter does not apply to them. Nevertheless, confusion remains. The Department proposes to amend N.J.A.C. 7:27-15.2(b) to clarify that N.J.A.C. 7:27-15 does not apply to vehicles that are entirely electric. The subchapter continues to apply to hybrid electric, plug-in hybrid electric and range-extended electric vehicles with an on-board generator. These vehicles are, at least in part, gasoline-fueled.

Existing N.J.A.C. 7:27-15.2(c) provides that N.J.A.C. 7:27-15.3 through 15.6, which are the general public highway standards, new motor vehicle dealer inspections, motor vehicle inspections, and motor vehicle inspection standards, do not apply to gasoline-fueled vehicles that are not subject to inspection. The Department proposes to amend the rule in order that N.J.A.C. 7:27-15.3, General public highway standards, 7:27-15.4, New motor vehicle dealer inspections, and 7:27-15.6 Motor vehicle inspection standards, apply to all gasoline-fueled vehicles, regardless of whether they are subject to inspection. Under the existing rules, most vehicles registered in New Jersey are subject to inspection and meet the general public highway standards by way of this periodic inspection. However, as discussed above in the summary, the proposed new inspection program will require the inspection of fewer gasoline-fueled vehicles. The proposed amendment ensures that gasoline-fueled vehicles that will not be subject to inspection in the proposed I/M program remain subject to the general public highway standards, new motor vehicle dealer inspections, and motor vehicle standards. In order that it is clear that the general public highway standards apply to all gasoline-fueled vehicles, the Department proposes to amend the heading of N.J.A.C. 7:27-15.6 to remove the word “inspection.”

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Existing N.J.A.C. 7:27-15.6(d) through (g) set forth the applicability of the subchapter and the standards that apply to a vehicle that has been modified to operate on a fuel other than the fuel for which it was originally manufactured, or that is modified or manufactured to operate on more than one fuel type. As such, they more appropriately belong in N.J.A.C. 7:27-15.2, which sets forth applicability of the subchapter. Proposed N.J.A.C. 7:27-15.2(d) through (g) differ somewhat from existing N.J.A.C. 7:27-15.6(d) through (g). Proposed N.J.A.C. 7:27-15.2(e) contains an exclusion for gasoline-fueled vehicles converted to electric vehicles, complementing the proposed amendments to N.J.A.C. 7:27-15.2(b). The proposed rules also do not contain references to exhaust emission testing, or to “gasoline-fueled” as describing motor vehicles.

As discussed above, inspection of gasoline-fueled vehicles will be primarily through OBD, rather than a physical measurement of levels of hydrocarbons or carbon monoxide in a vehicle’s exhaust. Proposed amendments to the general public highway standards at N.J.A.C. 7:27-15.3(b) remove references to the outdated measurements, and refer instead to the motor vehicle inspection standards, generally. Similarly, proposed amended N.J.A.C. 7:27-15.4(b), which sets forth the inspection requirements for new motor vehicles if the manufacturer has not prescribed an inspection standard, refers generally to the motor vehicle standards at N.J.A.C. 7:27-15.6, not just the carbon monoxide and hydrocarbons standards.

The Department proposes to amend the motor vehicle inspection provisions of N.J.A.C. 7:27-15.5 to remove the requirement that a motor vehicle be inspected at least once every two years. MVC will establish the frequency of inspection; therefore, the proposed amended rule mandates inspections as frequently as MVC requires. The proposed amendments delete the “on-

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cycle” and “off-cycle” inspections that are not part of the MVC’s new I/M program. The Department proposes to delete references to school bus inspections at proposed amended N.J.A.C. 7:27-15.5(a) and (b). The proposed amendments apply to all classes of vehicles. The proposed amendments to N.J.A.C. 7:27-15.5 also remove language that requires inspections and reinspections to take place at an official inspection facility, a PIF, or the operator’s premises or place of business, and refer instead to an inspection facility generally, or another location that the MVC prescribes. MVC is authorized to determine the location of inspections (N.J.S.A. 39:8-2). The proposed amendments allow flexibility to the I/M program by not limiting inspections to specific locations. The Department proposes related amendments at N.J.A.C. 7:27-15.5(i) and 15.5(k), which are proposed to be deleted and the remaining subsections renumbered. These subsections apply to on-road inspections. Because all inspections under the proposed new I/M program have identical requirements no matter where they are conducted, there is no reason to differentiate between an on-road inspection and any other official inspection.

As discussed above, those gasoline-fueled vehicles that are not OBD-eligible will no longer be subject to a tailpipe test; accordingly, the Department proposes to remove from both N.J.A.C. 7:27-15 and 7:27B-5 all references to tailpipe emission tests and standards, including the two speed idle test. The vehicle model years and weights subject to OBD testing are shown in the proposed amended Appendix to Subchapter 15, which identifies the proposed inspection requirements by vehicle weight and model year, and identifies which vehicles are OBD-eligible for purposes of inspection.

Proposed amended N.J.A.C. 7:27-15.5(f) authorizes the Department and the MVC to conduct a pilot test program to evaluate whether a true OBD-only test is appropriate. Although

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the new I/M program is often referred to as an OBD-only program, an inspection that satisfies proposed N.J.A.C. 7:27-15.5(e) ordinarily includes an OBD test as well as several secondary tests or checks, such as visible smoke, visual gas cap, emission control apparatus and fuel leak. The proposed rule allows the Department to conduct a pilot test of inspection methods that would consist only of an OBD test without any secondary tests, such as an OBD kiosk that allows a motorist to perform his or her own vehicle inspection by plugging the motor vehicle testing equipment into the vehicle. The pilot tests allow the State flexibility to evaluate future I/M program design options by conducting pilot tests of stand-alone OBD inspection kiosks or wireless remote OBD systems that would not be equipped to provide the other secondary tests or checks. Under the proposed definition of “pilot test,” each pilot test is limited to no more than 20,000 vehicles. This number is less than one percent of the number of gasoline-fueled vehicle inspections conducted in 2013, but is large enough that the Department and MVC can appropriately evaluate the inspection method.

Other proposed amendments to the subchapter reflect the discontinuance of the fuel cap test, discussed above, and the addition of the visual fuel leak test. (See proposed N.J.A.C. 7:27-15.5(d) and (e).) With regard to the fuel cap test, although the actual leak rate of the fuel cap will no longer be measured, the inspector will do a visual inspection to ensure that the fuel cap is properly attached to the vehicle. The inspection of fuel caps and capless fuel filler systems is addressed in proposed amendments to N.J.A.C. 7:27B-5.7. With regard to the fuel leak test, the MVC has historically required a check for leaking fuel as part of a required mechanical inspection. (See N.J.A.C. 13:20.) That MVC includes the test in its rules is appropriate, since MVC determines necessary mechanical inspections. The Department’s rules establish which

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tests are required for an emissions inspection. Since any significant leak of vehicle fuel represents a possible source of non-point source water and soil contamination, as well as possible air contamination in the case of gasoline, the fuel leak test is an important environmental protection appropriately included in the Department's rules. Procedures for these new tests are proposed at new N.J.A.C. 7:27B-5.4, Procedure for the visual fuel leak test, and proposed amended 7:27B-5.7, Procedure for the visual fuel cap test. The tests are referred to in proposed N.J.A.C. 7:27-15.6(d) and N.J.A.C. 7:27-15.6(e) as conditions of passing inspection.

Existing N.J.A.C. 7:27-15.6(c) makes a properly functioning and properly maintained emission control apparatus a condition of passing an inspection, but only for those vehicles subject to that inspection. Proposed amended N.J.A.C. 7:27-15.6(c) requires all vehicles, even those that are not subject to inspection, to have properly functioning and maintained emission control apparatus in order to minimize air pollution from vehicles not subject to inspection. Although the penalty provisions of N.J.A.C. 7:27A-3.10 do not include a specific penalty for a violation of N.J.A.C. 7:27-15.6(c), the operator of a vehicle in violation of the provision is subject to penalty for violation of the anti-tampering provisions of N.J.A.C. 7:27-15.7.

Existing N.J.A.C. 7:27-15.7 remains in effect for all vehicles with a certified configuration. Representatives of the State may examine a vehicle at times other than during inspection for the presence of emission control apparatus. The Department proposes to delete "gasoline-fueled" from the rule as unnecessary, since the subchapter applies only to vehicles that are wholly or partly gasoline-fueled.

The Department proposes to amend the rules prohibiting tampering with an emission control apparatus at N.J.A.C. 7:27-15.7(a)1, (a)2 and (a)3, to expand the tampering prohibition to

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motor vehicle engines. Before a motor vehicle is sold, it must be approved by the USEPA or the California Air Resources Board as complying with relevant emission standards. The USEPA certifies light-duty motor vehicles as complete vehicles. In contrast, it certifies only the engine portion of heavy-duty vehicles. The proposed amended rule is intended to make it clear that the prohibition on tampering applies to both light-duty and heavy-duty motor vehicles, whether certified as a vehicle or an engine.

Proposed new N.J.A.C. 7:27-15.7(b) allows an inspector to fail a vehicle if the inspector observes during inspection that the emission controls have been tampered with. This is not intended to create a new inspection requirement or test procedure, since the existing rules already prohibit tampering. The proposed rule makes it clear that if a vehicle's emission controls have been tampered with, the vehicle will fail inspection.

Proposed amendments to N.J.A.C. 7:27B-4, Air test Method 4: Testing Procedures for Diesel-Powered Motor Vehicles

N.J.A.C. 7:27B-4 provides the test procedures to determine whether diesel-powered vehicles meet the inspection requirements and general public highway standards set forth in N.J.A.C. 7:27-14. The Department proposes to delete definitions at N.J.A.C. 7:27B-4, Air Test Method 4: Testing Procedures for Diesel-Powered Motor Vehicles, that are not used in the proposed amended rules. These are “alternative smoke opacity standard,” “chassis dynamometer or dynamometer,” “diesel emission inspection center,” “engine RPM rise time,” “high idle,” “high speed diesel engine,” “low speed diesel engine,” “medium speed diesel engine,” “motorized bicycle,” and “oil temperature probe.” Proposed new definitions are “diesel

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particulate filter,” “diesel emission fluid” or “DEF,” “indicator light,” and “selective catalytic reduction” or “SCR,” which are used in the secondary test methods, and “SAE J1939,” which is used in the proposed amended specifications for diesel emissions testing equipment at N.J.A.C.

7:27B-4.6. SAE J1939 is the Society of Automotive Engineers’ standard for internal communication and diagnostics among vehicle components. The standard is available at www.sae.org.

The Department proposes to amend the general instructions for all tests at N.J.A.C. 7:27B-4.2(a)3, and the procedures for using a smokemeter to measure the smoke opacity of heavy-duty diesel vehicles and diesel buses at N.J.A.C. 7:27B-4.3(b)4ii to remove the option of operating a vehicle on a chassis dynamometer to warm it up. The existing rule allows the alternative of operating the vehicle on a highway for a minimum of 15 minutes, which is a lower cost alternative to purchasing and maintaining an expensive dynamometer. The Department has determined that most diesel vehicle testing facilities use the highway method, rather than a dynamometer. The Department also proposes removing the requirement at N.J.A.C. 7:27B-4.2(a)3 and 4.3(b)4i that an inspector measure the oil temperature to determine whether the engine is at the proper operating temperature for inspection. The Department found that measuring the oil temperature does not provide assurance that the vehicle is operating at the correct temperature for testing, beyond what is provided by checking the coolant temperature gauge. References to low, medium, and high-speed diesel engines as well as oil temperature are proposed to be deleted from N.J.A.C. 7:27B-4.3. N.J.A.C. 7:27B-4.3(b) and (c), which relate to the rolling acceleration and power brake test, are also proposed to be deleted. As discussed

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above in the summary of proposed amendments to N.J.A.C. 7:27-14, these two tests will not be performed under the new I/M program.

The Department proposes to repeal and reserve N.J.A.C. 7:27B-4.5, Procedures for establishing an alternative smoke opacity standard for diesel-powered motor vehicles. No vehicle owner has ever requested an alternate standard, even after the Department increased the stringency of the opacity standards; accordingly, the Department has determined the section is unnecessary.

N.J.A.C. 7:27B-4.6 contains the specifications for diesel emissions testing equipment for determining compliance with N.J.A.C. 7:27-14. The definition of SAE J1667 incorporates by reference the Society of Automotive Engineers' publication, Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles; therefore, the Department is deleting the incorporation by reference from N.J.A.C. 7:27B-4.6(a). Existing N.J.A.C. 7:27B-4.7 contains the procedures for the visible smoke test. The Department proposes to add to N.J.A.C. 7:27B-4.7 the indicator light check and the visual fuel leak test; accordingly, the proposed heading of the rule includes all three tests.

The Department proposes to amend N.J.A.C. 7:27B-4.8, Procedures for on board diagnostics inspection, so that all weight classes of diesel vehicles that the MVC requires to be inspected are subject to OBD inspections. The existing rule subjects only light-duty diesel vehicles to OBD inspection. As explained above, the new I/M program proposes uses of the OBD test on all OBD-eligible vehicles required to be inspected by the MVC.

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Proposed amendments to N.J.A.C. 7:27B-5, Air Test Method 5: Testing Procedures for Gasoline-Fueled Vehicles

N.J.A.C. 7:27B-5 provides the test procedures to determine whether gasoline-fueled vehicles comply with inspection requirements and general public highway standards set forth in N.J.A.C. 7:27-15. The Department proposes to delete the definitions of “carbon monoxide” and “chassis dynamometer” at N.J.A.C. 7:27B-5.1, which are not used in the proposed amended rules. The Department proposes to amend the definition of “OBD-eligible” at N.J.A.C. 7:27B-5.1 to update a cross reference.

