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STATE OF ILLINOIS
Pollution Control Board

211-19

THE
ATTACHED PROPOSAL
IS BEING FILED PURSUANT TO
SECTION 20 OF THE
VEHICLE EMISSIONS INSPECTION LAW OF 2005
[625 ILCS 5/13C-20]

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
EMISSION STANDARDS AND)
LIMITATIONS FOR MOBILE)
SOURCES: PROPOSED)
AMENDMENTS TO 35 ILL. ADM.)
CODE PART 240)

R11- 19
(Rulemaking - Air)

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4. Motion for Waiver of Copy Requirements
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6. Synopsis of Testimony
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10. *Technical Support Document: Proposed Amendments To 35 Ill. Adm. Code Part 240 Based On The Implementation Of The Vehicle Emissions Inspection Law Of 2005 (625 ILCS 5/13C)*, Illinois Environmental Protection Agency, October 2010.
11. Documents Relied On:
 - Clean Air Act (42 U.S.C. 7401 *et. seq.*)
 - Vehicle Emissions Inspection Law of 2005 (625 ILCS 5/13C)
 - 40 CFR Part 51, Subpart S (2009)
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66 Fed. Reg. 18156-18179 (April 5, 2001)

"Reinventing the Illinois I/M Program, 2005 Clean Air Conference," James Matheny, Illinois Environmental Protection Agency, September 2005.

"The Road to OBD Only Insights and Changes, I/M Solutions," Stephen W. Thorpe, Illinois Environmental Protection Agency, June 2, 2009.

"VOC Reduction (TPD) for the Chicago Area from the Pre-'07 I/M Program and the '07-On I/M Program," Sam Long, Illinois Environmental Protection Agency, June 11, 2009.

"VOC Reduction (TPD) for the Metro-East Area from the Pre-'07 I/M Program and the '07-On I/M Program," Sam Long, Illinois Environmental Protection Agency, October, 2010.

12. Certificate of Service
13. Disk in Microsoft WORD containing Proposed Amendments to Part 240 and First Notice form

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AMENDMENTS TO 35 ILL. ADM.)
CODE PART 240)

NOTICE OF FILING

TO: John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Matthew Dunn, Chief
Division of Environmental Enforcement
Office of the Attorney General
James R. Thompson Center
69 West Washington, Suite 1800
Chicago, Illinois 60602

Virginia Yang, Deputy Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL entitled "EMISSION STANDARDS AND LIMITATIONS FOR MOBILE SOURCES: PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE PART 240," MOTION FOR WAIVER OF COPY REQUIREMENTS, and APPEARANCE of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: December 6, 2010

1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544
(217) 782-9143 (TDD)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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Pollution Control Board

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R11- 19
(Rulemaking - Air)

APPEARANCE

The undersigned hereby enters his Appearance on behalf of the Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: December 6, 2010

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P.O. Box 19276
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MOTION FOR WAIVER OF COPY REQUIREMENTS

NOW COMES the Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board ("Board") waive the requirement that the Illinois EPA submit the original and nine copies of the regulatory proposal including all documents relied upon, and waive the requirement that the Illinois EPA provide copies of certain documents relied upon. In support of its Motion, the Illinois EPA states as follows:

1. Section 102.200 of the Board's procedural rules requires that the original and nine copies of each regulatory proposal be filed with the Clerk. 35 Ill. Adm. Code 102.200. Section 27(a) of the Environmental Protection Act also requires that the Illinois EPA provide information supporting a regulatory proposal. 415 ILCS 5/27(a).

2. The Illinois EPA directly relied upon several documents when drafting the regulatory proposal. The documents relied upon are as follows:

- a. Clean Air Act (42 U.S.C. 7401 *et. seq.*)
- b. Vehicle Emissions Inspection Law of 2005 (625 ILCS 5/13C)
- c. 40 CFR Part 51, Subpart S (2009)
- d. 40 CFR Part 85, Subpart W (2009)

e. 66 Fed. Reg. 18156-18179 (April 5, 2001)

f. "Reinventing the Illinois I/M Program, 2005 Clean Air Conference,"
James Matheny, Illinois Environmental Protection Agency, September

2005
g. "The Road to OBD Only Insights and Changes, I/M Solutions," Stephen
W. Thorpe, Illinois Environmental Protection Agency, June 2, 2009.

h. "VOC Reduction (TPD) for the Chicago Area from the Pre-'07 I/M
Program and the '07-On I/M Program," Sam Long, Illinois Environmental
Protection Agency, June 11, 2009.

i. "VOC Reduction (TPD) for the Metro-East Area from the Pre-'07 I/M
Program and the '07-On I/M Program," Sam Long, Illinois Environmental
Protection Agency, October, 2010.

