

ILLINOIS POLLUTION CONTROL BOARD  
December 1, 1994

IN THE MATTER OF: )  
 )  
ENHANCED VEHICLE INSPECTION AND ) R94-19  
MAINTENANCE (I/M) REGULATIONS ) (Rulemaking)  
AMENDMENTS TO 35 ILL. ADM. CODE )  
240 )

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by G. Tanner Girard):

This matter is before the Board on a July 20, 1994 proposal filed by the Illinois Environmental Protection Agency (Agency). The Agency filed this proposal pursuant to Section 28.5 of the Environmental Protection Act (Act) [415 ILCS 5/28.5 (1992)] and Section 13B-20 of the Vehicle Emission Inspection Law of 1995 (VEIL) [625 ILCS 5/13B-20, as added by P.A. 88-533, effective January 18, 1994].

By this opinion and order the Board adopts amendments that pertain to a vehicle inspection and maintenance program for the Chicago and metropolitan East St. Louis areas of the state. The purpose is to aid the Illinois Environmental Protection Agency (Agency) in assembling an acceptable State Implementation Plan (SIP) for ozone for these two areas of the state for submission to the U.S. Environmental Protection Agency (U.S. EPA).

As discussed more fully below, this proceeding involves Board adoption of one segment of a set of regulations to provide for an enhanced vehicle emissions inspection and maintenance (I/M) program for Illinois. Another segment is involved in docket R94-20, which bears a nearly identical caption. This proceeding involves testing for vehicle engine exhaust emissions. R94-19 involves testing vehicle fuel evaporative emissions. These two dockets represent the whole of the Board's rules of the enhanced I/M program. The Agency will independently implement other aspects of the program.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) [415 ILCS 5 (1992)]. The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois". More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions; the Illinois Environmental Protection Agency is responsible for carrying out the principal administrative duties. The latter's duties include administering today's regulation.

### Procedural Summary

On July 20, 1994, the Agency filed this proposal for rulemaking pursuant to Section 28.5(e) of the Environmental Protection Act and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] (see P.A. 88-533, effective January 18, 1994). The Board accepted the proposal for hearing and proposed amendments for First Notice publication in the Illinois Register on July 21, 1994 pursuant to Section 28.5(f), which required the Board to submit the proposed amendments for First Notice publication within 14 days. A Notice of Proposed Amendments appeared in the Register on August 5, 1994, at 18 Ill. Reg. 12021. The Board conducted a public hearing on September 8, 1994 pursuant to Section 28.5(g) of the Act, which required the Board to conduct a hearing within 55 days. The transcript of that hearing was available on September 14, 1994. The hearing officer subsequently cancelled hearings previously scheduled for October 7 and 21 at the request of the Agency, because we received no objection to the rule from the United States Environmental Protection Agency (U.S. EPA), and because no person submitted a request for hearing by September 15, 1994. Therefore the record closed in this matter on September 28, 1994 pursuant to Section 28.5(l) of the Act.

The Joint Committee on Administrative Rules (JCAR) voted an objection to the proposed amendments pursuant to Sections 5-110 of the Administrative Procedure Act (APA) [5 ILCS 100/5-110] on November 15, 1994. The substance of that objection was as follows:

At its meeting on November 15, 1994, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the stringent standards will cause economic hardship on the affected public and because [the Board]'s action to adopt these standards is premature. The federal Vehicle Emissions Standards program may be altered before its anticipated full implementation in late 1995.

In a separate segment of this opinion and order, the Board has refused to modify the amendments in response to the JCAR objection pursuant to Section 5-110(c)(3) of the APA. Basically, we cite our legislative mandates as the basis for this refusal. Therefore, we proceed to adopt the proposed amendments.

### Statutory and Regulatory Requirements

The Board initially adopted a vehicle "inspection and maintenance" (I/M) program as part of 35 Ill. Adm. Code 240 in R85-25 in 1986. Sections 182(b) and (c) of the federal Clean Air Act (CAA), as amended in 1990, require the use of I/M programs in areas not meeting the national ambient air quality standards

(NAAQS) for ozone or carbon monoxide. The CAA specifies the use of "basic" I/M programs in "moderate" nonattainment areas and in "marginal" nonattainment areas with existing I/M programs. It requires the use of "enhanced" I/M programs in "serious", "severe", and "extreme" ozone nonattainment areas with urbanized populations of 200,000 or more. In Illinois, the Chicago and Metro-East St. Louis (Metro-East) areas are classified as "severe" and "moderate" nonattainment for ozone, respectively. As such, they are subject to the federal I/M requirement.

Illinois recently adopted the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B), P.A. 88-533, effective January 18, 1994. That statute provides authority for the Agency to implement an enhanced I/M program and meet U.S. EPA's requirements for such a program. P.A. 88-533 mandates enhanced I/M testing for the Metro-East area and certain portions of the Chicago nonattainment area.

P.A. 88-533, at new Section 13B-20, mandates that the Agency propose and the Board adopt enhanced I/M rules by the identical-in-substance rulemaking procedure. The Agency proposed codified U.S. EPA emissions standards concerning evaporative system pressure and purge testing for the enhanced I/M program in companion docket R94-20, proposed by the Board for public comment on July 21, 1994, by identical-in-substance procedures under Section 28.4 of the Act, and adopted this same date. However, major portions of the federal enhanced I/M scheme are not codified in federal regulations, but exist only as federal guidance. Section 7.2 of the Act, which defines "identical-in-substance" rulemaking and establishes conditions for its use, allows the Board only to adopt federal rules using the identical-in-substance procedure.

The Agency accordingly chose to use the next most expedient procedural mechanism, that of Section 28.5 "fast-track" rulemaking (415 ILCS 5/28.5), since this rulemaking also implements the requirements of the federal CAA. The Agency's proposal represented the procedural means by which the Agency sought to achieve the mobile source emissions standards necessary for the implementation of the enhanced I/M program. The standards proposed incorporate federal guidance.