The general instructions for all tests are set forth at N.J.A.C. 7:27B-5.2. The Department proposes to amend N.J.A.C. 7:27B-5.2(a)3 and delete N.J.A.C. 7:27B-5.2(a)4 through 8. These provisions refer to procedures that are relevant only to tailpipe testing, which is proposed for repeal. The Department proposes to delete N.J.A.C. 7:27B-5.2(d), which refers to a Department-maintained list of approved emission test equipment. The State contracts with a single inspection system vendor to provide emission inspection equipment for gasoline-fueled vehicles, and the Department no longer reviews or evaluates gasoline vehicle emission test equipment outside of the inspection contract, and does not maintain a separate list of approved equipment.

Existing N.J.A.C. 7:27B-5.3(b) provides the procedure for conducting an idle test to determine if a gasoline-fueled motor vehicle complies with the exhaust emission standards. The Department proposes to delete N.J.A.C. 7:27B-5.3(b) because the idle test is one form of tailpipe testing that is proposed for repeal. Similarly, the Department proposes to repeal N.J.A.C. 7:27B-5.4, which contains procedures for the two speed idle test, and repeal N.J.A.C. 7:27B-5.6(c)5 and 6 and amend N.J.A.C. 7:27B-5.6(c)7, which refer to tailpipe tests for vehicles that are not OBD-

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eligible. These also are related to tailpipe tests that are not in the proposed amended rules. The repeal of tailpipe testing is discussed in more detail in the summary above.

N.J.A.C. 7:27B-5.5 contains the emission control apparatus examination procedure. The existing rule refers to a single catalytic converter; however, many vehicles now have multiple catalytic converters. The proposed procedure requires inspectors to look for all catalytic converters on a vehicle.

The Department proposes to repeal the procedures for the fuel cap leak test at N.J.A.C. 7:27B-5.7 and replace it with new procedures for the visual fuel cap test. The proposed new procedure accounts for both conventional fuel caps and capless systems. The proposed procedure is designed only to ensure that a motor vehicle has a gas cap in place or its capless fuel filler system appears intact. The visual fuel cap test is less stringent than the fuel cap leak test it replaces.

The Department proposes to delete N.J.A.C. 7:27B-5.8(a) and (b), which provides specifications for equipment used for performing the idle test, two speed idle test, and gas cap test. Since these test procedures are not in the proposed amended rules, specifications for equipment used to perform these tests are no longer necessary.

Social Impact

The Department anticipates that the proposed amendments, repeals, and new rule will have a positive social impact. The proposed rules allow the State to streamline its motor vehicle inspection process by taking advantage of the OBD capabilities of modern motor vehicles, while continuing to protect the State's air quality. The proposed elimination of several tests and the

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use of OBD for all OBD-eligible vehicles will likely speed up the overall inspection process, benefitting owners of all vehicles subject to inspection. In the CIF inspection environment, a single test procedure, such as the relatively lengthy tailpipe test, can cause a bottleneck for all vehicles in the queue. Removing the tests that take the longest to perform makes the process faster for all motorists.

The proposed requirement that inspectors submit heavy-duty diesel inspection information to the Department through an electronic portal or directly from the inspector's workstation, rather than on an electronic spreadsheet, will also have a positive social impact. Under the existing rules, the results of these inspections are entered manually and submitted to the Department via an electronic spreadsheet. This manual entry system is plagued with data entry mistakes. The proposed reporting method will make the reporting process easier for the inspectors by offering a series of drop down menus to auto-fill information, and automatically inputting some data by scanning barcodes, rather than requiring the inspector to type information. Although some data will still be entered manually, the new system is designed to reduce the number of mistakes.

Economic Impact

The Department anticipates that the proposed amendments, repeals, and new rule will have a positive economic impact, although the anticipated impact is different for gasoline-fueled vehicles than diesel-powered vehicles. The Department has less information upon which to base predictions regarding the economic impact resulting from rules related to diesel-powered motor vehicles.

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Gasoline-fueled motor vehicles

The proposed rulemaking will shorten the time spent inspecting gasoline-fueled vehicles. On average, a tailpipe inspection adds seven minutes to the inspection process and a gas cap test adds three minutes. The Department cannot estimate the savings that will result from the shorter inspections, since the savings is based on labor rates of both the inspectors and the value of the motor vehicle owner's time. Nevertheless, it is clear that the proposed amendments will result in a savings both to the State and the owners of vehicles subject to inspection.

In addition to time saved as a result of the streamlined test procedure, some gasoline-fueled vehicle owners may realize a savings in the form of fewer required vehicle repairs. The proposed rules will result in fewer gasoline-fueled vehicles failing inspection. Under the existing and proposed rules, a vehicle that fails inspection must be repaired and reinspected. Non-commercial gasoline-fueled vehicles that are not OBD-eligible will no longer be subject to inspection under the MVC's proposed rules; therefore, these vehicles will not need to be repaired or be reinspected due to a failed inspection. The proposed repeal of exhaust tests (consisting of the idle test and the two-speed idle test), and fuel cap leak test could also result in fewer vehicles failing inspection, reducing the necessity of repairs prior to reinspection.

In 2013, out of more than two million initial gasoline-fueled vehicle inspections, there were 24,796 failures of the two-speed idle test, 4,436 failures of the idle test and 17,421 fuel cap leak failures. The anticipated repair savings from the repeal of the fuel cap leak test can be calculated, since the average repair cost for this test is \$15.00, resulting in an annual savings of \$261,315 (17,421 failures x \$15.00). Similarly, annual repair savings from the repeal of the two-speed idle test can be estimated at \$4,463,280 per year, based upon an average repair cost of

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\$180.00 (# of failures x \$180.00). The anticipated savings from the repeal of the idle test is more difficult to measure, since some vehicles that are subject to the idle test under the existing rules would be subject to an OBD test under the proposed rules. The failure rate for the existing idle test is 3.6 percent, whereas the OBD failure rate is somewhat higher, at 10 percent. Further, it is often more expensive (approximately \$267.00) to repair a vehicle that has failed the OBD test than it is to repair a vehicle that has failed the idle test (approximately \$180.00). The anticipated annual repair savings that is anticipated to result from the elimination of the idle test is \$798,480 (4,436 failures x \$180.00). Approximately 117,000 vehicles are subject to the idle test annually under the existing rules. Thirty percent of these, or 35,100 vehicles, are equipped with OBD, making them subject to OBD inspection under the proposed rules. Of these 35,100 vehicles, the Department estimates that approximately 10 percent will fail the OBD test and require repairs before they can be reinspected, representing an annual cost of \$937,170 (3,510 vehicles x \$267.00). The net economic benefit to motor vehicle owners as a result of the proposed switch to OBD from the fuel cap check, two speed idle test, and the idle test is approximately \$4,585,905 per year. Businesses that repair vehicles that fail inspection may see a corresponding economic decrease.

Both the CIFs and PIFs will incur a benefit as a result of the proposed rules because the inspection equipment required for gasoline-fueled vehicles under the proposed rulemaking is less expensive to purchase and maintain than the equipment required under the existing rules. The inspection equipment necessary to inspect an individual vehicle is referred to as an inspection workstation; each CIF and PIF consists of one or more such inspection workstations. The new I/M program will require replacement of all existing inspection workstations with new inspection

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workstations. The State's inspection network is made up of CIFs, PIFs, MVC, and the Department, consisting of approximately 1,300 inspection workstations. Of these, 80 percent (1,040) have exhaust emissions and gas cap test capability. The proposed rules do not require inspection workstations to have exhaust emissions and gas cap test components. The Department estimates, based upon present prices, the exhaust emissions and gas cap test components add approximately \$3,500 to the cost of an inspection workstation. In addition, maintenance of those components costs approximately \$110.00 per month, per workstation. If, when replaced, the 1,040 workstations do not need to have the exhaust emissions and gas cap test capability, the Department anticipates a savings of approximately \$3,640,000 (1,040 x \$3,500) in initial costs, and approximately \$1,372,800 per year (1,040 x \$110.00 per month) in maintenance fees. Vendors and servicers of the inspection equipment may realize a corresponding decrease in revenue.

In order to estimate the overall economic impact of the proposed changes to the I/M program, the Department has estimated the changes in inspection volumes, inspection costs and repair costs. Under the existing I/M program, initial inspections and unlimited reinspections are performed at CIFs at no cost to vehicle owners. There is a licensing fee to set up a PIF, and the PIF must purchase the necessary equipment and inspection workstation. A PIF can establish its own rate (or fee) for inspection, provided it prominently posts and displays the rate. PIFs currently charge an average of \$69.00. The MVC rules at N.J.A.C. 13:20-33 allow a PIF to charge a fraction of that rate for reinspections.

The new inspection program directs all commercial vehicles and all reinspections to PIFs, thereby directing more initial inspections and reinspections to the PIFs where vehicle owners

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will have to pay a fee, resulting in a reduction of approximately 500,000 annual inspections at the CIFs. Likewise, the PIFs will see a net increase in inspection volume based on the increase in commercial vehicles, reinspections directed from the CIFs, a slight increase in OBD failure reinspections because some vehicles previously subjected to tailpipe testing will be subject to OBD with a higher failure rate, and a slight decrease in inspection and failure of vehicles previously subject to tailpipe testing and not subject to OBD testing. The combined changes result in a projected net increase of approximately 300,000 PIF inspections annually.

Diesel-fueled motor vehicles

The economic impact of the rules related to the inspection of diesel-fueled vehicles is unclear since the Department lacks sufficient information to quantify these impacts. There will be no impact on CIFs because CIFs inspect only light-duty diesel-powered vehicles; the Department is not proposing any economically significant changes to the inspection requirements for light-duty diesel-powered vehicles. The proposed rules regarding the inspection of heavy-duty diesel-powered vehicles will likely have an economic impact at PIFs. Some PIFs may choose to purchase an inspection workstation to inspect OBD-eligible vehicles, some heavy-duty diesel-powered vehicle inspections may require additional time to inspect diesel exhaust after-treatment components, and some heavy-duty diesel-powered vehicle inspections may require less time because of the repeal of the power brake and rolling acceleration smoke tests, which generally take more time to perform. The magnitude of the impact will depend on the rate that PIFs charge for inspections and reinspections. The Department does not have sufficient information to estimate the economic impact.

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Program cost effectiveness

The cost effectiveness of the proposed rules depends on total program cost and resulting environmental benefits. Since the inspection of diesel-powered vehicles does not officially receive SIP credit and both the quality and quantity of data the Department has available on that portion of the program is lacking, the Department can analyze cost effectiveness solely based on data related to gasoline-fueled motor vehicles. However, because gasoline-fueled vehicles comprise approximately 98 percent of New Jersey's inspected vehicle fleet, the cost effectiveness of the gasoline-fueled motor vehicle inspection program is a good indication of the overall cost effectiveness of the entire I/M program.

Total program cost for gasoline-fueled vehicles includes the cost to the State for CIF inspection fees, cost to the vehicle owners for PIF inspection fees, cost to the vehicle owners to repair emissions failures, and costs incurred by the State to audit and administer the program. The total annual cost of the existing I/M program is estimated to be \$128,503,481. As shown in the Environmental Impact, the estimated emission reductions achieved by the existing gasoline-fueled motor vehicle I/M program is 17 tons per day of VOC and NO_x combined. This results in an overall cost of \$20,710 per ton of VOC and NO_x for the existing program. After the implementation of the proposed program changes, the estimated emission reductions will be 15 tons per day of VOC and NO_x combined. The State anticipates that future inspection costs will decrease based on decreased equipment and maintenance costs discussed above. However, the Department cannot provide a precise estimate of future inspection costs. The Department does not have sufficient data to calculate cost effectiveness of the proposed new I/M program.

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Environmental Impact

The Department anticipates that the proposed amendments, repeals, and new rule will have a neutral environmental impact. The Department bases its projections of the environmental impact of the proposed changes to the inspection of gasoline-fueled motor vehicles using the most current USEPA-approved mobile source emissions model called MOVES (Motor Vehicle Emission Simulator). Since the State's I/M program is biennial (most vehicles are inspected every two years) and the new I/M program will begin in 2016, the Department bases its analysis of the environmental impact as of 2018, after implementation of a full cycle of inspections under the proposed I/M program.

If the existing I/M program were in operation in 2018, it would reduce VOC and NO_x emissions combined by an estimated 17 tons per day. The Department anticipates that in 2018 the proposed I/M program will reduce combined VOC and NO_x emissions by 15 tons per day. Thus, there is an estimated two tons per day difference in VOC and NO_x emission reductions in 2018 between the existing I/M program and the proposed I/M program. The difference is the result of the proposed elimination of the exhaust emissions and fuel cap leak testing of gasoline-fueled motor vehicles, which will allow vehicles that would otherwise fail inspection and need to be repaired to continue to operate legally, despite emitting levels of VOCs and NO_x that would violate the existing rules. The difference is not permanent, however. The Department anticipates that by 2021 the difference in the reduction of VOC and NO_x emissions between the existing and proposed I/M programs will be negligible. Over time, the number of gasoline-fueled motor vehicles that are not OBD-eligible will decrease, meaning a higher percentage of

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gasoline-fueled vehicles will be subject to inspection. Vehicles that do not pass inspection must be repaired before they are reinspected. 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 proposed rules, will be approximately 40,000. Under the existing rules, these vehicles would be repaired and reinspected, reducing their emissions of VOC and NO_x. By 2021, this number is expected to drop to 10,000 or fewer vehicles.