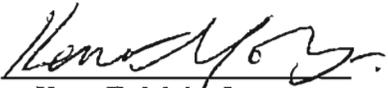
3. Several of the documents described above – the Clean Air Act, Vehicle Emissions Inspection Law of 2005, Federal Register document, and several portions of the Code of Federal Regulations, are readily accessible to or are within the possession of the Board. Given the ease of accessibility of these documents, listed as items (a), (b), (c), (d), and (e) above, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of such documents.

4. The remainder of the regulatory proposal consists of over 800 pages. Given the length of the proposal and the resources required to provide nine copies, the Illinois EPA requests that the Board waive the normal copy requirements and allow Illinois EPA to file the original and four complete copies of such documents.

WHEREFORE, for the reasons set forth above, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of the documents listed as items (a), (b), (c), (d), and (e) and waive the requirement that the Illinois EPA provide an original and nine copies of the remaining documents in its proposal, allowing the Illinois EPA to provide the original and four copies.

Respectfully Submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Kent E. Mohr Jr.
Assistant Counsel
Division of Legal Counsel

DATED: December 6, 2010

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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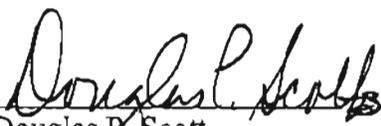
R11- 19
(Rulemaking - Air)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
PROPOSAL OF REGULATIONS

The Illinois Environmental Protection Agency hereby moves that the Illinois
Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Douglas F. Scott
Director

DATED: November 05, 2010

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-3397

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SYNOPSIS OF TESTIMONY

It is currently anticipated that the Illinois Environmental Protection Agency will provide three witnesses in support of the regulatory proposal: Michael S. Hills, Technical Services, Division of Mobile Source Programs; Stephen W. Thorpe, Manager, Compliance Assurance, Division of Mobile Source Programs; and Sam Long, Technical Services, Division of Mobile Source Programs. Mr. Hills and Mr. Thorpe will provide testimony on all aspects of the regulatory proposal. Mr. Long will provide testimony with respect to certain documents relied upon.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATEMENT OF REASONS

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) hereby submits this Statement of Reasons to the Illinois Pollution Control Board (“Board”) pursuant to Sections 10, 27 (excluding subsection (b)), and 28 of the Illinois Environmental Protection Act (“Act”) [415 ILCS 5/10, 27, and 28 (2009)], 35 Ill. Adm. Code Sections 102.200 and 102.202, and Section 13C-20(a) of the Vehicle Emissions Inspection Law (“VEIL”) of 2005 [625 ILCS 5/13C-20(a)] in support of the attached proposed amendments. Included in this proposal is a repeal of the transient loaded mode (“IM240”) test emission standards, developed by the United State Environmental Protection Agency (“USEPA”) and implemented for use in the Illinois enhanced vehicle inspection and maintenance program (“Illinois program”) for the Chicago and Metro-East St. Louis nonattainment areas. This amendment proposes a repeal of the IM240 test emission standards due to full implementation of the onboard-diagnostic (“OBD”) pass/fail emission inspection test and emission test standards mandated by the USEPA and required as the primary emission inspection test specified by the VEIL of 2005 in the Illinois program. In addition, this amendment proposes a repeal of all pre-1996 test standards as the VEIL of 2005 only requires testing of 1996 and newer subject vehicles. Further, this amendment proposes a clean-up to definitions and incorporations by reference consistent with a repeal of the IM240 test emission standards, and other minor clean-up amendments. This proposal amends the most recent version of Part 240 as found on the Board's website.