#### Review of Record

Section 28.5(f) required the Board to publish the Agency's proposal as received by the Agency, without substantive review. Section 28.5(m) prohibited the Board from revising the Agency's proposal until after the close of the record unless the Agency agreed to the changes. That provision restricts the Board in the scope of any revisions during the course of this proceeding to those "based on the record".

The substantive record consists of the Agency's proposal and accompanying documents; the transcript of the September 8 hearing; four exhibits tendered by the Agency at hearing; the document entitled "Identical First Notice Line Numbered Version", in which JCAR indicates its suggested corrections to the proposed rules; and five public comments. The exhibits tendered include an Agency errata sheet (Ex. 1); the personal resume of Elizabeth R. Tracy, Program Manager, Division of Vehicle Inspection and Maintenance for the Agency (Ex. 2); the personal resume of James R. Matheny, P.E., Manager, Technical Services Section, Division of Vehicle Inspection and Maintenance for the Agency (Ex. 3); and the personal resume of Ronald L. Wohrle, Manager, Field Services Section, Division of Vehicle Inspection and Maintenance for the Agency (Ex. 4). The public comments received were as follows:

- PC 1 Illinois Department of Commerce and Community Affairs, by Linda D. Brand, Manager of Regulatory Flexibility Unit (to Vicki Thomas, Executive Director, JCAR), received August 11, 1994
- PC 2 Browning-Ferris Industries, by William R. Uffelman, Divisional Vice President, Government Affairs, Midwest Region, received August 31, 1994
- PC 3 Office of the Secretary of State, by Connie Bradway, Index Department, Administrative Code Division, received September 7, 1994
- PC 4 City of Chicago, by Maribeth Flowers, Assistant Corporation Counsel, received September 19, 1994
- PC 5 Agency, by Christopher P. Demeroukas, Assistant Counsel, Division of Legal Counsel, received September 30, 1994

By PC 1, DCCA asserted that it defers to the findings of the Board with regard to the impact of the proposed rules on small businesses in Illinois. By PC 2, Browning-Ferris Industries (BFI) voiced general support for the proposed rules, while suggesting a single change in the proposed regulatory language to enhance clarity. The Secretary of State, by PC 3, suggested two minor format revisions to the proposed text. By PC 4, the City of Chicago voiced general support for the proposed rules, highlighting the need for prompt adoption, in order to achieve the benefits of improved regional air quality and in order to avoid federal sanctions. The proposed changes suggested by PC 2 and PC 3 are discussed below.

At the public hearing, the Agency described the background for its proposal, including the statutory and regulatory background behind the proposal. The Agency described that the CAA required Illinois to have submitted the statutory and

regulatory authority for a new vehicle I/M program by November 15, 1993. The Agency stated that U.S. EPA notified Illinois on December 30, 1993 that it would disapprove a proposed SIP revision, thus triggering the federal sanctions provisions of the CAA. Illinois is required to submit a complete SIP request involving a new vehicle I/M program within 18 months (i.e., by June 30, 1995) or face federal sanctions. The possible sanctions reportedly include an imposed one-for-one emissions offset for new sources and the withdrawal of an estimated \$710,000,000 in federal highway funds. The Agency described how the General Assembly adopted P.A. 88-533 to confer the necessary statutory authority in January, 1994, and how the present proposal flowed from that authority. (Tr. 10-12.)

According to the Agency, U.S. EPA developed a performance standard at 40 CFR 51, Subpart S for an I/M program. In that regulation, U.S. EPA sets forth the elements of an acceptable program and the expected emissions reductions a state must meet to have an acceptable program. The Agency asserted that most of the elements of the performance standard are not strictly required by U.S. EPA, so long as the emissions reductions achieved by the state meet the federal objectives. The Agency stated that U.S. EPA has embodied additional standards into guidance documents, upon which the Agency relied in assembling the proposed vehicle I/M program amendments. The Agency asserted that the Board's adoption of the proposed amendments would allow the state to meet the federal objectives. (Tr. 12-14.)

The Agency presented the testimony of Elizabeth R. Tracy and James R. Matheny at hearing. Ms. Tracy is in charge of the operations of the Illinois vehicle emissions testing program. She stated that the program presently tests 2,400,000 vehicles each year at 19 stations in and around Chicago and three in the Metro-East area, with 90 test lanes. The tests are performed by a contractor whose contract expires after 1995. Since 1986, the program has performed nearly 20,000,000 vehicle tests. The present test includes an emissions control systems tamper check and a high idle/low idle tailpipe emissions test. (Tr. 20-21.)

Ms. Tracy asserted that an enhanced I/M program is mandated for the Chicago area by federal law. Illinois has decided to apply the enhanced program to the Metro-East area to aid in achieving the federally-required 15 percent reduction in volatile organic material (VOM) emissions for that area by 1996.<sup>1</sup> Ms. Tracy stated that the proposed enhanced vehicle I/M program would help identify gross polluting vehicles, thus increasing the

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<sup>1</sup> The Board notes that this is the goal for the Chicago and Metro-East areas of the four "15% RAP plan" proceedings filed by the Agency to date: R94-12, R94-15, R94-16, and R94-21.

efficiency and efficacy of a repair program and encouraging proper maintenance. It would also upgrade quality assurance. The proposed new test, called the "IM 240" for its 240 second test cycle, would test 1981 and newer vehicles under load on a dynamometer. The program would include tests of the fuel evaporative emissions control system, a check of the on-board vehicle emissions control diagnostic system, and on-road testing of emissions by remote sensors. She stated that adoption of the Agency proposal is "an integral and necessary step" towards compliance with the federal requirements. Ms. Tracy estimated that the number of vehicles included in the program will expand by about five percent in the Chicago area (by about 330,000 vehicles) and by about 121 percent (by about 185,000 vehicles) in the Metro-East area as a result of the new Vehicle Emissions Inspection Law of 1995. (Tr. 22-25.)

Ms. Tracy asserted that the Agency would attempt to build conveniences into the enhanced I/M program. These include a testing location within 12 miles of each motorist's home and a maximum 20-minute waiting period for testing. Staggered, biennial testing will reduce the frequency of testing for most vehicles. (Tr. 24-25.)