Because older gasoline-fueled motor vehicles, not OBD-eligible, do not need to pass an emission inspection, the Department expects that fleet turnover will slow somewhat. The owners of these vehicles will no longer be subject to expensive repairs in order that the vehicles can pass inspection. This could act as an incentive to some vehicle owners to continue using an exempt older vehicle, when under the existing rules the owner would replace it with a newer, cleaner vehicle. The Department is not able to estimate how many vehicles will remain in use as a result; however, it can be assumed that there will be some small increase in emissions.

The proposed expansion of the OBD test, and addition of the indicator light check, visual fuel leak check and anti-tampering standards to diesel-powered vehicle inspection requirements is expected to have a positive environmental impact, though the Department is unable to quantify the magnitude of the benefits. The OBD test can detect malfunctions in emission control apparatus that cannot be detected by a smoke opacity test. This includes malfunctions within the diesel particulate filter, the diesel oxidation catalyst, the SCR and other emission control systems installed on vehicles built after model year 2007. These apparatus enable newer diesel engines to produce 90 percent less particulate matter and less NO_x in the exhaust emissions. Incorporating the OBD test and indicator light check in the inspection process enables the State to ensure the

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continuing environmental benefits of having these advanced controls installed on heavy-duty diesel engines. Additionally, the snap acceleration test, which the OBD test replaces, has limited ability to detect malfunctioning emission controls in newer diesel engines. So, where applicable, there is greater benefit to utilizing OBD. The anti-tampering standards enable the State to pursue additional diesel-powered motor vehicle emission reductions by investigating complaints it periodically receives from motorists regarding diesel vehicles emitting excess visible smoke, as well as enable a PIF to fail a vehicle presented for inspection that is found to have purposefully induced defects within the vehicle emissions controls. Lastly, the visual fuel leak test allows the State to identify potential surface and ground water pollution that otherwise would not have been detected from this vehicle population.

The within proposed rules, as well as the proposed changes to the MVC's rules and the program design, are all part of a proposed revision to the State's I/M SIP. The existing SIP takes emission reduction credit for components of the I/M program, such as tailpipe testing and gas cap testing, that this proposal will remove. The CAA requires the State to offset this loss of emission reduction credits in order to demonstrate attainment and/or maintenance of the NAAQS, and for the SIP to be approved by the USEPA. In the proposed SIP revision, the State proposes to offset the loss of emission reduction credits by applying previously unused emission reduction credits obtained from implementation of the California Low Emission Vehicle program, which, as implemented in New Jersey, includes a Zero Emission Vehicle component.

Federal Standards Statement

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Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The proposed 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 proposed I/M program and the within 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 proposing to continue and expand the implementation of mandatory OBD inspections. The proposed program design does not exceed the Federal requirements set forth at 40 CFR Parts 51 and 85, nor do the proposed rules impose standards that exceed Federal requirements for those standards provided by the USEPA. Accordingly, no Federal standards analysis is required.

Jobs Impact

The Department anticipates that the proposed amendments, repeals, and new rule may have an impact on job creation or retention in the State. As discussed above, approximately 40,000 fewer gasoline-fueled vehicles will fail an emission inspection each year; therefore, it is likely that fewer vehicle owners will seek emission repairs. This may reduce revenue to the automotive repair industry. However, the reduced number of vehicles failing emission inspection would be offset by the potential increase in vehicles failing the OBD test, as discussed above, which will require increased reinspections, and additional revenue to the automotive

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repair industry. The Department is not able to quantify the potential reduction revenue, or speculate whether the reduction will lead to a reduction in automotive service jobs.

The Department has projected a net increase of about 300,000 PIF inspections per year. This may result in an increase in the number of jobs because PIFs may need to employ more licensed inspectors to handle the increase in inspection volume. In addition, the PIF's revenue from inspection business will increase. The Department is not able to quantify the potential increase in PIF inspector jobs or PIF inspection revenue.

The proposed rules eliminate the need for exhaust gas analytical hardware and gas cap testing hardware. OBD-scanning hardware has historically been very reliable compared to exhaust gas analytical hardware. The reduced requirements for emissions inspection equipment coupled with the proven long-term reliability of OBD-scanning equipment may result in fewer jobs for field service technicians in New Jersey to maintain and repair emission testing equipment.

Agricultural Industry Impact

The Department anticipates that the proposed amendments, repeals, and new rule will have no impact on the agricultural industry as the amendments, repeals and new rule impact certain aspects of vehicle emissions inspections, but they will not have an impact on farm tractors, traction equipment, farm machinery and farm implements, which are not subject to the State's I/M program.

Regulatory Flexibility Analysis

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As required by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has evaluated the reporting, recordkeeping and other compliance requirements that the proposed new rules and amendments will impose upon small businesses. The Regulatory Flexibility Act defines the term “small business” as “any business which is a resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees.” The Department anticipates that the proposed rules will have little impact on small businesses in New Jersey.

The small businesses most impacted by these proposed rules will be licensed PIFs. Although the Department proposes to amend the specific test procedures and standards that PIFs use for vehicle testing, the proposed rules do not impose any additional reporting or recordkeeping requirements. All of the inspection information is currently captured electronically by the inspection workstation and automatically transmitted to the State’s database; this will not change in the proposed I/M program. Under the existing rules, PIFs have to maintain records of heavy-duty diesel vehicle inspections and fill out spreadsheets by hand. The proposed I/M system will include electronic inspection data entry for all diesel smoke opacity inspections. The economic impact on small businesses is discussed in the Economic Impact, above.

Housing Affordability Impact

Pursuant to N.J.S.A. 52:14B-4, the Department has evaluated the proposed amendments, repeals, and new rule to determine the impact, if any, on the affordability of housing. The proposed rules regulate gasoline-fueled and diesel-powered motor vehicles, making it extremely

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unlikely that that they will have an impact on the affordability of housing units or result in a change in the average costs associated with such housing.

Smart Growth Development Impact

Pursuant to N.J.S.A. 52:14B-4, the Department has evaluated the proposed amendments, repeals, and new rule to determine the impact, if any, on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The Department does not anticipate that the proposed rules will have any impact. The proposed rules regulate gasoline-fueled and diesel-powered motor vehicles, making it extremely unlikely that that they will evoke a change in housing production in Planning Areas 1 or 2, or within designated centers.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:27-14 CONTROL AND PROHIBITION OF AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES

7:27-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context already indicates otherwise.

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["Alternative smoke opacity standard" means the smoke opacity standard applicable to a specific vehicle-engine-chassis combination, as determined by the procedure set forth at N.J.A.C. 7:27B-4.5.]

“Auxiliary power unit” or “APU” means an integrated system that provides heat, air conditioning, engine warming, or electricity to components on a heavy-duty vehicle.

...

"Data link connector" or "DLC" means a standardized **nine or** 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

...

["Diesel emission inspection center" or "DEIC" means a diesel emissions inspection center licensed by the MVC pursuant to N.J.S.A. 39:8-59 et seq. and N.J.A.C. 13:20-47.]

...

“Diesel particulate filter” or “DPF” means an exhaust emissions aftertreatment device that physically entraps and prevents from being emitted into the air at least 85 percent of the particulate matter contained in the full exhaust stream emitted by the engine.

...

"EPA Memorandum 1A" means the memorandum dated June 25, 1974 and issued by the EPA's Office of Enforcement and General Counsel, which sets forth the EPA's interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25,

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1974 memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of [Motor Vehicle Inspection and Maintenance] **Mobile Sources** in the Department of Environmental Protection.

...

[“High speed diesel engine” means any diesel engine with a maximum governed engine speed over 2,800 RPM.]

...

“Indicator light” means a light that serves to inform about a given condition in a circuit or device, such as a malfunction.

...

[“Low speed diesel engine” means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.]

...

[“Medium speed diesel engine” means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.]

...

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“Motor Vehicle Commission” or “MVC” means the New Jersey Motor Vehicle Commission established by the Motor Vehicle Security and Customer Service Act (N.J.S.A. 39A-1 et seq.).

["NJ DEIC Inspection Form" means the form issued by the MVC to document inspections performed in connection with the periodic inspection program established pursuant to N.J.A.C. 13:20-26.]

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-14.5[(g)](h).

...

“Peak smoke opacity” means the highest numerical value of smoke opacity obtained through the testing procedures for the snap acceleration smoke opacity test at N.J.A.C. 7: 27B-4.3(a) [or the rolling acceleration smoke opacity test at N.J.A.C. 7: 27B-4.3(b) or the stall smoke opacity test at N.J.A.C. 7: 27B-4.3(c)].

...

“Private inspection facility” or “PIF” means a facility licensed by the MVC to perform emissions and mechanical inspections. A PIF may also offer motor vehicle parts and repair services.

...

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“Selective catalytic reduction” or “SCR” means an advanced active emissions control technology system that injects a liquid-reductant agent through a special catalyst into the exhaust stream of a diesel engine.

. . .

7:27-14.2 Applicability

- (a) Except as provided in (b) [and (c)] below, this subchapter applies to all diesel-powered motor vehicles.
- (b) [This subchapter shall] **N.J.A.C. 7:27-14.5 and 14.6** do not apply to a diesel-powered motor vehicle that is owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes; and that is generally held in ready status, and only brought into service during an emergency requiring immediate action. Such vehicles do not include multi-purpose utility vehicles, such as dump trucks, highway construction vehicles, or other vehicles used to perform temporary emergency service.

7:27-14.3 General prohibitions

- (a) (No change.)
- (b) The provisions of (a) above shall not apply to:
 - 1. through 5. (No change.)
 - [6. On or before April 30, 2011, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power

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system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;]

[7.] **6.** [Beginning May 1, 2011, a] **A** vehicle equipped with a sleeper berth, **and** which [vehicle] is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning, **while it is being used by the vehicle's operator for sleeping or resting in an area that is not zoned as residential. This exception shall not apply to a vehicle that is equipped with a functional auxiliary power unit;** or

[8.] **7.** The operation of technology designed to reduce engine idling, such as auxiliary [or alternate] power units, [(APUs)] generator sets, and bunk heaters, provided the vehicle's main engine is not operating.

(c) [Beginning May 1, 2008, no] **No** person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes when that vehicle is parked in a parking space with available electrification technology.

(d) (No change.)

(e) [Except as set forth in (e)1 below, no person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

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1. Any modification to an emission control apparatus or element of design shall be performed in accordance with EPA Memorandum 1A. A device that modifies an emission control apparatus or element of design may be installed only if it is exempt from prohibition by CARB executive order. Information on devices or modifications approved by CARB executive order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at www.arb.ca.gov.]

No person shall cause, suffer, allow or permit any of the following, unless it is performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB Executive Order (information on devices or modifications approved by CARB Executive Order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at www.arb.ca.gov):

- 1. The disconnection, detachment, deactivation, or any other alteration or modification from the design of the original vehicle manufacturer or an element of design installed on any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration, except temporarily for the purpose of diagnosis, maintenance, repair or replacement;**
- 2. The sale, lease, or offer for sale or lease, of any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer; or**
- 3. The sale, or offer for sale, of any device or component as an element of design**

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intended for use with, or as part of, any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration that is not designed to duplicate the function and performance of any element of design installed by the original vehicle manufacturer.

(f) (No change.)

7:27-14.4 General public highway standards

(a) No person shall cause, suffer, allow or permit the operation of any diesel-powered motor vehicle **or motor vehicle engine** upon the public roads, streets or highways of the State or upon any public property or upon any quasi-public roadway in the State, if the vehicle:

1. – 3. (No change.)

4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine or exhaust system[, which] **that** has been disconnected, detached, deactivated or in any other way **altered or modified from the design of the original vehicle manufacturer or** rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer **unless the action in question has been performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB Executive Order (information on devices or modifications approved by CARB Executive Order may be obtained from the California Air Resources Board, 1001 “T” Street, PO Box 2815, Sacramento, CA 95812 or at www.arb.ca.gov); or**

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5. (No change.)

7:27-14.5 [Test requirements] **Motor vehicle inspections**

[(a) A person testing a heavy-duty diesel vehicle as part of the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 shall use diesel emissions testing equipment and shall use one or more of the following tests, as designated by the Chief Administrator of the MVC in consultation with the Department and the New Jersey Department of Transportation, and with the approval of the Attorney General:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or
3. The power brake smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(b) A person testing a heavy-duty diesel vehicle as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17; a diesel bus as part of the periodic inspection program pursuant to N.J.A.C. 13:20-30, or N.J.S.A. 48:4-1 et seq. and N.J.A.C. 16:53; or a diesel-powered motor vehicle as part of the self-inspection programs pursuant to N.J.A.C. 13:20-26 or 16:53-3.27, shall use diesel emissions testing equipment and shall use one of the following tests:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);

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2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or
3. The power brake smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(c) A person testing a light-duty diesel vehicle subject to inspection in accordance with N.J.S.A. 39:8-1 shall use the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.7; and
2. For light-duty diesel vehicles of model year 1997 or later, an OBD inspection utilizing diesel emissions testing equipment and conducted in accordance with N.J.A.C. 7:27B-4.8.

(d) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.4(a).]