I. STATUTORY AUTHORITY FOR RULEMAKING

Section 10(A) of the Act provides the Board's general authority for rulemaking addressing air pollution. Section 10(A) states in pertinent part: "The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes of this Title." 415 ILCS 5/10(A) (2009). Further, Section 27(a) of the Act confers general substantive rulemaking authority upon the Board and the contents of this regulatory proposal are clearly within these general rulemaking powers of the Board. This proposal is being filed as a regulatory proposal of general applicability pursuant to Sections 27 (excluding subsection (b)) and 28 of the Act. 415 ILCS 5/27 and 28 (2009). It is not being proposed as an identical-in-substance, fast-track or federally required rulemaking. In evaluating this proposal, the Board is required to take into account "the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution." 415 ILCS 5/27(a) (2009). In addition, this proposal is being filed under the authority of Section 13C-20(a) of the VEIL of 2005. 625 ILCS 5/13C-20(a) (2009). Section 20(a) of the VEIL of 2005 states, in relevant part, that the Board is required to adopt standards necessary for the enhanced inspection and maintenance program within 120 days after the Agency proposes those standards to the Board, and that:

"...subsection (b) of Section 27 of the Environmental Protection Act and the rulemaking provisions of the Illinois Administrative Procedure Act do not apply to rules adopted by the Board under this subsection."

625 ILCS 5/13C-20(a) (2009).

The Agency believes that the proposed rules contained herein constitute those rules

referenced by the above statutory requirement, and that the Board will insure adoption of such rules within the required timeframe.

II. STATEMENT OF FACTS

Section 182 of the Clean Air Act (“CAA”) requires the implementation of vehicle inspection and maintenance (“I/M”) programs in areas not meeting the National Ambient Air Quality Standards (“NAAQS”) for ozone. 42 U.S.C. § 7511a (2009). By way of background, the 1977 CAA Amendments required vehicle I/M programs in areas with long standing air quality problems. 57 Fed. Reg. 52950 (Nov. 5, 1992). The 1990 CAA Amendments expanded the role of I/M programs as an attainment strategy. *Id.* These amendments mandated the use of “basic” or “enhanced” I/M programs and required USEPA to develop different performance standards for these two programs. *Id.* The performance standard is the minimum amount of emission reductions that a program is required to achieve based on USEPA’s model program. *Id.* Thus, in achieving the performance standard, a state must use USEPA’s mobile source emission factor model available at the time of state implementation plan (“SIP”) submittal to demonstrate that its program will achieve emission levels that are equal to or lower than those achieved by USEPA’s model program. *Id.* Also, the 1990 Amendments required USEPA to address requirements for design elements and program implementation issues for both programs. *Id.* Basic I/M programs are required in “marginal” ozone nonattainment areas with existing I/M programs and in “moderate” ozone nonattainment areas. 42 U.S.C. § 7511a (2009). Enhanced I/M programs are required in “serious,” “severe,” and “extreme” ozone nonattainment areas with urbanized populations of 200,000 or more. *Id.* In Illinois, there are two areas classified nonattainment for ozone: the Chicago metropolitan area which was classified as “severe” under the revoked 1-hour ozone standard and now classified as “moderate” under the current 8-hour

standard; and the Metro-East St. Louis area which was redesignated to attainment of the 1-hour standard and is now classified as “moderate” nonattainment for ozone under the current 8-hour standard. 40 C.F.R. § 81.314 (2009). While enhanced I/M was required in the Chicago area and not required in the Metro-East St. Louis area, Illinois chose to implement enhanced I/M in the Metro-East St. Louis area as part of its strategy to meet attainment of the ozone standard. Today, Illinois continues to implement enhanced I/M in both the Chicago and Metro-East St. Louis areas as part of its strategy to meet attainment of the ozone standard.