Ms. Tracy stated that the Agency will implement the enhanced testing program initially by adopting its own regulations for the operation of the program. Once the Board has adopted regulations based on the Agency proposal and the Agency has adopted the operational regulations, the Agency will submit a complete SIP revision proposal to U.S. EPA. (Tr. 26; see Tr. 50-51 & 58-63.)

Mr. Matheny testified that the most significant changes involved in changing from the existing emissions testing program to the enhanced vehicle I/M program are the enlarged geographic area, the change to biennial testing for all vehicles, the use of improved testing procedures, changes in the waiver requirements, and other federally-required program features, such as procedures for dealing with emissions-related recalls, the testing of on-board diagnostic equipment, and the on-road testing. When fully implemented, the program will involve testing all 1981 and newer vehicles using the IM 240 procedure. The IM 240 procedure consists of a series of vehicle accelerations, decelerations, and high-speed cruises on a dynamometer to simulate on-road driving. Older passenger cars and light-duty trucks, heavy-duty trucks, and other vehicles that are unsuitable for dynamometer testing will be tested using an upgraded version of the existing idle emissions test. Another change is the addition of a fuel evaporative emissions control system test to check for possible tampering and system operation. (Tr. 31-34.)

Mr. Matheny stated that the enhanced vehicle I/M program will have an increased emission reduction effectiveness by a factor of three in the Chicago area and a factor of six in the

Metro-East area over the existing program. By the end of 2000, the Agency expects the reduction in VOM emissions to increase from 35.2 tons per day (tpd) to 95.9 tpd in the Chicago area and from 1.9 tpd to 12.6 tpd in the Metro-East area. The Agency's technical review has assertedly placed it in the position to prove to U.S. EPA that the enhanced I/M program will meet the federal requirements. Mr. Matheny asserted that the enhanced I/M program will reduce area VOM and nitrogen oxide (NO<sub>x</sub>) emissions to meet the federal program performance standards, provided the emissions standards proposed by the Agency are adopted by the Board. (Tr. 34-36.)

Mr. Matheny testified that the Agency proposed emissions standards identical to those recommended by U.S. EPA for use with the IM 240 test. These include startup standards, for use during the first two years of program implementation, and final standards, for use after startup. He said that the startup standards are intended to smooth the transition from the existing testing to the enhanced program. The final standards are set at levels believed necessary to achieve compliance by 2000. Mr. Matheny explained that the IM 240 test provides model year groups within three vehicle classes: light duty vehicles (passenger cars), light duty trucks 1 (up to 6,000 pounds gross vehicle weight (gvwr)), and light duty trucks 2 (6,001 to 8,500 gvwr). Separate emissions standards are provided for vehicles certified for the tighter Tier 1 emissions standards of the 1990 CAA amendments. (Tr. 37-40 & 49-50.)

The Agency has proposed two standards for each model year-vehicle class group. The composite standards are mass emissions rates over the entire 240 seconds of the IM 240 test cycle. Phase 2 standards are the emissions rates allowed over the second segment of the test cycle (seconds 94 through 239). A vehicle passes the IM 240 test if either the composite emissions levels are below the composite emissions standards or the Phase 2 emissions levels are below the Phase 2 emissions standards for that model year and vehicle class for the vehicle. (Tr. 40-41.)

Mr. Matheny stated that most other states implementing an enhanced I/M program are using the federally-recommended IM 240 test. He said that some states have chosen more stringent emissions limitations if necessary to achieve the federal performance standard for the particular nonattainment area. More stringent standards are used to offset program design differences, like model year and vehicle type exemptions in the particular area. (Tr. 37-39.)

Mr. Matheny testified that there are only very minimal differences in the emissions standards used in the steady-state idle test. He said that the Agency did not propose more stringent emissions standards for pre-1981 vehicles because doing

so would have resulted in insignificant changes. The Vehicle Emissions Inspection Law of 1995 allows the use of the present steady-state idle exhaust test for vehicles in model years 1968 through 1980, on heavy-duty vehicles (those with a gvwr greater than 8,500 pounds), and on any vehicle whose design or configuration does not allow the use of the IM 240 test. The only differences are the redefinition of heavy duty trucks (changing the lower weight limit from 8,000 pounds gvwr to 8,500 gvwr), splitting light duty trucks into two categories (light-duty trucks 1 and light-duty trucks 2 (and increasing the upper limit to 8,500 pounds gvwr), and lowering the carbon monoxide (CO) and unburned hydrocarbons (HC) emissions standards for post-1980 light-duty trucks (classes 1 and 2) (from 3.0% to 1.2% and 300 parts per million (ppm) to 220 ppm, respectively). The steady-state idle test is further improved by using an "initial idle mode", a high-idle "conditioning mode", and a "second-chance idle mode", to assure that any initial failure was not due to inadequate vehicle warm-up or preparation and giving each vehicle an immediate second chance to pass the test. (Tr. 37-43.)

The Agency intends to have all the regulations (both Board and Agency regulations) in place in early 1995, so it may begin implementation of the enhanced I/M program. The Agency is presently preparing a request for proposals to obtain a contractor to perform the testing. The Agency intends to enter into a contract by time the regulations are adopted. However, the Agency conceded that it is possible that it may submit a proposed SIP revision including the program even if some elements are not fully finalized. (Tr. 50-53.)

A member of the general public questioned the Agency witnesses at the September 8, 1994 public hearing. Mr. John Wright, of Martha Technologies inquired about the proposed release date for the Agency's request for quotations on the testing contract. The Agency responded that it intended to release the request in mid-October, for a possible contract inception date of January 1, 1996. (Tr. 63-66.) Aside from questions by Board members and staff and the public comments received, the Board received nothing further on the Agency's proposal.

#### Revisions to Agency's Proposal

As noted above, the Board was constrained to rely on the record in revising the Agency's proposal without the Agency's consent. The Board did, in fact, make a small number of corrections in the text of the rules as originally proposed by the Agency.