(a) This section applies to the motor vehicle inspection of a diesel-powered motor vehicle, as follows:

- 1. The testing of a heavy-duty diesel vehicle, as designated by the Chief Administrator of the MVC, as part of the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46, Diesel Emission Inspection and Maintenance Program;**

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2. The testing of a heavy-duty diesel vehicle, as designated by the Chief

Administrator of the MVC, as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, Compliance with diesel emission standards, equipment requirements, and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles;

3. The testing of a diesel bus as part of the periodic inspection program pursuant to N.J.A.C. 13:20-30, Inspection of school buses, or N.J.S.A. 48:4-1 et seq., and N.J.A.C. 16:53, Autobuses, and N.J.A.C. 16:53-3.27, Exhaust system;

4. The testing of a diesel-powered motor vehicle as part of the self-inspection programs pursuant to N.J.A.C. 13:20-26, Compliance with diesel emission standards and equipment, periodic inspection program for diesel emissions and self-inspection of certain classes of motor vehicles; and

5. The testing of a light-duty diesel vehicle subject to the enhanced inspection and maintenance program pursuant to N.J.S.A. 39:8-1 et seq.

(b) A person testing a diesel-powered motor vehicle, as referenced at (a)1-3 and 5 above, shall use diesel emissions testing equipment approved by the Department in accordance with N.J.A.C. 7:27B-4.6.

(c) A person testing a diesel-powered motor vehicle in accordance with (a)1 through 3 above shall perform one of the following:

1. For an OBD-eligible vehicle, the OBD inspection at N.J.A.C. 7:27B-4.8; or

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2. For a vehicle that is not OBD-eligible, the snap acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(a).

(d) A person testing a diesel-powered motor vehicle in accordance with (a)1 through 4 above shall perform the following:

- 1. The visible smoke test at N.J.A.C. 7:27B-4.7(a);**
- 2. The indicator light check at N.J.A.C. 7:27B-4.7(b);**
- 3. The visual fuel leak test at N.J.A.C. 7:27B-4.7(c); and**
- 4. The emission control apparatus examination at N.J.A.C. 7:27B-4.4(a) and (b).**

(e) A person testing a light-duty diesel-powered motor vehicle in accordance with (a)5 above shall perform the following:

- 1. The visible smoke test at N.J.A.C. 7:27B-4.7(a);**
- 2. For an OBD-eligible light-duty diesel vehicle of model year 1997 or later, the OBD inspection at N.J.A.C. 7:27B-4.8; and**
- 3. The visual fuel leak test at N.J.A.C. 7:27B-4.7(c).**

Recodify existing (e) - (g) as (f) - (h) (No change in text.)

[(h)](i) The Department [shall maintain] **maintains** a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria [set forth] at [(g)] **(h)** above. A copy of this list [will be] **is** available from the Department by contacting the Bureau of [Motor Vehicle Inspection and Maintenance] **Mobile Sources** at (609) [530-4035] **292-7953** and can also be viewed and downloaded from the Department's website at [www.state.nj.us/dep/aqm] **www.stopthesoot.org**.

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7:27-14.6 [Inspection] **Motor vehicle** standards

[(a) Before December 2, 2009, no heavy-duty diesel vehicle or diesel bus shall be deemed to have passed an inspection unless it meets:

1. The general public highway standards set forth at N.J.A.C. 7:27-14.4; and
2. The applicable smoke opacity standards set forth in (b), (c), (d) and (e) below.

(b) Before December 2, 2009, a heavy-duty diesel vehicle tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the power brake smoke opacity test set forth at N.J.A.C. 7:27B-4 shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

1. For model years 1973 and older, the level of peak smoke opacity shall not exceed 70 percent;
2. For model years 1974 through 1990, the level of peak smoke opacity shall not exceed 55 percent;
3. For model years 1991 and newer, the level of peak smoke opacity shall not exceed 40 percent; and
4. (Reserved.)

(c) Before December 2, 2009, a diesel bus, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

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1. For model years 1987 and older, the level of peak smoke opacity shall not exceed 40 percent;

2. For model years 1988 and newer, the level of peak smoke opacity shall not exceed 30 percent; and

3. (Reserved.)

(d) Before December 2, 2009, a retrofitted diesel bus, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds a peak smoke opacity standard of 30 percent.

(e) Before December 2, 2009, a diesel-powered motor vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, and for which an alternative smoke opacity standard has been established in accordance with the procedures set forth at N.J.A.C. 7:27B-4.5, shall not emit smoke in the exhaust emissions which exceeds the smoke opacity standard established as the alternative smoke opacity standard for that vehicle.

(f) A diesel-powered motor vehicle required to have been retrofitted pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time retrofit compliance inspection if a visual check confirms the installation and presence of the retrofit device.

(g) A diesel bus required to have been equipped with a closed crankcase ventilation system pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time compliance inspection if a visual check confirms the installation and presence of the closed crankcase ventilation system.]

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[(h)](a) [On and after December 2, 2009, no] **No** diesel-powered motor vehicle shall be deemed to have passed an inspection unless it [meets] **satisfies**:

1. The general public highway standards [set forth] at N.J.A.C. 7:27-14.4; and
2. The applicable [smoke opacity standards set forth in (i)] **motor vehicle inspections at N.J.A.C. 7:27-14.5(b)** through [(k)](i) [below].

[(i)](b) [On and after December 2, 2009, a] **A** heavy-duty diesel vehicle, tested using the snap acceleration smoke opacity test[, the rolling acceleration smoke opacity test, or the power brake smoke opacity test set forth] at N.J.A.C. [7:27B-4] **7:27B-4.3**, shall not emit smoke in the exhaust emissions that exceeds the following opacity standards.

1. through 3. (No change.)

[(j)](c) [On and after December 2, 2009, a] **A** diesel bus, tested using the snap acceleration smoke opacity test[, or the power brake smoke opacity test, set forth] at N.J.A.C. [7:27B-4] **7:27B-4.3**, shall not emit smoke in the exhaust emissions that exceeds the following opacity standards:

1. through 3. (No change.)

[(k)](d) [On and after December 2, 2009, a] **A** retrofitted diesel bus, tested using the snap acceleration smoke opacity test[, or the power brake smoke opacity test, set forth] at N.J.A.C. [7:27B-4] **7:27B-4.3**, shall not emit smoke in the exhaust emissions that exceeds the following opacity standards:

1. and 2. (No change.)

(e) **A motor vehicle or motor vehicle engine with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or**

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in any other way altered or modified from the design of the original vehicle manufacturer, in a manner not in accordance with EPA Memorandum 1A or not exempt from prohibition by CARB Executive Order, will be deemed to have failed the motor vehicle inspection.

(f) A diesel-powered motor vehicle required to have been retrofitted pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time retrofit compliance inspection if a visual check confirms the installation and presence of the retrofit device.

(g) A diesel bus required to have been equipped with a closed crankcase ventilation system pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time compliance inspection if a visual check confirms the installation and presence of the closed crankcase ventilation system.

[(l)] **(h)** A [light-duty] diesel vehicle shall not emit visible smoke of any color in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when measured using the test procedure [established] at N.J.A.C. 7:27B-4.7.

[(m)] **(i)** If, pursuant to the provisions of N.J.A.C. 7:27-14.5(c)[2]**1**, a [light-duty] diesel vehicle is subject to an OBD inspection conducted in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.8, it shall be considered to have passed said inspection, unless:

1. through 7. (No change.)

7:27-14.7 [Diesel] **Licensed** emissions inspectors

(a) [On and after January 1, 2009, no] **No** person shall perform a diesel emission inspection under the periodic inspection program established pursuant to N.J.A.C. 13:20-26.**17** unless the

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person is [certified] **licensed** by the [Department] **Motor Vehicle Commission** as a [diesel] **licensed** emission inspector **pursuant to N.J.A.C. 13:20-43.17**.

(b) No person shall perform a visual verification of compliance required by N.J.A.C. 7:27-32.6 or a one-time compliance inspection required by N.J.A.C. 7:27-32.21 unless the person is [certified by the Department as] a [diesel] **licensed** emission inspector [or] **and** has successfully completed Department-approved training to perform such inspections.

(c) In order to be certified by the Department, a diesel emission inspector shall complete a Department-approved course of instruction, as described at N.J.A.C. 7:27-14.9(c). The Department will accept three years of documented professional experience in the inspection of diesel engines and related systems in order to complete a one-time compliance inspection as a substitute for successful completion of the Department-approved course of instruction.

(d) Upon completion of a Department-approved emission inspector course of instruction, the applicant shall submit an application for certification to the Department on a form supplied by the Department or in a format approved by the Department. The applicant shall provide the information required on the form, including personal contact information and information regarding the professional expertise and training of the applicant, and shall include with the application proof of training course completion, as described at N.J.A.C. 7:27-14.9(g) or documentation of substitute work experience, as provided at (c) above.

(e) The Department will review the application, and will issue a diesel emission inspector certificate and assign a unique non-sequential certificate number to an applicant who has satisfied (c) and (d) above.

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(f) The diesel emission inspector certificate issued by the Department is valid for two years.

The Department will recertify an inspector upon a showing of proof of completion of all required training updates, as described in (g) below. The recertification is valid for two years.

(g) A certified diesel licensed emission inspector shall complete all training updates that the Department determines necessary as a result of advances in diesel engine and emissions control and testing technology. The Department will notify certified inspectors when training updates have been prepared and must be completed.]

[(h)](c) A [certified diesel] **licensed** emission inspector shall be responsible for the [completion of a NJ DEIC Inspection Form for each vehicle for which the inspector conducted a periodic inspection or reinspection. The inspector shall provide the information required on the NJ DEIC Inspection Form, which] **submission of diesel inspection information that** includes, but is not limited to, **the vehicle** owner's contact information, vehicle and engine identification [requirements] **numbers**, ambient weather conditions, engine test parameters, and emission inspection results[, and shall maintain a copy of the NJ DEIC Inspection Form for a period of two years from the date of the periodic inspection or reinspection].

[(i)](d) [On and after January 1, 2009, a certified diesel] **A licensed** emission inspector shall electronically submit to the [Department] **State, as directed by the MVC**, the [NJ DEIC Inspection Form completed] **diesel inspection information obtained** pursuant to [(h)](c) above, within [five] **one** business [days of] **day after** the [MVC audit of the DEIC that immediately follows the] inspection of the vehicle [for which the form was prepared].

(j) If it is a hardship for a certified diesel emission inspector to submit an NJ DEIC Inspection Form electronically, the inspector can request approval from the Department to submit the NJ

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DEIC Inspection Form in paper format to the MVC auditor for transmission to the Department.

The approval is valid for six months. The Department will approve such a request provided that:

1. The inspector certifies the request in accordance with N.J.A.C. 7:27-1.39; and
2. The inspector states:
 - i. The basis for the claim that electronic submittal would impose a hardship;
 - ii. The effort(s) the inspector will make to ensure the inspector's ability to make electronic submittals in the future; and
 - iii. That the inspector agrees to make every effort to become able to submit the form electronically within a reasonable amount of time.

(k) A certified diesel emission inspector submitting a paper version of the NJ DEIC Inspection Form pursuant to (j) above shall submit the form to the MVC auditor at the time of the MVC audit of the DEIC that immediately follows the inspection of the vehicle for which the form was prepared.]

7:27-14.10 Penalties

Any person who violates the provisions of this subchapter may be subject to civil administrative penalties under the provisions of N.J.A.C. 7:27A-3.10(m)14. [The Department may also revoke a certification issued pursuant to N.J.A.C. 7:27-14.7(e) and 14.8(e) and an approval as a training provider issued pursuant to N.J.A.C. 7:27-14.9(b) after a diesel emission inspector, diesel emission repair technician or training provider has violated, for the third or subsequent time, the provisions of N.J.A.C. 7:27-14.7(g) through (i) or (k); 14.8(g) or (h); or 14.9(c) through (k).]

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APPENDIX

The following table highlights the provisions of N.J.A.C. 7:27-14.5 to show generally the emissions tests to be administered to each category of vehicle inspected or reinspected:

<u>[Test/model year</u>	<u>1996 and older</u>	<u>1997 and newer</u>
smoke opacity	GVWR > 8,500	GVWR > 8,500
visible smoke	GVWR < 8,501	GVWR < 8,501
(periodic inspection)		
visible smoke	all	all
(roadside inspection)		
OBD	-	GVWR<8,501]

Weight	Smoke	Visible				
Class	Opacity	Indicator	Smoke Fuel Leak			
<u>(GVWR)</u>	<u>Model Year</u>	<u>Test</u>	<u>Light Check</u>	<u>OBD Test</u>	<u>Test</u>	<u>Test</u>
≤ 8,500 lbs.	1997 and newer	N/A	N/A	All OBD-eligible	All	All
≥ 8,501 and ≤	All	N/A	N/A	All OBD-eligible	All	All

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10,000

lbs.

≥	All	N/A	N/A	All OBD- eligible	All	All
----------	------------	------------	------------	------------------------------	------------	------------

10,001and

≤ 14,000

lbs.

> 14,000	All	All	DPF check: 2007 and newer	All OBD- eligible	All	All
lbs.			SCR check: 2010 and newer			

7:27-15 CONTROL AND PROHIBITION OF AIR POLLUTION FROM GASOLINE-FUELED MOTOR VEHICLES

7:27-15.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

...

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["Carbon monoxide" or "CO" means a gas having a molecular composition of one carbon atom and one oxygen atom.]

...