USEPA has promulgated final regulations containing emissions testing standards and procedures for use in enhanced I/M testing programs, which it has amended over the years [40 CFR Part 51, Subpart S and 40 CFR Part 85, Subpart W]. In response to federal requirements, Illinois enacted the VEIL, amended over the years, which mandates and sets forth requirements for enhanced vehicle I/M testing and provides authority for the Agency to meet USEPA’s enhanced I/M testing and performance criteria. *See* 625 ILCS 5/13C (2009). In addition, the Board adopted the test standards necessary for implementation of enhanced I/M in 35 Ill. Adm. Code Part 240 [R94-20 at 18 Ill. Reg. 18013 (eff. Dec. 12, 1994), R94-19 at 18 Ill. Reg. 18228 (eff. Dec. 20, 1994), R98-24 at 22 Ill. Reg. 13723 (eff. Jul. 13, 1998, expedited correction at 22 Ill. Reg. 21120, eff. Jul. 13, 1998), R01-12 at 24 Ill. Reg. 19188 (eff. Dec. 18, 2000), and R02-8 at 25 Ill. Reg. 16379 (eff. Dec. 18, 2001)]. Further, the Agency has adopted procedural rules relating to implementation of the Illinois program at 35 Ill. Adm. Code Part 276, and is currently updating such rules.

This rulemaking proposes to repeal the IM240 test emission standards, including definitions, incorporations, and related language consistent therewith; proposes to repeal all pre-1996 test emission standards based on the VEIL of 2005; and proposes other minor clean-up

amendments.

III. PURPOSE AND EFFECT OF THE PROPOSAL

As stated *supra*, Section 182 of the CAA requires implementation of I/M programs in areas not meeting the NAAQS for ozone. Also as stated *supra*, the Chicago metropolitan and Metro-East St. Louis areas are currently designated nonattainment for ozone under the 8-hour standard. Federal regulations require the adoption by states of standards that result in a reduction of vehicle emissions through testing procedures meeting, or exceeding, the amount of emissions that would be reduced if its "model" I/M program design was implemented. 57 Fed. Reg. 52950. USEPA requires certain design elements to be a part of any enhanced I/M program, but allows states to vary certain elements and program inputs as long as the plan achieves the same or greater reductions in emissions than those required by USEPA's applicable performance standard. *Id.* The enhanced performance standard requires the following program elements: (1) network type; (2) required start date; (3) annual test frequency; (4) model year coverage; (5) vehicle type coverage; (6) exhaust emission test type; (7) emission standards; (8) emission control device inspections; (9) evaporative system function checks; (10) stringency or failure rate; (11) waiver rate; (12) compliance rate; and (13) evaluation date. 40 C.F.R. § 51.351 (2009). As stated *supra*, the Board has adopted required test emission standards for the enhanced Illinois program in 35 Ill. Adm. Code 240 and the Agency has adopted certain procedural rules incorporating required program elements to implement the Illinois program in 35 Ill. Adm. Code 276. Such rules have been submitted to USEPA, Region V, and approved as revisions to the Illinois SIP. *See* 61 Fed. Reg. 38582 (July 25, 1996) and 64 Fed. Reg. 8517 (Feb. 22, 1999). The Illinois EPA will be submitting these rules, as adopted, to USEPA, Region V, for approval and inclusion into the Illinois SIP as well.

Based on the CAA Amendments of 1990, in 1992, USEPA promulgated I/M regulations; however, it reserved sections for OBD I/M testing which it was still developing. 57 Fed. Reg. 52950. Consequently, in 1992, there was no requirement for OBD testing of subject vehicles. In 1996, USEPA amended the 1992 I/M rule and established OBD I/M requirements for I/M performance standards. 61 Fed. Reg. 40940 (Aug. 6, 1996). This 1996 amendment established the mandatory requirement for OBD testing of 1996 and newer vehicles. *Id.* However, this amendment did not require implementation of OBD testing until 1998 or 1999 depending on the area, and a vehicle required to have an OBD test would not fail the overall vehicle inspection and maintenance test if it failed the OBD test until January 1, 2000. *Id.* Therefore, full implementation of OBD pass/fail was extended out into future years.