In the First Notice proposal, we made agreed minor corrections prior to submission for publication in the Illinois Register. These very minor corrections were made with the prior



consent of the Agency. They involved corrections to the Illinois Administrative Code-Illinois Register format of the proposed amendments and the elimination of a duplicate definition.

The Board made additional changes in proceeding to Second Notice on October 20, 1994. These changes, resulting from requests by the Agency, the Secretary of State, and JCAR staff, were discussed in the October 20 opinion and order, yet we reiterate that discussion here.

At the September 8 public hearing, the Agency submitted an "errata sheet" (Ex. 1). The changes made by the Board from the First Notice-proposed text based on this errata sheet included correction of the citation to the Vehicle Emissions Inspection Law of 1995 at Section 240.151 (a change also requested by JCAR staff) and the addition of the words "at or" in two places in the fifth sentence of Section 240.164.

The Agency later requested a single set of simple changes. As a result of this request, the Board has changed "<=" in Sections 240.Table A and 240.Table B to "≤". This use of the correct scientific symbol comports with the Board's general tendency to use the appropriate technical symbols for enhanced clarity.

Beyond these Agency-consented changes, the Board necessarily made minor revisions to the Second Notice test based on JCAR and Secretary of State (PC 3) requests. We changed the Administrative Code-Illinois Register format of the definitions of "loaded mode" and "test procedure" in Section 240.102 in response to PC 3 and JCAR's "Identical First Notice Line Numbered Version". In response to verbal JCAR requests, the Board revised the format to citations to the Act at the main source note and at Sections 240.101 and 240.105(a); citations to the vehicle inspection statute at Sections 240.104, 240.105(b), and 240.151; and citations to the Illinois Vehicle Code at Section 240.102 (definition of "motor vehicle"). We further corrected punctuation in Section 240.102 in response to the verbal JCAR request: hyphenating "steady-state" in the definition of "high-idle", removing the commas from the numbers in the definitions of "light duty truck 1" and "light duty truck 2", and adding commas in the definitions of "motor vehicle" and "tier 1".

A final change related to codification constraints imposed on the Board by JCAR. JCAR has requested that the Board not include the date in citations to the Illinois Compiled Statutes. The text of the Agency proposal originally included these dates, but the Board deleted them upon request by JCAR. We believe that the dates are useful because subsequent statutory amendments would hinder any future research into the authorities cited. To accommodate JCAR and at least partially achieve the goal of complete citation to authorities, we have added a Board Note to

Part 240. This follows our action with regard to Part 211, 218, and 219 in R94-15 and R94-16.

The record did not support revision of the Agency's proposed amendments on any other basis in the Second Notice opinion and order. This was despite the comments of BFI (PC 2). BFI suggested that the Board should revise the language of Section 240.104 to incorporate the inspection applicability language from Section 13B-15 of the Vehicle Emissions Inspection Law of 1995. BFI stated that confusion is possible relating to the applicability of the amended inspection regulations to diesel-powered vehicles. Section 13B-15(f)(8) expressly exempts diesel-powered and exclusively electric-powered vehicles. BFI stated that the presence of a definition of "diesel engine" in Section 240.102 might confuse persons in the regulated community as to the applicability of the inspection requirements.

The Agency responded that no change is desirable. First, the Agency highlighted that the Section 240.104 applicability statement refers directly to Section 13B-15 for applicability. Second, the Agency highlighted that Part 240 includes regulations for inspection of diesel-powered vehicles at Subparts B and C. (The vehicles subject to the enhanced I/M program are subject to Subparts B and D through F.) Third, the Agency asserted that incorporating the language of Section 13B-15 directly into Section 240.104 would require a regulatory amendment in the event of a statutory amendment before the Agency could implement the revised intent of the General Assembly.

While the Board generally prefers to have the regulations appear in as complete a form as possible for clarity and the benefit of the regulated community, we agreed with the Agency in this instance that the BFI-requested change was not desirable. We noted that the universe of vehicles subject to inspection under the enhanced I/M program is essentially the same as it presently is under the existing program. (See 625 ILCS 5/13A-104(d)(8).) Further, vehicles are subject to inspection upon notice to the owner by the Agency under both programs. (See 625 ILCS 5/13A-104(a) & 13B-15(a).) Under these circumstances, the Board believed that the likelihood of confusion is minimal and that any such likelihood is quickly dispelled by reference to the Agency-proposed text of Section 240.104 and Section 13B-15 cited therein.

The Board has not further substantively revised the text of the amendments since the Second Notice opinion and order of October 20, 1994. JCAR staff submitted no additional changes, and revision is not a suitable response to the November 15, 1994 JCAR objection. The only change in the text is the addition of a reference to R94-20 to the source note to Part 240, which the Board intends to file first at the suggestion of JCAR staff.

Board Response to JCAR Objection

The Board declines to modify the amendments in response to an objection by the Joint Committee on Administrative Rules on November 15, 1994. The Board will cause the following discussion to be published in the Illinois Register:

RESPONSE TO JCAR OBJECTION

The Board proposed amendments to the Illinois vehicle emission testing program for First Notice publication in the Illinois Register on July 21, 1994. We adopted a Second Notice opinion and order on October 20, 1994. The Joint Committee on Administrative Rules (JCAR) voted an objection to the proposed amendments pursuant to Sections 5-110 of the Administrative Procedure Act (APA) [5 ILCS 100/5-110] on November 15, 1994. The substance of that objection was as follows:

At its meeting on November 15, 1994, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the stringent standards will cause economic hardship on the affected public and because [the Board]'s action to adopt these standards is premature. The federal Vehicle Emissions Standards program may be altered before its anticipated full implementation in late 1995.

The Board respectfully declines to modify the amendments in response to the JCAR objection pursuant to Section 5-110(c)(3) of the APA. As the basis for this refusal, we cite statutory mandates:

1. Legislative mandates require us to adopt these amendments to the Illinois vehicle emission inspection and maintenance (I/M) program within short timeframes.
2. The Board's regulations do not affect the costs of compliance with the enhanced vehicle I/M program. Rather, implementation of the legislation required to meet federal mandates results in those costs.
3. There is no federal action to limit the scope of the mandate that Illinois pursue a vehicle I/M program at this time.