"Data link connector" or "DLC" means a standardized **nine or** 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

...

"EPA Memorandum 1A" means the memorandum dated June 25, 1974, and issued by the EPA's Office of Enforcement and General Counsel, which sets forth the EPA's interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25, 1974 memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of [Motor Vehicle Inspection and Maintenance]**Mobile Sources** in the Department of Environmental Protection.

...

["G/mi" means grams per mile.]

...

"Motor vehicle testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle [set forth] at N.J.A.C. 7:27B-5, and which satisfies all applicable specifications [set forth] at N.J.A.C. 7:27B-5.8, Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-5 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, [exhaust gas

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analyzers, dynamometers,] on-board diagnostic scanners and analyzers, [fuel cap leak testers] and computers and related software.

...

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-15.5[(m)](j).

[“Official inspection facility” means a test-only inspection facility operated by, licensed by or under contract with the MVC, whose exclusive function is conducting emissions inspections.]

...

[“Oxides of nitrogen” or “NO_x” means all the oxides of nitrogen including, but not limited to, nitric oxide (NO) and nitrogen dioxide (NO₂), except nitrous oxide (N₂O).]

...

“Pilot test” means a program of limited scope designed by the Department and the MVC to evaluate future inspection test methods. Each pilot test shall apply to no more than 20,000 vehicles over the duration of the pilot test. Each pilot test shall require, at a minimum, the use of OBD testing.

...

[“Private inspection facility” or “PIF” means a facility licensed by the MVC to perform emissions inspections that may also offer motor vehicle parts and repair services.]

...

[“RPM” means revolutions per minute.]

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...

["Tier 1 Standards" means standards for LDGTs and LDGVs of model years 1994 and later, prescribed at section 202(g) of the Clean Air Act, 42 U.S.C.A. 7521(g).]

...

7:27-15.2 Applicability

(a) Except as provided in (b) and (c) below, this subchapter applies to all light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles.

(b) This subchapter does not apply to:

1. Motor vehicles operated solely on diesel fuel; [and]
2. Motorcycles[.]; **or**
3. **Motor vehicles that operate solely on electric power, and that are incapable of combusting fuel at any time.**

(c) N.J.A.C. 7:27-[15.3, 15.4,] 15.5 [and 15.6 apply] **applies** only to those light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles that are subject to inspection in accordance with N.J.S.A. 39:8.

(d) (No change.)

(e) **Except as provided in (f) and (g) below, the applicability of the standards in this**

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subchapter and of the test procedures at N.J.A.C. 7:27B-5.3 through 5.7, to a motor vehicle with an engine other than the engine originally installed by the manufacturer is based on the chassis type and model year of the motor vehicle, not on the engine model year.

(f) A motor vehicle that is modified to operate solely on a fuel other than that for which the motor vehicle was originally equipped is subject to the test procedures and standards applicable to a motor vehicle of the fuel type the vehicle is operating on at the time of inspection. If the motor vehicle's fuel type after modification is one to which this subchapter does not apply (for example, a gasoline engine replaced with a diesel engine or an electric motor), the motor vehicle is exempt from this subchapter.

(g) A motor vehicle that is modified or manufactured to operate on more than one fuel type (for example, a flexible fuel gasoline-methanol vehicle or bi-fuel gasoline-propane vehicle) is subject to inspection using the fuel mixture in the vehicle at the time of inspection and subject to the emission standards applicable to a vehicle fueled by gasoline.

(h) The provisions of (e), (f), and (g) above shall not be construed to allow any of the following acts, if such act is prohibited by N.J.A.C. 7:27-15.7:

- 1. The installation of an engine into a motor vehicle other than the engine originally installed by the manufacturer;**
- 2. The operation of a motor vehicle on a fuel other than that for which the motor vehicle was originally equipped; and**

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3. The modification of a motor vehicle to operate on more than one fuel type.

7:27-15.3 General public highway standards

(a) (No change.)

(b) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State, if the vehicle [emits hydrocarbons (HC) or carbon monoxide (CO) in the exhaust emissions in excess of] **fails to meet** any applicable standard[s] [set forth] at N.J.A.C. 7:27-15.6[(b)].

(c) - (d) (No change.)

7:27-15.4 New motor vehicle dealer inspections

(a) (No change.)

(b) Whenever applicable emission specifications are not prescribed by the manufacturer, the [inspection] standards [as set forth in] **at** N.J.A.C. 7:27- 15.6[(b)] shall apply to the new motor vehicle.

7:27-15.5 Motor vehicle inspections

(a) The owner of a motor vehicle subject to this section pursuant to N.J.A.C. 7:27-15.2 shall [have] **ensure that** the motor vehicle [periodically] **is** inspected [in accordance with this section] **at the frequency required by the MVC at N.J.S.A. 39:8-2.**

[(b) The motor vehicle shall be inspected at least once every two years.] This [biennial]

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inspection [shall be deemed an “on-cycle” inspection and shall include] **includes** an initial inspection, together with any reinspections required pursuant to [(h)](g) below. [In addition, in accordance with its procedures, the MVC may require the owner of a motor vehicle to have it inspected more frequently than every two years. Such more frequent inspections shall be deemed to be “off-cycle” inspections and shall also include an initial inspection, together with any reinspections required pursuant to (h) below. In the case of a motor vehicle subject to the school bus inspection program as generally set forth at N.J.A.C. 13:20-30, an initial inspection shall be required annually as provided at N.J.A.C. 13:20-30.13.]

[(c)](b) Initial inspections and reinspections [for an on-cycle or an off-cycle inspection shall be] **are** performed at[either] an [official] inspection facility or [at a PIF, or, in the case of a motor vehicle subject to the MVC’s school bus inspection program as generally set forth at N.J.A.C. 13:20-30.1, at the premises or place of business of the operator of such vehicle, as provided at N.J.A.C. 13:20-30.13] **other location determined by the MVC pursuant to N.J.S.A. 39:8-2.**

[(d)](c) A motor vehicle inspection is not complete until the motor vehicle passes all of the tests and satisfies all of the requirements, as specified in (e) **and** (f) below, **as applicable**, that constitute the inspection or reinspection[at an appropriate inspection facility, as specified in (c) above].

[(e)](d) The motor vehicle shall be inspected as presented at the inspection facility **or other**

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MVC-determined location, as specified in (b) above, without repair or adjustment prior to the inspection.

[(f)](e) [A]**Except as set forth in (f) below**, a motor vehicle inspection shall include the following:

1. (No change.)

2. [Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an exhaust emission test or]**For an OBD-eligible motor vehicle**, an OBD inspection utilizing motor vehicle testing equipment approved by the Department **and conducted in accordance with N.J.A.C. 7:27B-5.6** [The specific exhaust emission test or OBD inspection to be conducted shall be determined in accordance with (g) below];

3. (No change.)

[4. For an LDGV, LDGT or HDGV of model year 2000 or earlier originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.7; and]

4. A visual fuel leak test conducted in accordance with N.J.A.C. 7:27B-5.4;

5. For any motor vehicle that is subject to a recall notice issued to the owner on or after January 1, 1995, pursuant to either a “Voluntary Emissions Recall” as defined at 40 [C.F.R. section] **CFR 85.1902(d)** or to a remedial plan determination made pursuant to 42 U.S.C.A. section 7541(c), the provision by the owner of the motor vehicle of documentation that all applicable recall repairs have been completed; provided, however,

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for any recall notice received fewer than 60 days prior to inspection, [provision of] this documentation may, instead, be provided at the next scheduled vehicle inspection[.]; **and**

6. A visual fuel cap test conducted in accordance with N.J.A.C. 7:27B-5.7.

[(g) An OBD-eligible motor vehicle will receive an OBD inspection. For a motor vehicle that is not OBD-eligible the exhaust emission test to be used pursuant to (f)2 above shall be as follows:

1. The idle test set forth at N.J.A.C. 7:27B-5.3(b), if the motor vehicle is either of the following types:

- i. A motor vehicle of model year 1980 or earlier; or
- ii. A motor vehicle that has a GVWR in excess of 8,500 pounds; or

2. The two speed idle test at N.J.A.C. 7:27B-5.4, if the motor vehicle is either of the following types and is not otherwise designated for testing with the idle test, as determined at (g)1 above:

- i. A motor vehicle of model year 1981 through model year 1995; or
- ii. A motor vehicle of model year 1996 or later that is not OBD-eligible;]

(f) For an OBD-eligible motor vehicle, an inspection may consist solely of an OBD inspection in accordance with (e)2 above if the inspection is conducted as part of a pilot test.

[(h)](g) The owner of a motor vehicle that fails to pass all of the tests that constitute a motor vehicle inspection pursuant to [(f)](e) above shall have it reinspected in accordance with every applicable element of [(f)](e) above by the deadline specified by the MVC at N.J.A.C. 13:20-7.5,

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7.6(a) or 43.14(g), as applicable. Operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State [shall be] is prohibited pursuant to N.J.A.C. 7:27-15.3(c) unless, by the deadline established by the MVC at N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), as applicable, the motor vehicle passes all of the tests and meets all the requirements that constitute the inspection or reinspection.

[(i) An on-road inspection conducted pursuant to N.J.A.C. 13:20-43.14 may include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-5.3(a);
2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an idle test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.3(b);
3. A two speed idle test utilizing motor vehicle testing equipment and conducted in accordance with N.J.A.C. 7:27B-5.4;
4. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-5.5;
5. For an LDGV, LDGT or HDGV of model year 2000 or earlier originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.7;
6. For an LDGV or LDGT of model year 1996 or later, an OBD inspection utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.6; and

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7. Any other tests deemed appropriate by the Chief Administrator of the MVC that are directed toward detecting acts of tampering with emission control apparatus specifically prohibited at N.J.A.C. 7:27-15.7(a)1 or toward identifying vehicles operated in violation of N.J.A.C. 7:27-15.3(d). Such tests may include visual or functional checks of emission control apparatus and elements of design.]

[(j)](h) (No change in text.)

[(k) Any motor vehicle that fails an on-road inspection conducted pursuant to (i) above or a remote sensing test conducted pursuant to (j) above shall be subject to an off-cycle inspection. An off-cycle inspection shall consist of all test procedures and requirements to which a motor vehicle would normally be subject in accordance with (f) above. If the motor vehicle fails the initial off-cycle inspection, the provisions of (h) above apply.]

Recodify existing N.J.A.C. 7:27-15.5(l) - (m) as (i) - (j) (No change in text.)

[(n)](k) The Department [shall maintain] **maintains** a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria [set forth] at [(m)](j) above. A copy of this list [will be] **is** available from the Department by contacting the Bureau of [Motor Vehicle Inspection and Maintenance] **Mobile Sources** at (609) [530-4035] **292-7953** and can also be viewed and downloaded from the Department's website at [www.state.nj.us/dep/aqm]**www.stopthesoot.org**.

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7:27-15.6 Motor vehicle [inspection] standards

(a) (No change.)

[(b) A light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit carbon monoxide (CO) or hydrocarbons (HC) in the exhaust emissions in excess of the following standards:

1. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the idle test, the motor vehicle shall be subject to the exhaust emission standards set forth in Table 1 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.3(b);

TABLE 1
EXHAUST EMISSION STANDARDS FOR THE IDLE TEST
LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	7.0	700
1971-1974	5.0	500
1975-1980	3.0	300

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1981 & Later	1.2	220
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HDGVs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	8.5	1200
1971-1974	6.0	700
1975-1978	4.0	500
1979 & Later	3.0	300

2. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the two speed idle test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 2 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.4;

TABLE 2

EXHAUST EMISSION STANDARDS FOR THE TWO SPEED IDLE TEST

LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
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1981 & Later 1.2 220]

[3.](b) If, pursuant to the provisions of N.J.A.C. 7:27-15.5[(g)](e) **or** (f), a motor vehicle is tested using an OBD inspection conducted in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.6, it shall be considered to have passed said inspection unless:

[i.]1. The DLC cannot be found or is damaged/obstructed in such a way as to not allow a connection between the analyzer and the motor vehicle;

[ii.]2. Communication cannot be established between the analyzer and the vehicle's OBD system;

[iii.]3. The MIL is not illuminating when commanded to light;

[iv.]4. The number of systems that have non-continuous readiness monitors[, which] **that** are not ready for inspections equals or exceeds the following criteria: three "not ready" codes for motor vehicles model year 1996 through 2000 and two "not ready" codes for motor vehicles model year 2001 and newer, as established at 40 CFR 51.357, incorporated herein by reference;

[v.]5. Any continuous readiness monitor is not supported or not ready;

[vi.]6. The MIL is illuminated while the vehicle's engine is running;

[vii.]7. DTCs have been detected by the OBD system to cause the MIL to be commanded on;
or

[viii.]8. A motor vehicle fails an initial OBD inspection as indicated by one or more catalyst DTCs and the catalyst readiness monitor indicates the monitor is not ready during the OBD

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reinspection.

(c) A [gasoline-fueled] motor vehicle[, which is subject to inspection pursuant to N.J.A.C. 7:27-15.5(a) shall, as a condition of compliance with said inspection,] **shall** have a properly functioning and properly maintained emission control apparatus as determined according to the [inspection] test procedures established at N.J.A.C. 7:27B-5.5.

[(d) Except as provided in (e) and (f) below, the applicability of the standards set forth in this subchapter and of the test procedure set forth at N.J.A.C. 7:27B-5.3 through 5.7, to a motor vehicle with an engine other than the engine originally installed by the manufacturer shall be based on the chassis type and model year of the motor vehicle, not on the engine model year.