In 1998, USEPA amended the I/M rule to delay the date by which I/M programs had to implement OBD testing to no later than January 1, 2001, due to pending studies of the effectiveness of OBD testing. 63 Fed. Reg. 24429 (May 4, 1998). In 2001, USEPA amended the I/M rule to update and streamline OBD I/M requirements for effective implementation of OBD I/M testing. 66 Fed. Reg. 18156 (April 5, 2001). In this amendment, USEPA, among other things, provided states with several options for extending the current deadline for implementation of mandatory OBD testing, ultimately allowing until January 1, 2003, for implementation, plus an optional phase-in of OBD testing for one test cycle. *Id.*

OBD I/M pass/fail testing is now required for all subject vehicles of model year 1996 and newer. *See* 40 C.F.R. § 51.351(c) (2009) and 40 C.F.R. § 51.357(b)(4) (2009). In addition, federal regulations allow states to utilize the OBD I/M test and test standards in lieu of the obsolete and non-beneficial IM240 and other exhaust and evaporative tests. *See* 40 C.F.R. § 51.357(a)(12) (2009) and 66 Fed. Reg. 18156. Further, federal regulations allow states to vary

vehicle model year coverage from USEPA's model program assumptions regarding vehicle model year coverage provided necessary emission reductions are achieved. 40 C.F.R. § 51.356 (2009).

The VEIL was originally adopted by the Illinois legislature in 1984 and provided authority for an I/M program. 625 ILCS 5/13A (1984). In 1994, the Illinois legislature adopted the VEIL of 1995 which provided authority for the Agency to implement enhanced I/M. 625 ILCS 5/13B (1995). In addition, the VEIL of 1995 provided for testing of model year 1968 and newer subject vehicles, centralized testing (test-only, no repair), and required inspections to consist of a loaded mode exhaust gas analysis, evaporative system integrity test, OBD system check, and verification that all required emission-related recall repairs were made, among other requirements. *Id.* The elements of the VEIL of 1995 were based on USEPA's model I/M program, with some approved variation.

In 2005, the Illinois legislature adopted the VEIL of 2005, which, among other things, added definitions relating to OBD testing, added the OBD test as the primary I/M test and maintained the steady-state idle exhaust and evaporative system integrity test as secondary tests, removed the transient loaded mode test, exempted vehicles of model year 1995 and older from I/M testing, and allowed for a hybrid program (emissions testing and repair). The VEIL of 2005 was based on amendments to federal rules (mandatory OBD pass/fail testing) and programmatic improvements and modifications necessary in the enhanced Illinois program, while, at the same time, continuing to assist in bringing Illinois 8-hour ozone nonattainment areas into attainment.

The purpose of this proposal is to repeal the IM240 test emission standards, including corresponding definitions and references. The effect of repealing the IM240 test emission standards is to essentially reflect full applicability of federal OBD pass/fail testing in accordance

with, and as required by, federal law and the VEIL of 2005. All other test standards (OBD, steady-state idle exhaust, evaporative system integrity, and on-road remote sensing) remain in the rule. Concurrently with this proposal, the Agency will be proposing amendments to the Agency's I/M procedural rules located at 35 Ill. Adm. Code Part 276 to reflect full applicability of the federal OBD pass/fail test as the primary inspection and maintenance test; to reflect other changes consistent with the VEIL of 2005; and also to make other programmatic changes.

Another purpose of this rulemaking is to repeal all pre-1996 test emission standards as a result of the exemption of 1995 and older vehicles from emissions testing in accordance with the VEIL of 2005. This includes pre-1996 test emission standards for the steady-state idle exhaust, evaporative system integrity, and on-road remote sensing tests. Finally, this rulemaking proposes minor clean-up amendments which consist of updates and corrections to the rule.

IV. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

The geographic regions that are subject to this proposal include those "affected counties" as defined in Section 13C-5 of the VEIL of 2005. 625 ILCS 5/13C-5 (2009). Specifically included are the following counties in the Chicago and Metro-East St. Louis areas: Cook, DuPage and Lake, and portions of Kane, Kendall, McHenry, Will, Madison, Monroe and St. Clair counties. The sources affected by this proposal include motor vehicles subject to the provisions of the VEIL of 2005 and the owners of such vehicles. The Illinois EPA has not included a list of affected sources with this proposal due to the burden of compiling such a substantial list of sources. However, for the year 2008/2009 test cycle, there were approximately 3.2 million initial tests conducted in the State. For the 2012/2013 test cycle, the Illinois EPA estimates that there will be 3.6 million initial tests conducted in the State. The affected sources will not be negatively impacted by this proposal because it reduces the population of affected

vehicles and does not impose any additional requirements.