Deadlines for Board Adoption of Vehicle I/M Regulations

The Illinois enhanced vehicle I/M program arose through a legislative mandate prompted by the federal Clean Air Act Amendments of 1990. That mandate required the Illinois Environmental Protection Agency (Agency) to propose vehicle emissions standards. Under "fast track" rulemaking, that

deadline would be January 3, 1995.

Sections 182(b) and (c) of the federal Clean Air Act (CAA) (42 U.S.C. §§ 7511a(b) & (c)), as amended in 1990, require the use of I/M programs in areas not meeting the national ambient air quality standards (NAAQS) for ozone or carbon monoxide. Illinois adopted the Vehicle Emissions Inspection Law of 1995 (VEIL) [625 ILCS 5/13B], P.A. 88-533, effective January 18, 1994. That statute requires the Agency to implement an enhanced vehicle I/M program and meet U.S. EPA's requirements for such a program. P.A. 88-533 mandates enhanced I/M testing for the Metro-East area and certain portions of the Chicago nonattainment area.

Section 28.5 of the Environmental Protection Act (Act) requires that the Board adopt regulations to implement the federal Clean Air Act Amendments on a "fast-track" basis. Section 28.5 of the Act contains very tight time-frames for Board actions; these would have required the Board to adopt the enhanced I/M amendments by January, 1995.

#### Increased Costs

The Board's regulations are not the origin of increased costs of implementing the enhanced vehicle I/M program. Rather, implementation of the VEIL legislation, which passed in response to federal mandates, results in those costs.

The enhanced vehicle I/M program will entail increased costs of compliance. The Agency estimated the enhanced vehicle I/M program will cost the regulated community about \$68,234,758 in increased vehicle maintenance in calendar year 1997. Nothing in the Agency-proposed regulations in R94-19 affects the impact of implementing this program; these costs derive directly from the legislative mandates of VEIL. Nowhere does VEIL authorize the Board to consider these costs. Rather, Section 28.5(m) of the Act limits the Board's discretion to narrow the scope of the Illinois enhanced vehicle I/M program.

#### Federal Revision of the Clean Air Act

There is no federal action to limit the scope of sections 182(b) and (c) of the Clean Air Act. We do note, however, that should Congress cause U.S. EPA to revise its regulatory requirements for the enhanced vehicle I/M program, Section 28.5 of the Act will enable the Agency to promptly propose, and the Board to rapidly adopt, amendments to the program. This would allow the Board and the Agency to implement no more than minimum federal standards in Illinois.

For the foregoing reasons, we must respectfully "refuse to modify" the amendments pursuant to Section 5-110(c)(3) of the APA, in response to the JCAR objection of November 15, 1994. The

Board proceeds to adopt the proposed amendments under docket number R94-19.

ORDER

The Board directs the Clerk to cause the filing of the following proposal with the Office of the Secretary of State:

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER k: EMISSION STANDARDS AND  
LIMITATIONS FOR MOBILE SOURCES

PART 240  
MOBILE SOURCES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section  
240.101 Preamble  
240.102 Definitions  
240.103 Prohibitions  
240.104 Inspection  
240.105 Penalties  
240.106 Determination of Violation  
240.107 Incorporations by Reference

SUBPART B: EMISSIONS

Section  
240.121 Smoke Emissions  
240.122 Diesel Engine Emissions Standards for Locomotives  
240.123 Liquid Petroleum Gas Fuel Systems  
240.124 Vehicle Exhaust Emission Standards  
240.125 Compliance Determination

SUBPART C: HEAVY-DUTY DIESEL SMOKE  
OPACITY STANDARDS AND TEST PROCEDURES

Section  
240.140 Applicability  
240.141 Heavy-Duty Diesel Vehicle Smoke Opacity Standards and  
Test Procedures

SUBPART D: STEADY-STATE IDLE MODE TEST  
EMISSION STANDARDS

Section  
240.151 Applicability  
240.152 Steady-State Idle Mode Vehicle Exhaust Emission  
Standards  
240.153 Compliance Determination

SUBPART E: TRANSIENT LOADED MODE TEST

EMISSION STANDARDS

<u>Section</u>	
<u>240.161</u>	<u>Applicability</u>
<u>240.162</u>	<u>Vehicle Exhaust Emission Start-Up Standards</u>
<u>240.163</u>	<u>Vehicle Exhaust Emission Final Standards</u>
<u>240.164</u>	<u>Compliance Determination</u>

SUBPART F: EVAPORATIVE TEST STANDARDS

<u>Section</u>	
<u>240.171</u>	<u>Applicability</u>

240.Appendix A Rule into Section Table  
240.Appendix B Section into Rule Table

<u>240.Table A</u>	<u>Vehicle Exhaust Emission Start-Up Standards</u>
<u>240.Table B</u>	<u>Vehicle Exhaust Emission Final Standards</u>

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1009, 1010, 1013 and 1027) [415 ILCS 5/9, 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] (see P.A. 88-533, effective January 18, 1994).

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended in R94-19 at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994.

NOTE: Capitalization denotes statutory language.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

## Section 240.101 Preamble

As the state of knowledge and technology relating to the control of emissions from motor vehicles ~~shall permit and make appropriate advances~~, and in furtherance of the purposes of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) [415 ILCS 5] (Act), the Pollution Control Board (Board) shall provide ~~for~~ by rules and regulations for the control of emissions from motor vehicles. Such rules and regulations shall prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and of vehicles.

Any rules and regulations promulgated pursuant to this Section shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 240.102 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211. Where conflicting definitions occur, the definitions of this Section apply in this Part.

"Diesel Engine"+ means All types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

"Diesel Locomotive"+ means Aa diesel engine vehicle designed to move cars on a railway.