(e) A motor vehicle that is modified to operate solely on a fuel other than that for which the motor vehicle was originally equipped shall be subject to the test procedures and standards applicable to a motor vehicle of the current fuel type. If the motor vehicle's fuel type after modification is one to which this subchapter does not apply (for example, a gasoline engine replaced with a diesel engine), the motor vehicle shall be exempt from this subchapter.

(f) A motor vehicle that is modified or manufactured to operate on more than one fuel type shall be subject to exhaust emission standards that apply to the motor vehicle for each fuel type for which the motor vehicle is equipped. Such motor vehicle shall be subject to an exhaust emission test for each fuel type on which it operates and shall comply with all applicable standards for

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each fuel type. Such motor vehicle shall also be subject to a fuel cap leak test when operating on gasoline. If the motor vehicle is capable of simultaneous operation on more than one fuel type (for example, flexible fuel, gasoline-methanol vehicle), the motor vehicle shall be subject to an exhaust emission test using the fuel mixture in the vehicle at the time of inspection and subject to the exhaust emission standards applicable to vehicles powered by gasoline.

(g) The provisions of (d), (e), and (f) above shall not be construed to allow any of the following acts, if such act is prohibited by N.J.A.C. 7:27-15.7:

1. The installation of an engine into a motor vehicle other than the engine originally installed by the manufacturer;
2. The operation of a motor vehicle on a fuel other than that for which the motor vehicle was originally equipped; and
3. The modification of a motor vehicle to operate on more than one fuel type.]

(d) A motor vehicle shall not exhibit any fuel leaks, as determined according to the visual fuel leak test procedure at N.J.A.C. 7:27B-5.4.

(e) A motor vehicle shall have all required fuel caps present as determined according to the visual fuel cap test procedure established at N.J.A.C. 7:27B-5.7.

7:27-15.7 Prohibition of tampering with emission control apparatus

(a) No owner or operator of a [gasoline-fueled] motor vehicle shall cause, suffer, allow or permit any of the following, unless it is performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB [executive order]**Executive Order** (information on devices or modifications approved by CARB [executive order]**Executive Order** may be obtained from

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the California Air Resources Board, 1001 "I" Street, PO B[OX]ox 2815, Sacramento, CA 95812

or at www.arb.ca.gov):

1. The disconnection, detachment, deactivation, or any other alteration or modification from the design of the original vehicle manufacturer of an element of design installed on any motor vehicle **with a certified configuration or motor vehicle engine** with a certified configuration, except temporarily for the purpose of diagnosis, maintenance, repair or replacement;
2. The operation on the public roads, streets or highways of the State or any public or quasi-public property in the State of any motor vehicle **with a certified configuration or motor vehicle engine** with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer;
3. The sale, lease, or offer for sale or lease, of any motor vehicle **with a certified configuration or motor vehicle engine** with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer; or
4. (No change.)

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(b) A motor vehicle or motor vehicle engine in violation of (a)1, above, will be deemed to have failed the motor vehicle inspection required pursuant to N.J.A.C. 7:27-15.5.

APPENDIX

The following table highlights the provisions of N.J.A.C. 7:27-15.5[(f)] to show generally the emissions tests to be administered to each category of vehicle inspected or reinspected:

[Test/model year	1980 and older	1981 – 1995	1996 and newer
idle	all	GVWR > 8,500	GVWR > 8,500
two speed idle	--	GVWR < 8,501	all OBD-equipped but not OBD-eligible with GVWR < 8,501
OBD	--	--	all OBD-equipped and eligible with GVWR < 8,501

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Gas Cap	all equipped with sealed systems (1971 and newer)	all	all models through 2000
Visible smoke	all	all	all
Catalytic converter check	all originally equipped (1975 and newer)	all	all]

<u>Weight Class (GVWR)</u>	<u>Model Year</u>	<u>OBD Test</u>	<u>Visible Smoke Test</u>	<u>Fuel Leak Test</u>	<u>Catalytic Converter Check</u>	<u>Visual Fuel Cap Test</u>
≤ 8,500 lbs.	1995 and older	N/A	All	All	All originally equipped (model years 1975 and newer)	All
≤ 8,500 lbs.	1996 and newer	All OBD-eligible	All	All	All	All
≥ 8,501 and ≤ 14,000 lbs.	2007 and older	N/A	All	All	All originally equipped (model years 1975 and newer)	All
≥ 8,501 and ≤ 14,000 lbs.	2008 and newer	All OBD-eligible	All	All	All	All
> 14,000 lbs.	2013 and older	N/A	All	All	All originally	All

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					equipped (model years 1975 and newer)	
> 14,000 lbs.	2014 and newer	All OBD- eligible	All	All	All	All

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 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.

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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(e)1	Owner of four or fewer vehicles	NM	\$400	\$800	\$2,000	\$6,000
	Owner of five or more vehicles	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-14.3(e)2	Sale/Offer for Sale;	NM	\$1,000	\$2,000	\$5,000	\$15,000

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	Lease/Offer for					
	Lease by					
	owner for four					
	or fewer					
	vehicles					
	Sale/Offer for	NM	\$2,000	\$4,000	\$10,000	\$30,000
	Sale;					
	Lease/Offer for					
	Lease by					
	owner for five					
	or fewer					
	vehicles					
N.J.A.C. 7:27-	Offer for Sale/	NM	\$2,000	\$4,000	\$10,000	\$30,000
14.3(e)3	Sale of Device/					
	Component					
N.J.A.C. 7:27-	Passenger	NM	\$500	\$1,000	\$2,500	\$7,500
14.4(a)4	vehicle					
	registration					
	Commercial	NM	\$1,000	\$2,000	\$5,000	\$15,000
	vehicle					

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registration

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...	Certified Diesel	NM	\$500	\$750	\$1,500	\$2,500
[N.J.A.C.	Emission					
7:27-14.8(a)	Repair					
	Technician					
N.J.A.C.	Submit	M	\$250	\$500	\$750	\$1,500
7:27-14.8(d)	Application					
N.J.A.C.	Complete	M	\$250	\$500	\$750 ¹²	\$1,500 ¹²
7:27-14.8(g)	Updates					
N.J.A.C.	Submit Report	M	\$250	\$500	\$750 ¹²	\$1,500 ^{12]}
7:27-14.8(h)	and Maintain					
	Records					
[N.J.A.C.	Failure to Use	M	\$1,000	\$1,500	\$2,500 ¹³	\$5,000 ¹³
7:27-14.9(c)	Approved					
	Curriculum					
N.J.A.C.	Training	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
7:27-14.9(e)						
N.J.A.C.	Maintain	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
7:27-14.9(f)	Equipment					
N.J.A.C.	Present	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
7:27-14.9(g)	Certificate					
N.J.A.C.	Update Training	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
7:27-14.9(h)						

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N.J.A.C.	Maintain	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
7:27-14.9(i)	Records					
N.J.A.C.	Submit Records	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³]

7:27-14.9(j) and

(k)

1 The driver of a school bus is not subject to penalty under N.J.A.C. 7:27-14.3(a). The bus driver, school district, and the principal or administrator of the school serviced by the bus will be notified of all violations. After the first violation, the school district, if it is not also the owner of the bus, will be subject to both notice and penalty.

[2-10 (Reserved)

11 Revoke certification as a diesel emission inspector under N.J.A.C. 7:27-14

12 Revoke certification as a diesel emission repair technician under N.J.A.C. 7:27-14

13 Revoke approval as a diesel training provider under N.J.A.C. 7:27-14]

15. – 34. (No change.)

(n) – (t) (No change.)

7:27B-4 AIR TEST METHOD 4: TESTING PROCEDURES FOR DIESEL-POWERED MOTOR VEHICLES

7:27B-4.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

["Alternative smoke opacity standard" means the smoke opacity standard applicable to a specific vehicle-engine-chassis combination, as determined by the procedure set forth at N.J.A.C. 7:27B-4.5.]

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...

["Chassis dynamometer" or "dynamometer" means a power absorption device utilizing a set of rollers on which a motor vehicle is driven to simulate on-road vehicle operation.]

...

"Data link connector" or "DLC" means a standardized **nine or** 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

...

"Diesel emission fluid" or "DEF" means an aqueous solution made with urea and water, used as a consumable in selective catalytic reduction to lower NO_x concentration in the diesel exhaust emissions from diesel engines.

["Diesel emissions inspection center" or "DEIC" means a facility licensed by the Division of Motor Vehicles pursuant to N.J.S.A. 39:8-69 and N.J.A.C. 13:20-47.]

...

"Diesel particulate filter" or "DPF" means an exhaust emissions aftertreatment device that physically entraps and prevents from being emitted into the air at least 85 percent of the particulate matter contained in the full exhaust stream emitted by the engine.

...

["Engine RPM rise time" means the time period, in seconds, during acceleration between curb idle and high idle.]

...

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["High speed diesel engine" means any diesel engine with a maximum governed engine speed over 2,800 RPM.]

...

"Indicator light" means a light that serves to inform about a given condition in a circuit or device, such as a malfunction.

...

["Low speed diesel engine" means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.]

...

["Medium speed diesel engine" means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.]

...

["Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cubic centimeters, or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.]

...

["Oil temperature probe" means a device integral to a smokemeter which measures the engine crankcase oil temperature.]

...

"Peak smoke opacity" means the highest numerical value of smoke opacity measured during a snap acceleration smoke opacity test at N.J.A.C. 7: 27B-4.3(a) [, a rolling acceleration smoke

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opacity test at N.J.A.C. 7: 27B-4.3(b), or a power brake smoke opacity test at N.J.A.C. 7: 27B-4.3(c)].

...

“Private inspection facility” or “PIF” means a facility licensed by the MVC to perform emissions inspections that may also offer motor vehicle parts and repair services.

...

“SAE J1939” means the recommended practice in document number J1939 published by the Society of Automotive Engineers in April 2000, entitled Recommended Practice for a Serial Control and Communications Vehicle Network, and all appendices attached thereto, incorporated herein by reference, as supplemented or amended (www.sae.org).

...

“Selective catalytic reduction” or “SCR” means an emission control system that injects diesel exhaust fluid into the exhaust stream where it reacts with a catalyst to reduce NO_x emissions.

...

7:27B-4.2 General instructions for all tests

(a) An inspector conducting an emissions test on a heavy-duty diesel vehicle or diesel bus pursuant to any provision of this subchapter including, but not limited to, N.J.A.C. 7:27B-4.3, 4.4(a) and 4.4(b), shall perform the test in accordance with the following general procedures:

1. - 2. (No change.)
3. Prior to testing, ensure that the engine is at normal operating temperature by operating the vehicle on a highway [or a chassis dynamometer with a road load] for a minimum of

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15 minutes]. For testing at a DEIC, only, confirm proper engine operating temperature by inserting an oil temperature probe through the oil dipstick tube into the crankcase oil, so that the oil temperature as measured during the test will be recorded as part of the analyzer printout at the conclusion of the test. Oil temperature shall be at least 60 degrees Celsius (140 degrees Fahrenheit), or water temperature shall be at least 82 degrees Celsius (180 degrees Fahrenheit) but not overheating];

4. Examine the vehicle's exhaust system for integrity. For testing at a [DEIC] **PIF**, only, tighten all loose pipe connections and repair all significant exhaust leaks before performing a test;

5. - 7. (No change.)

8. Determine that the engine speed governor is in proper operating condition. For [DEICs] **PIFs** only, make this determination as follows: operate the engine with the transmission in neutral and the clutch disengaged. Gradually increase the engine speed from curb idle to high idle while observing an RPM sensor connected to the engine. The engine speed should not exceed high idle as specified by the engine manufacturer with the accelerator pedal fully depressed. If the engine speed continues increasing beyond the manufacturer's rated high idle, immediately release the accelerator pedal. If the engine speed increases uncontrollably, immediately release the accelerator pedal and shut off the engine's fuel supply. Discontinue emission testing of any vehicle with dysfunctional or out-of-specification engine speed governors. Do not resume testing unless and until speed governor repairs are made;

9. - 10. (No change.)

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(b) An inspector conducting an emissions test on a light-duty diesel vehicle pursuant to any provision of this subchapter, including, but not limited to, N.J.A.C. 7:27B-4.7 and 4.8, shall perform the test in accordance with the following general procedures:

1. - 3. (No change.)

4. Prior to testing, ensure that the vehicle is at normal operating temperature by doing one of the following:

i. Check the vehicle's engine coolant temperature gauge [and the vehicle's engine oil temperature gauge] to confirm that the vehicle is at a normal operating temperature, as indicated by the [gauges] **gauge** (that is, that engine coolant temperature is in the "normal" range as specified by the vehicle manufacturer, or, if the "normal" range is not specified by the vehicle manufacturer, is at least 70 degrees Celsius (160 degrees Fahrenheit)[and that engine oil temperature is at least 80 degrees Celsius (175 degrees Fahrenheit)). If there is no oil temperature gauge, insert a temperature probe through the oil dip-stick tube and into the engine oil to confirm normal operating temperature]; or

ii. Operate the vehicle on the road [, or on a chassis dynamometer under road load,] at speeds above 35 MPH for at least 20 minutes; and

5. (No change.)

(c) - (d) (No change.)