V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

Section 27 of the Act requires the Board to consider the technical feasibility and economic reasonableness of all rulemaking proposals. In this rulemaking, the Illinois EPA is not proposing any new technology or requirements. The federal OBD test standards, which replace the IM240 test emission standards as the primary inspection test standards, have already been incorporated into Part 240. Further, the OBD pass/fail test is required by federal regulations, the VEIL of 2005, and the Illinois EPA's procedural rules at 35 Ill. Adm. Code Part 276. As stated *supra*, federal regulations allow the OBD test to replace other emissions tests, such as the IM240 test. In addition, the removal of the IM240 test procedures (concurrently proposed in amendments to 35 Ill. Adm. Code Part 276) and IM240 test standards dramatically reduce the cost of the Illinois program and are not economically reasonable to retain. In addition, 1995 model year and older vehicles are exempt from the emissions inspection requirement as specified by the VEIL of 2005 and allowed by federal regulations. This exemption was established because these vehicles are becoming outdated and being replaced by newer and more efficient vehicles. The Illinois EPA's analysis, explained in detail in sections entitled "Elimination of Transient Loaded Mode Exhaust Test (IM240)" and "Exemption of Pre-1996 Model Year Vehicles" of the Technical Support Document, further demonstrates the technical feasibility and economic reasonableness of the Illinois EPA's proposal.

VI. COMMUNICATION WITH INTERESTED PARTIES

As required by the CAA, the Board conducted rulemaking proceedings relating to adoption of I/M test standards throughout the 1990s and early 2000s. Those required rulemakings were approved and adopted by the Board, including the IM240 test emission

standards and the OBD test emission standards. In addition, at various times during the 1990s, the Agency adopted procedural rules necessary for implementing the enhanced I/M program, and will simultaneously amend such rules to be consistent with this rulemaking and also for the purpose of updating other aspects of the enhanced I/M program. Further, as the bulk of this proposal (repeal of the IM240 test emission standards and exemption of pre-1996 vehicles) is effectuating amendments to the VEIL of 2005, significant public outreach was conducted through the legislative process. Additional amendments simply involve minor updates, clarifications and corrections.

VII. ILLINOIS EPA'S PROPOSAL

The following is a section-by-section summary of the Illinois EPA's proposal.

SUBPART A: Definitions and General Provisions

Section 240.102: Definitions

This Section sets forth the definitions used in this Part. The Illinois EPA proposes to clarify that terms defined in the VEIL of 2005, and used in this Part, apply to this Part. Also, the Illinois EPA proposes to repeal the following definitions: "adjusted loaded vehicle weight;" "IM240;" "loaded mode;" "loaded vehicle weight;" and "transient loaded mode test" because these definitions all relate to the IM240 test emission standards proposed to be repealed with this rulemaking. In addition, the Illinois EPA proposes to repeal the definition of "full power position" because it is no longer referenced in the Part. Further, the Illinois EPA proposes to revise the definitions of "steady-state idle test" and "preconditioning mode" to reflect the removal of the loaded pre-conditioning mode requirement in the steady-state idle exhaust test.

Section 240.104: Inspection

This Section sets forth references to various emission standards which subject vehicles

must comply with when tested. The Illinois EPA proposes to remove references to Sections 240.162 and 240.163 relating to IM240 test emission standards as such standards are proposed to be repealed with this rulemaking and also to update the reference of the VEIL to its current version.

Section 240.105: Penalties

This Section sets forth the penalties associated with noncompliance. The Illinois EPA proposes to remove references to Sections 240.162 and 240.163 relating to IM240 test emission standards as such standards are proposed to be repealed with this rulemaking and also to make other minor grammatical revisions.

Section 240.106: Determination of Violation

This Section sets forth methods for determining violations of various standards contained in this Part. The Illinois EPA proposes to remove reference to Sections 240.162 and 240.163 relating to the IM240 test emission standards as such standards are proposed to be repealed with this rulemaking and also other minor grammatical revisions.

Section 240.107: Incorporations by Reference

This Section sets forth the documents that are incorporated by reference with this Part. The Illinois EPA proposes to remove the IM240 technical guidance document in subsection (b) of this Section as such guidance will no longer be applicable with the repeal of the IM240 test emission standards.