~~"Driver": The same meaning as defined in the Illinois Vehicle Code, Ill. Rev. Stat. 1989, ch. 95-1/2, par. 116.1.~~

~~"Fleet": Five or more vehicles.~~

"Full Ppower Pposition"+ means ¶the throttle position at which the engine fuel delivery is at maximum flow.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy Dduty Vvehicle"+ means Any motor vehicle rated at more thanwith 8,0008500 pounds or greater manufacturer's maximum gross vehicle weight rating (GVWR) or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High Fidle"+ means ¶that portion of a ~~two-speed~~steady-state idle test conducted with the engine operating at a speed of approximately 2500 RPM.

"Idle Mmode"+ means ¶that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle

mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

~~Light Duty Trucks: A motor vehicle rated at 8000 pounds gross vehicle weight or less which is designed for carrying more than 10 persons or designed for the transportation of property, freight or cargo, or is a derivative of such a vehicle.~~

"Light duty truck 1" means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

~~"Light Duty Vehicle" means A passenger car designed to carry not more than 10 persons~~  
passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded mode" means that portion of a vehicle emission test procedure conducted with the vehicle positioned and operating under load on a chassis dynamometer.

"Loaded vehicle weight (LVW)" means the vehicle curb weight plus 300 pounds.

"Measured values" means five second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

~~"Model Year" means~~ the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year



of manufacture.

"Motor Vehicle"+ ~~As used in this section Part,~~ "motor vehicle" shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 1-146)[625 ILCS 5/1-146].

~~"Opacity": That fraction of light, expressed in percent, which when transmitted from a source through a smoke-obscured path, is prevented from reaching the observer or instrument receiver.~~

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

"Pressure test" means a test of a vehicle's evaporative emission control system to verify the system's integrity by identifying the presence of system leaks by injecting an inert gas into the system and confirming the system's ability to hold pressure over a specified period of time.

"Purge test" means a test of the vehicle's evaporative emission control system to determine the ability of the system to properly recycle gasoline vapors captured and adsorbed on the charcoal in the system's canister. The purge test consists of determining the volume of vapor flow between the canister and the engine as measured during the course of the transient loaded (IM240) exhaust emissions test.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Smokemeter or Opacimeter"+ means An optical instrument designed to measure the opacity of smoke or diesel exhaust gases using the light extinction method.

"Snap-idle Cycle"+ means Rapidly depressing the accelerator pedal from normal idle to the full power position while the vehicle is in neutral, holding the pedal in the position for no longer than ten seconds or until the engine reaches maximum speedRPM, and fully releasing the pedal so that the engine decelerates to

normal idle.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Tier 1" means the exhaust emission standards required by the Clean Air Act as amended in 1990 that require auto makers to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen by 35% and 60%, respectively, from pre-existing standards, beginning with 40% of the vehicles sold in 1994, 80% in 1995, and 100% thereafter.

"Transient loaded mode test" means a vehicle emissions test run on an inertial and power absorbing dynamometer using USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.

"Test Procedure" means the preparation, preconditioning sequence and smoke opacity measurement processes using the snap idle cycle for determining compliance with Section 240.141.

"Two-Speed Idle Test" means a vehicle emission test procedure consisting of the measurements of exhaust emission in high idle and idle modes.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

#### Section 240.104 Inspection

All motor vehicles subject to inspection pursuant to Section 13A-104 of the Illinois Vehicle Emissions Inspection Law (~~Ill. Rev. Stat. 1985, Ch. 95 1/2, par. 13A-104~~) [625 ILCS 5/13A-104] shall comply with the exhaust emission standards for carbon monoxide and hydrocarbons set forth at Section 240.124 of this Part. All motor vehicles subject to inspection pursuant to Section 13B-15 of the Illinois Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Inspection Law of 1995) [625 ILCS 5/13B-15] (see P.A. 88-533, effective January 18, 1994) shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, and 240.173 of this Part.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

## Section 240.105 Penalties

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act (~~Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1042~~)[415 ILCS 5/42].
- b) Any violations of Sections 240.104 and 240.124 of this Part shall be subject to the penalties as set forth in Sections 13A-112 and 13A-113 of the Vehicle Emissions Inspection Law (~~Ill. Rev. Stat. 1985, ch. 95 1/2, par. 13A-112, 13A-113~~)[625 ILCS 5/13A-112 and 13A-113].
- c) Any violations of Sections 240.152, 240.162, 240.163, 240.172, and 240.173 of this Part shall be subject to the penalties as set forth in Sections 13B-55 and 13B-60 of the Vehicle Emissions Inspection Law of 1995.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

## Section 240.106 Determination of Violation

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be determined by visual observation; or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.
- b) Any violations of Sections 240.124, 240.152, 240.162, 240.163, 240.172, or 240.173 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

## Section 240.107 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096: Report J255a Diesel Engine Smoke Measurement (August, 1978).
- b) International Standards Organization (ISO), Case Postale 56, 1211 Geneva 20, Switzerland: ISO 393 (Working Draft, January 1991). Also available from American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

- c) United States Environmental Protection Agency (USEPA), 2565 Plymouth Road, Ann Arbor, MI 48105: Report EPA-AA-EPD-IM-93-1, High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (April 1994).

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART B: EMISSIONS

##### Section 240.124 Vehicle Exhaust Emission Standards

- a) Exhaust emissions from light duty vehicles shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.0	900
1972 - 1974	8.0	800
1975 - 1977	7.0	700
1978 - 1979	6.0	600
1980	3.0	300
1981 and later	1.2	220

- b) Exhaust emissions from light duty trucks, which for the purposes of this subsection means a motor vehicle rated at 8000 pounds gross vehicle weight or less which is designed for carrying more than 10 persons or designed for the transportation of property, freight or cargo, or is a derivative of such a vehicle, shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.0	900
1972 - 1974	8.0	800
1975 - 1978	7.0	700
1979 - 1980	6.0	600
1981 - 1983	3.0	300
1984 and later	1.2	220

- c) Exhaust emissions from heavy duty vehicles, which for the purposes of this subsection means a vehicle with 8001 pounds or greater manufacturer's maximum gross vehicle weight rating (GVWR), shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.5	1500
1972 - 1978	9.0	900

1979 - 1984	7.0	700
1985 and later	3.0	300

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

Section 240.125 Compliance Determination

For purposes of determining compliance with Section 240.124 of this Part, all vehicles shall be inspected while operating in the idle mode, and all 1981 and later model year light duty vehicles and light duty trucks (as defined in Subsection 240.124(b) of this Part) shall be inspected at high idle during a two-speed idle test.

(Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section 240.151 Applicability

The standards of Subpart D apply to all vehicles inspected upon implementation of the Vehicle Emissions Inspection Law of 1995 and identified in Subsections 13B-25(c) and (d) of that law utilizing steady-state exhaust emission test procedures adopted by the Agency.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

Section 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards

- a) Exhaust emissions from light duty vehicles shall not exceed the following limitations:

<u>Model Year</u>	<u>Carbon Monoxide (%)</u>	<u>Hydrocarbons as Hexane (ppm)</u>
<u>1968 - 1971</u>	<u>9.0</u>	<u>900</u>
<u>1972 - 1974</u>	<u>8.0</u>	<u>800</u>
<u>1975 - 1977</u>	<u>7.0</u>	<u>700</u>
<u>1978 - 1979</u>	<u>6.0</u>	<u>600</u>
<u>1980</u>	<u>3.0</u>	<u>300</u>
<u>1981 and later</u>	<u>1.2</u>	<u>220</u>

- b) Exhaust emissions from light duty trucks 1 and light duty trucks 2 shall not exceed the following limitations:

<u>Model Year</u>	<u>Carbon Monoxide</u>	<u>Hydrocarbons as Hexane</u>
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	<u>(%)</u>	<u>(ppm)</u>
<u>1968 - 1971</u>	<u>9.0</u>	<u>900</u>
<u>1972 - 1974</u>	<u>8.0</u>	<u>800</u>
<u>1975 - 1978</u>	<u>7.0</u>	<u>700</u>
<u>1979 - 1980</u>	<u>6.0</u>	<u>600</u>
<u>1981 and later</u>	<u>1.2</u>	<u>220</u>

c) Exhaust emissions from heavy duty vehicles shall not exceed the following limitations:

<u>Model Year</u>	<u>Carbon Monoxide (%)</u>	<u>Hydrocarbons as Hexane (ppm)</u>
<u>1968 - 1971</u>	<u>9.5</u>	<u>1500</u>
<u>1972 - 1978</u>	<u>9.0</u>	<u>900</u>
<u>1979 - 1984</u>	<u>7.0</u>	<u>700</u>
<u>1985 and later</u>	<u>3.0</u>	<u>300</u>

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

#### Section 240.153 Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions using the steady-state idle test while the vehicle to be tested is operating in the idle mode. The vehicle shall pass exhaust emissions inspection if at any time during the initial idle mode or second-chance idle mode of the steady-state idle test the measured values are at or below the applicable limits of Section 240.152 of this Subpart. Vehicles failing the initial idle mode shall undergo a loaded or high idle preconditioning mode and receive a second-chance idle mode unless no measured values less than 1800 ppm HC are obtained within an elapsed time of 30 seconds.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

### SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

#### Section 240.161 Applicability

The standards of this Subpart apply to model year 1981 and newer light duty vehicles, light duty trucks 1, and light duty trucks 2 which are inspected utilizing transient IM240 loaded mode exhaust emission test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

#### Section 240.162 Vehicle Exhaust Emission Start-Up Standards

Vehicle exhaust emission start-up standards contained in Section 240. Table A of this Part shall apply for all vehicles subject to inspection until December 31, 1997. Tier 1 standards shall apply to all model year 1996 and newer vehicles and model year 1994 and newer vehicles certified to Tier 1 standards. All standards are expressed in grams per mile (gpm).

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

Section 240.163            Vehicle Exhaust Emission Final Standards

Vehicle exhaust emission final standards contained in Section 240. Table B of this Part shall apply for all vehicles subject to inspection beginning on January 1, 1998. Tier 1 standards shall apply to all model year 1996 and newer vehicles and model year 1994 and newer vehicles certified to Tier 1 standards. All standards are expressed in grams per mile (gpm).

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

Section 240.164            Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient IM240 test procedures adopted by the Agency. If the corrected, composite emission rates exceed standards for any pollutant, additional analysis of test results shall review the second phase ("Phase 2") of the driving cycle separately. Phase 2 shall include second 94 through second 239 of the driving cycle. Second-by-second emission rates in grams and composite emission rates in grams per mile for Phase 2 and for the entire composite test shall be recorded for each pollutant. For any given pollutant, if the composite emission level is at or below the composite standard or if the Phase 2 grams per mile emission level is at or below the applicable Phase 2 standard, then the vehicle shall pass the test for that pollutant. Composite and Phase 2 emission rates shall be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications Final Technical Guidance" incorporated by reference at Section 240.107 of this Part.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

SUBPART F:    EVAPORATIVE TEST STANDARDS

Section 240.171            Applicability

- a) The standards of Section 240.172 of this Subpart shall apply to all model year 1968 and newer vehicles required at the time of manufacture to be equipped with evaporative emission control systems.
- b) The standards of Section 240.173 of this Subpart shall apply to model year 1981 and newer light duty vehicles, light duty trucks 1, and light duty trucks 2 that are inspected utilizing the transient loaded mode exhaust emission test procedures adopted by the Agency.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>	<u>0.80</u>	<u>0.50</u>	<u>15.0</u>	<u>12.0</u>	<u>2.0</u>	<u>Reserved</u>
<u>1991-1995</u>	<u>1.20</u>	<u>0.75</u>	<u>20.0</u>	<u>16.0</u>	<u>2.5</u>	<u>Reserved</u>
<u>1983-1990</u>	<u>2.00</u>	<u>1.25</u>	<u>30.0</u>	<u>24.0</u>	<u>3.0</u>	<u>Reserved</u>
<u>1981-1982</u>	<u>2.00</u>	<u>1.25</u>	<u>60.0</u>	<u>48.0</u>	<u>3.0</u>	<u>Reserved</u>