(e) The Department maintains a list of approved equipment for specific test procedures. The

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Department [shall] periodically [review] **reviews** and [evaluate] **evaluates** equipment offered by manufacturers of motor vehicle testing equipment of which it is aware or has been made aware and update this list. A copy of this list can be obtained from:

Department of Environmental Protection

Bureau of Mobile Sources - Diesel Inspection Program

Mail Code 401-[03G]**02E**

P.O. Box 420

Trenton, NJ 08625-0420

7:27B-4.3 Procedures for using a smokemeter to measure the smoke opacity of heavy-duty diesel vehicles and diesel buses

(a) The testing procedures for the snap acceleration smoke opacity test, required pursuant to N.J.A.C. 7:27-14.5, shall be performed on heavy-duty diesel vehicles and diesel buses [which are equipped with low or medium-speed diesel engines] as follows:

1. (No change.)
2. For a [DEIC] **PIF** only, affix the RPM sensor to the engine and vehicle according to the smokemeter manufacturer's instructions;
- [3. For a DEIC, only, insert the engine oil temperature sensor into the oil dipstick tube and into the crankcase oil according to the smokemeter manufacturer's instructions;]
- [4.] **3.** For a [DEIC] **PIF**, only, connect the engine RPM [and oil temperature] sensor[s] to the smokemeter according to the smokemeter manufacturer's instructions;

Recodify existing 5. - 12. as **4. - 11.** (No change in text.)

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[13.] **12.** Repeat (a)[12]11 above at least four more times. This shall include, at a minimum, two preliminary snap accelerations to remove loose soot from the exhaust system for a stabilized reading, and a minimum of three snap accelerations for the official test, the average of which shall constitute the final test result; and

[14.]**13.** (No change in text.)

[(b) The testing procedures for the rolling acceleration smoke opacity test, required pursuant to N.J.A.C. 7:27-14.5, shall be performed on a straight and level road course, as follows:

1. Determine the engine horsepower from the engine identification plate or engine serial number. Refer to Table 1 below and input the nominal stack size into the smokemeter. If the engine identification plate is missing, inaccessible or illegible, measure the outside diameter of the exhaust pipe extending from the exhaust manifold with a precision caliper or equivalent gauge, rounding to the nearest inch;
2. For a DEIC, only, affix the RPM sensor to the engine and vehicle according to the smokemeter manufacturer's instructions;
3. For a DEIC, only, insert the engine oil temperature sensor into the oil dipstick tube and into the crankcase oil according to the smokemeter manufacturer's instructions;
4. For a DEIC, only, connect the engine RPM and oil temperature sensors to the smokemeter according to the smokemeter manufacturer's instructions;
5. Affix the smokemeter according to the manufacturer's instructions to the end of the vehicle's exhaust pipe. For full-flow smokemeters, ensure that the final two feet and the exit of the exhaust pipe is straight, with an internal diameter not to exceed five inches. Appropriate exhaust pipe adapters shall be used as necessary to comply with these specifications. Do not use full-flow

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smokemeters on vehicles with underbody exhaust pipes which direct the exhaust flow to the ground unless the exhaust gases are redirected away from the ground by the appropriate exhaust pipe adaptor mentioned above;

6. Ensure that the smokemeter is warmed up and calibrated according to N.J.A.C. 7:27B-4.2 and the manufacturer's instructions;

7. Start the engine and operate at curb idle speed;

8. Purge the exhaust system of loose soot and stabilize the smoke opacity readings. For vehicles with low speed diesel engines, conduct one rolling acceleration by rapidly depressing the accelerator pedal to the floor and holding it there for three to five seconds, or until prompted by the smokemeter to release the pedal. For vehicles with medium or high speed diesel engines, conduct three rolling accelerations by rapidly depressing the accelerator pedal to the floor and briefly holding it there until the engine speed reaches approximately 2,500 RPM, then release.

The rolling acceleration portion of the test sequence shall be deemed to be complete as soon as:

i. The vehicle has reached a speed of 10 miles per hour;

ii. The engine has reached maximum governed RPM; or

iii. The engine has reached 2,500 RPM;

9. Initiate the test sequence on the smokemeter;

10. Select the appropriate smoke opacity pass/fail standards from N.J.A.C. 7:27-14.6, based upon the engine model year;

11. If using a partial-flow smokemeter, select the appropriate stack size from Table 1 below, based upon the engine horsepower. If using a full-flow smokemeter, enter the engine horsepower and nominal stack size as measured on the vehicle;

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12. If using a smokemeter without horsepower input, select the appropriate stack size from Table 1 below, based upon the vehicle's engine horsepower;

13. When testing a vehicle with a manual transmission, depress the clutch and select the appropriate low gear for the degree to which the vehicle is laden to avoid overgearing or lugging. When testing a vehicle with an automatic transmission, place the transmission in "D" or "Drive" only, or the gear position immediately next to "N" or "Neutral";

14. When testing a vehicle with a manual transmission, gradually engage the clutch;

15. Accelerate until the vehicle is rolling forward at a speed equivalent to the engine curb idle, then increase the engine speed by 200 RPM, +/-50 RPM;

16. When testing a vehicle with a low speed diesel engine, rapidly depress the accelerator pedal to the floor and hold for approximately three to five seconds or until prompted by the smokemeter to release the accelerator. When testing a vehicle with a medium or high speed diesel engine, rapidly depress the accelerator pedal to the floor and hold it there until an engine RPM of approximately 2,500 RPM is achieved, then release the accelerator pedal. When testing a vehicle with a manual transmission, do not shift to the next gear. The rolling acceleration portion of the test sequence shall be deemed to be complete as soon as:

i. The vehicle has reached a speed of 10 miles per hour;

ii. The engine has reached maximum governed rpm; or

iii. The engine has reached 2,500 rpm;

17. Release the accelerator pedal, disengage the clutch and bring the vehicle to a stop; and

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18. Determine whether the vehicle has passed or failed by comparing the smoke opacity test result to the standards set forth at N.J.A.C. 7:27-14.6 appropriate for the test vehicle's engine model year.

(c) The testing procedures for the power brake smoke opacity test, required pursuant to N.J.A.C. 7:27-14.5, shall be performed, on a vehicle with a medium or high speed diesel engine and an automatic transmission only, as follows:

1. Unless the vehicle engine is of a torque-tube design, inspect the vehicle's drive shaft, U-joints and slip-joints for mechanical integrity. Discontinue testing of any vehicle exhibiting signs of appreciable looseness or wear in the U-joints or slip-joints, or any damage to the drive shaft which would adversely affect the vehicle's mechanical integrity. Do not resume testing unless and until the defects are repaired;
2. Ensure that the parking and service brakes are in good operating condition. Discontinue testing of any vehicle exhibiting inoperable or inadequate parking or service brakes. Do not resume testing unless and until the defects are repaired;
3. Determine the engine horsepower from the engine identification plate or engine serial number. Refer to Table 1 below and input the nominal stack size into the smokemeter. If the engine identification plate is missing, inaccessible or illegible, measure the outside diameter of the exhaust pipe extending from the exhaust manifold with a precision caliper or equivalent gauge, rounding to the nearest inch;
4. For a DEIC, only, affix the RPM sensor to the engine and vehicle according to the smokemeter manufacturer's instructions;

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5. For a DEIC, only, insert the engine oil temperature sensor into the oil dipstick tube and into the crankcase oil according to the smokemeter manufacturer's instructions;
6. For a DEIC, only, connect the engine RPM and oil temperature sensors to the smokemeter according to the smokemeter manufacturer's instructions;
7. Affix the smokemeter according to the manufacturer's instructions to the end of the vehicle's exhaust pipe. For full-flow smokemeters, ensure that the final two feet and the exit of the exhaust pipe is straight, with an internal diameter not to exceed five inches. Appropriate exhaust pipe adapters shall be used as necessary to comply with these specifications. Do not use full-flow smokemeters on vehicles with underbody exhaust pipes which direct the exhaust flow to the ground unless the exhaust gases are redirected away from the ground by the appropriate exhaust pipe adaptor mentioned above;
8. Ensure that the smokemeter is warmed up and calibrated according to N.J.A.C. 7:27B-4.2 and the manufacturer's instructions;
9. Chock the drive-wheels;
10. Set the vehicle's parking brake;
11. Start the engine and operate at curb idle speed;
12. Purge the exhaust system of loose soot and stabilize the smoke opacity readings. Conduct at least three snap accelerations by rapidly depressing the accelerator pedal to the floor and holding until the engine speed reaches high idle or 2,500 RPM, whichever is lower before releasing, with five to 45 seconds between accelerations;

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13. Initiate the test sequence on the smokemeter. Some smokemeters may not have a testing sequence entitled "power brake acceleration test." For these smokemeters, the snap acceleration test sequence may be used;
14. Select the appropriate smoke opacity pass/fail standard set forth at N.J.A.C. 7:27-14.6, based upon the engine model year;
15. If using a partial-flow smokemeter, select the appropriate stack size from Table 1 below, based upon the engine horsepower. If using a full-flow smokemeter, enter the engine horsepower and the actual stack diameter as measured upon the vehicle exhaust stack outlet;
16. If using a smokemeter without horsepower input, select the appropriate stack size from Table 1 below, based upon the vehicle's engine horsepower;
17. Apply the service brakes with the left foot;
18. Place the transmission in "D" or "Drive" or the gear position immediately next to "N" or "Neutral." Do not use the "LO" or "1" gear positions;
19. Rapidly depress the accelerator pedal to the floor and hold it there for approximately three seconds or until prompted to release it by the smokemeter;
20. Repeat (c)19 above at least two more times for a minimum total of three accelerations, with a pause of between five and 10 seconds between accelerations or until prompted by the smokemeter;
21. Three valid power brake accelerations shall constitute a successful test procedure and terminates the test;

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22. Determine whether the vehicle has passed or failed based upon three valid smoke opacity test results averaged arithmetically and compared to the standards set forth at N.J.A.C. 7:27-14.6 appropriate for the test vehicle's engine model year; and
23. If the tests results are invalid and testing must be repeated, allow a minimum of three minutes but no more than five minutes of idling to cool the transmission before repeating the test.]

TABLE 1

(No change.)

7:27B-4.5 [Procedures for establishing an alternative smoke opacity standard for diesel-powered motor vehicles

(a) Before December 2, 2009, in the event that a heavy-duty diesel vehicle, which is equipped with an engine model year 1973 or older, fails to pass an exhaust emissions inspection as part of either a periodic inspection or an inspection conducted as part of the roadside enforcement program, the owner or lessee of the heavy-duty diesel vehicle may request the Department to establish an alternative smoke opacity standard for that vehicle-engine-chassis combination, if the cause of the failure is due to the design of the vehicle, rather than to insufficient repair and maintenance. The procedures for obtaining this alternative smoke opacity standard are as follows:

1. The owner or lessee shall present to the Department the "Heavy-duty Diesel Emission Testing Report" prepared by the inspector who conducted the smoke opacity testing and determined that the vehicle failed to meet the standards set forth at N.J.A.C. 7:27-14.4 and 14.6, as applicable;

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2. The owner or lessee shall submit documentation to the Department, or its designee, demonstrating that the vehicle engine and all fuel control and emissions-related components have been, within 45 calendar days of submission of said documentation:
 - i. Tuned to minimize the level of smoke in the exhaust emissions consistent with the design, specifications and certified configuration, as applicable, prescribed by the original equipment manufacturer; and
 - ii. Determined by a licensed diesel emissions inspection center, to be within the design, specifications and certified configuration, as applicable, prescribed by the original equipment manufacturer;
3. The owner or lessee shall subject the vehicle to any other examination or testing required by the Department or the Department's designee. Such examination or testing shall be performed by a person of the Department's choosing; and
4. The owner or lessee shall ensure the performance of any repairs which the Department deems likely to enable the vehicle to meet the smoke opacity standards set forth at N.J.A.C. 7:27-14.4 and 14.6, as applicable.

(b) If the Department determines that the vehicle cannot be repaired to meet the standards set forth at N.J.A.C. 7:27-14.4 and 14.6, it shall issue an alternative smoke opacity standard report to the owner or lessee which establishes an alternative smoke opacity standard for the specific vehicle-engine-chassis combination. The Department shall establish this alternative smoke opacity standard by adding 10 percentage points or the maximum points as necessary to not yield an alternative smoke opacity standard in excess of 100 percent to the highest smoke opacity

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percentage obtained from all testing of the vehicle performed subsequent to any tuning, repairing, or rebuilding of the engine pursuant to (a) 2 above.

(c) In order to have the alternative smoke opacity standard applied when the vehicle is inspected pursuant to the requirements of N.J.A.C. 7:27-14 and this subchapter, an owner or lessee shall present the alternative smoke opacity report issued by the Department to the inspector at the time of the inspection of the vehicle. Failure by the owner or lessee to present the alternative smoke opacity report to the inspector at the time of inspection will result in the application of the smoke opacity standards set forth at N.J.A.C. 7:27-14 otherwise applicable to the vehicle.] **(Reserved.)**

7:27B-4.6 Specifications for diesel emissions testing equipment for determining compliance with N.J.A.C. 7:27-14

(a) A smokemeter used to measure smoke opacity in the exhaust emissions of a diesel-powered motor vehicle in order to determine the vehicle's compliance with N.J.A.C. 7:27-14 shall conform to all specifications and standards set forth in SAE J1667[and incorporated herein by reference].