SUBPART D: Steady-State Idle Mode Test Emission Standards

Section 240.151: Applicability

This Section sets forth applicability of the steady-state idle exhaust emission standards. The Illinois EPA proposes to clarify the applicability of this Section and update the reference of

the VEIL to its current version.

Section 240.152: Steady-State Idle Mode Vehicle Exhaust Emission Standards

This Section sets forth steady-state idle exhaust emission standards for subject vehicles. The Illinois EPA proposes to repeal pre-1996 steady-state idle exhaust emission standards because 1996 and newer vehicles are the only vehicles subject to the emissions inspection requirement of the VEIL of 2005.

Section 240.153: Compliance Determination

This Section sets forth the method for determining compliance with the steady-state idle exhaust emission standards. The Illinois EPA proposes to remove reference to the loaded preconditioning mode because it is no longer utilized.

SUBPART E: Transient Loaded Mode Test Emission Standards

Section 240.161: Applicability

This Section sets forth applicability of the IM240 test emission standards. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 emission standards must be repealed.

Section 240.162: Vehicle Exhaust Emission Start-Up Standards

This Section sets forth effective dates for vehicles subject to the IM240 vehicle exhaust emission start-up standards. These standards are applicable to vehicles by cross-referencing those standards contained in Table A to this Part. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 test emission standards must be repealed.

Section 240.163: Vehicle Exhaust Emission Final Standards

This Section sets forth effective dates for vehicles subject to IM240 vehicle exhaust

emission final standards. These standards are applicable to vehicles by cross-referencing those standards contained in Table B to this Part. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 test emission standards must be repealed.

Section 240.164: Vehicle Exhaust Emission Fast-Pass Standards

This Section sets forth the applicability of IM240 vehicle exhaust emission fast-pass standards to subject vehicles. These standards are applicable to vehicles by cross-referencing those standards contained in Table C to this Part. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 test emission standards must be repealed.

Section 240.165: Compliance Determination

This Section sets forth methods for determining compliance with IM240 test emission standards. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the methods for determining compliance must be repealed.

SUBPART F: Evaporative Test Standards

Section 240.171: Applicability

This Section sets forth the model year applicability for vehicles subject to the evaporative test standards. The Illinois EPA proposes to clarify the applicability of this Section.

SUBPART G: On-Road Remote Sensing Test Emission Standards

Section 240.181: Applicability

This Section sets forth the applicability of on-road remote sensing test emission standards to subject vehicles. The Illinois EPA proposes an update to this Section to clarify the applicability of this Section and to reflect the Illinois EPA's past promulgation of on-road remote

sensing exhaust emission test procedures.

Section 240.182 On-Road Remote Sensing Emission Standards

This Section sets forth the on-road remote sensing emission standards for subject vehicles. The Illinois EPA proposes to repeal pre-1996 on-road remote sensing emission standards because 1996 and newer vehicles are the only vehicles subject to the emission inspection requirement of the VEIL of 2005.

SUBPART H: On-Board Diagnostic Test Standards

Section 240.191 Applicability

This Section sets forth the applicability of the OBD test emission standards. The Illinois EPA proposes to clarify the applicability of this Section. In addition, the Illinois EPA proposes to repeal the last sentence of this Section to reflect full implementation of “pass/fail” OBD testing.

Section 240.Table A Vehicle Exhaust Emission Start-Up Standards

This Section sets forth a table of IM240 vehicle exhaust emission start-up standards. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 emission standards must be repealed.

Section 240.Table B Vehicle Exhaust Emission Final Standards

This Section sets forth a table of IM240 vehicle exhaust emission final standards. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute; therefore, the IM240 test emission standards must be repealed.

Section 240.Table C Vehicle Exhaust Emission Fast-Pass Standards

This Section sets forth a table of IM240 vehicle exhaust emission fast-pass standards. The Illinois EPA proposes to repeal this Section because the IM240 test is not allowed by statute;

therefore, the IM240 test emission standards must be repealed.

VIII. CONCLUSION

For the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and respectfully requests the Board to adopt these amendments for the State of Illinois.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
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