Light Duty Trucks 1:

<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>						
<u>(&lt;3750 LVW)</u>	<u>0.80</u>	<u>0.50</u>	<u>15.0</u>	<u>12.0</u>	<u>2.0</u>	<u>Reserved</u>
<u>(&gt;3750 LVW)</u>	<u>1.00</u>	<u>0.63</u>	<u>20.0</u>	<u>16.0</u>	<u>2.5</u>	<u>Reserved</u>
<u>1991-1995</u>	<u>2.40</u>	<u>1.50</u>	<u>60.0</u>	<u>48.0</u>	<u>3.0</u>	<u>Reserved</u>
<u>1988-1990</u>	<u>3.20</u>	<u>2.00</u>	<u>80.0</u>	<u>64.0</u>	<u>3.5</u>	<u>Reserved</u>
<u>1984-1987</u>	<u>3.20</u>	<u>2.00</u>	<u>80.0</u>	<u>64.0</u>	<u>7.0</u>	<u>Reserved</u>
<u>1981-1983</u>	<u>7.50</u>	<u>5.00</u>	<u>100.0</u>	<u>80.0</u>	<u>7.0</u>	<u>Reserved</u>

Light Duty Trucks 2:

<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>						
<u>(&lt;5750 LVW)</u>	<u>1.00</u>	<u>0.63</u>	<u>20.0</u>	<u>16.0</u>	<u>2.5</u>	<u>Reserved</u>
<u>(&gt;5750 LVW)</u>	<u>2.40</u>	<u>1.50</u>	<u>60.0</u>	<u>48.0</u>	<u>4.0</u>	<u>Reserved</u>
<u>1991-1995</u>	<u>2.40</u>	<u>1.50</u>	<u>60.0</u>	<u>48.0</u>	<u>4.5</u>	<u>Reserved</u>
<u>1988-1990</u>	<u>3.20</u>	<u>2.00</u>	<u>80.0</u>	<u>64.0</u>	<u>5.0</u>	<u>Reserved</u>
<u>1984-1987</u>	<u>3.20</u>	<u>2.00</u>	<u>80.0</u>	<u>64.0</u>	<u>7.0</u>	<u>Reserved</u>
<u>1981-1983</u>	<u>7.50</u>	<u>5.00</u>	<u>100.0</u>	<u>80.0</u>	<u>7.0</u>	<u>Reserved</u>



(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

Section 240. Table B: Vehicle Exhaust Emission Final Standards

Light Duty Vehicles:

<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>	<u>0.60</u>	<u>0.40</u>	<u>10.0</u>	<u>8.0</u>	<u>1.5</u>	<u>Reserved</u>
<u>1983-1995</u>	<u>0.80</u>	<u>0.50</u>	<u>15.0</u>	<u>12.0</u>	<u>2.0</u>	<u>Reserved</u>
<u>1981-1982</u>	<u>0.80</u>	<u>0.50</u>	<u>30.0</u>	<u>24.0</u>	<u>2.0</u>	<u>Reserved</u>

Light Duty Trucks 1:

<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>						
<u>(<math>&lt;3750</math> LVW)</u>	<u>0.60</u>	<u>0.40</u>	<u>10.0</u>	<u>8.0</u>	<u>1.5</u>	<u>Reserved</u>
<u>(<math>&gt;3750</math> LVW)</u>	<u>0.80</u>	<u>0.50</u>	<u>13.0</u>	<u>10.0</u>	<u>1.8</u>	<u>Reserved</u>
<u>1988-1995</u>	<u>1.60</u>	<u>1.00</u>	<u>40.0</u>	<u>32.0</u>	<u>2.5</u>	<u>Reserved</u>
<u>1984-1987</u>	<u>1.60</u>	<u>1.00</u>	<u>40.0</u>	<u>32.0</u>	<u>4.5</u>	<u>Reserved</u>
<u>1981-1983</u>	<u>3.40</u>	<u>2.00</u>	<u>70.0</u>	<u>56.0</u>	<u>4.5</u>	<u>Reserved</u>

Light Duty Trucks 2:

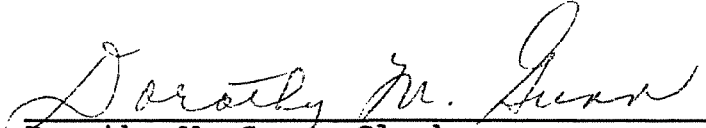
<u>Model Years</u>	<u>Hydrocarbons</u>		<u>Carbon Monoxide</u>		<u>Oxides of Nitrogen</u>	
	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>	<u>Composite Phase 2</u>
	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>	<u>(gpm)</u>
<u>Tier 1 (1994+)</u>						
<u>(<math>&lt;5750</math> LVW)</u>	<u>0.80</u>	<u>0.50</u>	<u>13.0</u>	<u>10.0</u>	<u>1.8</u>	<u>Reserved</u>
<u>(<math>&gt;5750</math> LVW)</u>	<u>0.80</u>	<u>0.50</u>	<u>15.0</u>	<u>12.0</u>	<u>2.0</u>	<u>Reserved</u>
<u>1988-1995</u>	<u>1.60</u>	<u>1.00</u>	<u>40.0</u>	<u>32.0</u>	<u>3.5</u>	<u>Reserved</u>
<u>1984-1987</u>	<u>1.60</u>	<u>1.00</u>	<u>40.0</u>	<u>32.0</u>	<u>4.5</u>	<u>Reserved</u>
<u>1981-1983</u>	<u>3.40</u>	<u>2.00</u>	<u>70.0</u>	<u>56.0</u>	<u>4.5</u>	<u>Reserved</u>

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_ , effective \_\_\_\_\_ )

IT IS SO ORDERED

Board Member J. Yi abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 1<sup>st</sup> day of December, 1994, by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board