(b) Equipment used for performing the OBD inspection[, as set forth] at N.J.A.C. 7:27B-4.8[,] shall be approved by the Department as provided at N.J.A.C. 7:27B-4.2(d) and shall meet the requirements of 40 CFR 85.2231, incorporated herein by reference, **and SAE J1939.**

7:27B-4.7 Procedures for the visible smoke, **indicator light check, and visual fuel leak** tests

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(a) An inspector conducting a visible smoke test to determine a diesel vehicle's compliance with the inspection requirements [set forth] at N.J.A.C. 7:27-[14.5 (c)1] **14.5(d)1 and (e)1** shall perform the test as follows:

1. - 4. (No change.)

(b) An inspector conducting an indicator light check test to determine a diesel vehicle's compliance with the inspection requirements at N.J.A.C. 7:27-14.5(d)2 shall perform the test as follows:

1. Determine if the check engine light is functional as follows:

i. Turn off the motor vehicle's engine;

ii. Turn the motor vehicle ignition system to the KOEO position;

iii. If the check engine light is not functional, the motor vehicle has failed the indicator light check test; and

iv. If the check engine light is functional and remains illuminated with the engine on, the motor vehicle has failed the inspection;

2. If the vehicle is equipped with a DPF, determine if the DPF is functional as follows:

i. If the motor vehicle is in regeneration mode, then the vehicle cannot be inspected;

ii. Turn off the motor vehicle's engine;

iii. Turn the motor vehicle ignition system to the KOEO position; and

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iv. If the DPF light is not functional, the motor vehicle has failed the indicator light check test;

3. If the vehicle is equipped with a SCR, determine if the SCR is functional as follows:

i. Turn off the motor vehicle's engine;

ii. Turn the motor vehicle ignition system to the KOEO position;

iii. If the SCR light is not functional, the motor vehicle has failed the indicator light check test;

iv. If the DEF tank gauge indicates empty or no fluid, the motor vehicle has failed the inspection.

(c) An inspector conducting a visual fuel leak test to determine a motor vehicle's compliance with the visual fuel leak test requirements at N.J.A.C. 7:27-14.5(d)3 and (e)3 shall examine the fuel system for the presence of any leaking fuel. If any fuel is visibly leaking from the motor vehicle, the motor vehicle has failed the visual fuel leak test.

7:27B-4.8 Procedures for the on board diagnostics inspection

(a) The procedure for the OBD inspection, to be used to determine a [light-duty] diesel vehicle's compliance with the OBD inspection requirements at N.J.A.C. 7:27-14.5[(c)2] is as follows:

1. - 12. (No change.)

(b) (No change.)

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7:27B-5 AIR TEST METHOD 5: TESTING PROCEDURES FOR GASOLINE-FUELED
MOTOR VEHICLES

7:27B-5.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

["Carbon monoxide" or "CO" means a gas having a molecular composition of one carbon atom and one oxygen atom.

"Chassis dynamometer" or "dynamometer" means a power absorption device utilizing a set of rollers on which a motor vehicle is driven to simulate on-road vehicle operation.]

...

"Data link connector" or "DLC" means a standardized **nine or** 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

...

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-15.5[(m)](j).

...

7:27B-5.2 General instructions for all tests

(a) An inspector, conducting an emissions test on a gasoline-fueled motor vehicle pursuant to any provision of this subchapter, including, but not limited to, N.J.A.C. 7:27B-5.3 through 5.8,

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shall perform the test in accordance with the following general procedures:

1. Test the vehicle in as-received condition without making any repairs

immediately prior to testing;

2. Prior to testing, turn off all vehicle accessories, including, but not limited to, air conditioning, heating, defroster, radio and lights; **and**

3. Prior to testing, ensure that the motor vehicle emission testing equipment is calibrated [and warmed-up] in accordance with the manufacturer's requirements[;].

[4. Prior to testing, ensure that the vehicle is at normal operating temperature by doing one of the following:

- i. Check the vehicle's engine coolant temperature gauge and the vehicle's engine oil temperature gauge to confirm that the vehicle is at a normal operating temperature, as indicated by the gauges; that is, that engine coolant temperature is in the "normal" range as specified by the vehicle manufacturer, or, if the "normal" range is not specified by the vehicle manufacturer, is at least 70 degrees Celsius (160 degrees Fahrenheit) and that engine oil temperature is at least 80 degrees Celsius (175 degrees Fahrenheit). If there is no oil temperature gauge, insert a temperature probe through the oil dip stick tube and into the engine oil to confirm normal operating temperature; or
- ii. Operate the vehicle on the road, or on a chassis dynamometer under road load, at speeds above 35 MPH for at least 20 minutes;

5. Discontinue testing any vehicle in an overheated condition, as indicated by a temperature gauge or warning light, or boiling of engine coolant;

6. If the vehicle has two tailpipes, determine whether they are functionally independent. If

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they are functionally independent, collect exhaust samples from both tailpipes simultaneously; if they are not functionally independent, collect exhaust samples from either tailpipe;

7. When prompted by the motor vehicle emission testing equipment, insert the exhaust sampling probe into the vehicle's tailpipe, using a tailpipe extension if necessary, to an insertion depth of at least ten inches and collect exhaust gases from each tailpipe of a functionally independent exhaust system; and

8. If using a chassis dynamometer, ensure that the air pressure of each of the vehicle's drive wheel tires is in accordance with the recommendation of the motor vehicle manufacturer; or, if such a recommendation is not available, in accordance with the pressure recommendations on the tire sidewall; if not in accordance, inflate or deflate the drive wheel tires, as appropriate.]

(b) - (c) (No change.)

[(d) The Department maintains a list of approved equipment for specific test procedures. The Department shall periodically review and evaluate equipment offered by manufacturers of motor vehicle testing equipment of which it is aware or has been made aware and update this list. A copy of this list can be obtained from:

New Jersey Department of Environmental Protection
Bureau of Motor Vehicle Inspection and Maintenance
PO Box 437

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Trenton, NJ 08625-0437]

7:27B-5.3 Procedures for the visible smoke test [and the idle test] for gasoline-fueled motor vehicles

(a) (No change.)

[(b) An inspector conducting an idle test to determine a gasoline-fueled motor vehicle's compliance with the exhaust emission standards set forth at N.J.A.C. 7:27-15.6(b)1 shall perform the test as follows:

1. With the engine operating at idle and transmission in neutral, insert the sample probe at least 10 inches into the tailpipe. If the motor vehicle's exhaust system prevents insertion to this depth, use a tailpipe extension. For motor vehicles equipped with multiple tailpipes, take exhaust gas measurements from all tailpipes simultaneously;
2. Measure the exhaust concentrations as percent carbon monoxide and parts per million hydrocarbons after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first;
3. If the percent carbon monoxide or parts per million hydrocarbons recorded in (b)2 above exceeds the applicable standards specified in Table 1 at N.J.A.C. 7:27-15.6, increase the vehicle's engine speed to between 2,200 and 2,800 RPM for a period of 30 seconds. Allow the vehicle's engine speed to return to idle and then repeat the exhaust concentration measurement as in (b)2 above;
4. If the percent carbon monoxide or parts per million hydrocarbons recorded in (b)3 above exceeds the applicable standards specified in Table 1 at N.J.A.C. 7:27-15.6, the

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motor vehicle has failed the idle test; and

5. If the percent carbon monoxide or parts per million hydrocarbons recorded in (b)2 or 3 above does not exceed the applicable standards specified in Table 1 at N.J.A.C. 7:27-15.6, the motor vehicle has passed the idle test.]

[7:27B-5.4 Procedures for the two speed idle test

An inspector conducting a two speed idle test to determine a gasoline-fueled motor vehicle's compliance with the exhaust emission standards set forth at N.J.A.C. 7:27-15.6(b)2 shall perform the test in accordance with 40 CFR 85.2215, Two speed idle test—EPA 91, incorporated herein by reference.]

7:27B-5.4 Procedure for the visual fuel leak test

(a) An inspector conducting a visual fuel leak test to determine a motor vehicle's compliance with the visual fuel leak test requirements at N.J.A.C. 7:27-15.5 shall examine the vehicle's fuel system for the presence of any leaking fuel. If any fuel is visibly leaking from the motor vehicle, the motor vehicle has failed the visual fuel leak test.

7:27B-5.5 Emission control apparatus examination procedure

(a) The procedure for examination of the emission control apparatus of a [gasoline-fueled] motor vehicle **equipped with one or more catalytic converters as original equipment**, required at N.J.A.C. 7:27-15.5[(f)3, shall, if the motor vehicle had a catalytic converter as

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original equipment, consist], **consists** of a visual check to determine whether [a] **one or more** properly installed catalytic [converter] **converters** is present on the motor vehicle.

(b) [The absence in a gasoline-fueled] A motor vehicle [of a properly installed] **originally equipped with one or more** catalytic [converter] **converters** shall [result in a determination of failure to pass] **fail** the emission control apparatus compliance examination **if:**

1. The vehicle is not equipped with the same number of catalytic converters with which it was originally equipped; and

2. Any catalytic converter is not in the same location as originally equipped.

(c) A [gasoline-fueled] motor vehicle that has failed [to pass] the emission control apparatus compliance examination in accordance with (b) above shall be [required to be]properly equipped with [a]**one or more** replacement catalytic [converter] **converters** certified according to EPA procedures and subsequently reinspected. The reinspection shall [consist of a visual check to verify the proper installation of an appropriate replacement catalytic converter] **be conducted in accordance with (b) above.**

7:27B-5.6 Procedure[s] for the on-board diagnostics inspection

(a) The procedure for the OBD inspection, to be used to determine a motor vehicle's compliance with the OBD inspection requirements at N.J.A.C. 7:27-15.5[(f)2], is [specified] as follows:

1. – 13. (No change.)

(b) The OBD inspection procedure is largely a process whereby the motor vehicle testing

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equipment and the motor vehicle's OBD system interface and exchange information. As such, the description of the on-board diagnostics inspection procedure [set forth] at (a) above is a brief, simplified description that does not contain explicit technical details. A more detailed flow chart version, reflecting the logic flow of pass and fail determinations within the procedure, as well as the Department's OBD equipment specifications, which contain additional technical details, are available electronically by contacting the Department's Bureau of [Motor Vehicle Inspection and Maintenance at (609) 530-4035] **Mobile Sources at (609) 292-7953**.

(c) In the case of a motor vehicle that is **equipped with an OBD system but that is not** OBD-eligible, as determined by the Department in accordance with N.J.A.C. 7:27-15.5[(m)](j), the procedure to be used to determine compliance with the OBD inspection requirements at N.J.A.C. 7:27-15.5[(f)2], is [specified] as follows:

1. Determine if the MIL is functional by briefly turning the motor vehicle ignition system to the KOEO position;
2. If the MIL is not functional, the motor vehicle has failed the OBD inspection;
3. Start the motor vehicle and leave the engine running. Determine if the MIL remains illuminated while the engine is running;
4. If the MIL is illuminated with the engine running, the motor vehicle has failed the OBD inspection;
- [5. Administer the appropriate tailpipe exhaust test, as determined at N.J.A.C. 7:27-15.5(g);
6. If the MIL is determined to be functional and is not illuminated with the engine running, then the results of the appropriate tailpipe exhaust test will be used to determine the pass or

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fail status of the motor vehicle;]

[7.] **5.** If the motor vehicle has failed the OBD inspection described in (c)1 through 4 above, the reinspection of the motor vehicle shall include [both] a repeat of the procedure described in (c)1 through 4 above[and, if it has also failed the appropriate tailpipe exhaust pursuant to (c)5 above, a repeat of the tailpipe exhaust test].

7:27B-5.7 Procedure[s] for the **visual** fuel cap [leak] test

(a) [An inspector conducting a fuel cap leak test] **The procedure** to determine a [gasoline-fueled] motor vehicle's compliance with the **visual** fuel cap [leak] test requirements at N.J.A.C.

7:27-15.5 [(f)4 shall perform the test in accordance with the applicable procedures and standards described in the EPA technical guidance document EPA420 R-00-007, entitled IM240 and Evap Technical Guidance, incorporated herein by reference. A copy of this EPA technical guidance document may be obtained by contacting the Department of Environmental Protection at:

Department of Environmental Protection

Bureau of Mobile Sources

401 East State Street

Mail Code 401-03G

PO Box 420

Trenton, NJ 08625-0420.] **is as follows:**

1. Examine the vehicle to determine if all fuel caps with which the vehicle is required to be equipped are physically present and properly attached to cover and seal each fuel tank inlet. If so, the motor vehicle shall be deemed to have passed the visual fuel cap

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test; and

2. If the vehicle is equipped by the manufacturer with a capless fuel filler system, examine the vehicle to determine if the capless fuel filler is intact, shows no signs of excessive wear, and appears to seal properly. If so, the motor vehicle shall be deemed to have passed the visual fuel cap test.

7:27B-5.8 Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program

[(a) Equipment used for performing the idle test, as set forth at N.J.A.C. 7:27B-5.3(b), and the two speed idle test, as set forth at N.J.A.C. 7:27B-5.4, shall conform with the requirements for such equipment at 40 CFR 85.2225, Steady state test exhaust analysis system—EPA 91, and all subsequent revisions thereto, incorporated herein by reference.

(b) Equipment used for performing the fuel cap leak test, as set forth at N.J.A.C. 7:27B-5.7, shall be in accordance with the applicable specifications described in the EPA technical guidance document EPA420 R-00-007, entitled IM240 and Evap Technical Guidance, incorporated herein by reference. A copy of this EPA technical guidance document may be obtained from the Public Access Center in the Department of Environmental Protection.]

[(c)] (No change in text.)