

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

IN THE MATTER OF:)
)
APPLICATION OF CALIFORNIA) R89-17(A) & (B)
MOTOR VEHICLE CONTROL PROGRAM) (Rulemaking)
IN ILLINOIS)

PROPOSED RULE. FIRST NOTICE.

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on its own motion. On October 18, 1989, the Board opened this docket to gather information on whether Illinois should adopt the California motor vehicle control program. An inquiry hearing was held on December 12, 1989, and the Board accepted written public comments until January 5, 1990. Today the Board proposes, for First Notice, that part of the California program be adopted in Illinois, to begin with 1993 model year vehicles.

Although much progress has been made in reducing air pollution in the past twenty years, it is obvious that more reductions are necessary in order to attain compliance with the health-based federal air quality standards. The Board has acted upon all of the reasonably available control technology (RACT) rules for industry proposed by the Illinois Environmental Protection Agency (Agency), and is presently considering (in docket R89-16) revisions to those RACT rules. Those revisions are intended to remedy deficiencies identified by the United States Environmental Protection Agency (USEPA). It is clear, however, that some new control measures must be imposed upon mobile sources, such as motor vehicles. Mobile sources are the largest source of carbon monoxide (CO) emissions and of hydrocarbon (HC) emissions and a significant source of nitrogen oxide (NOx) emissions, all of which contribute to the formation of ozone. The Board has taken the first step in that direction by requiring new reductions in the volatility of gasoline. See Limits to the Volatility of Gasoline, R88-30(A), February 15, 1990. Another strategy to further reduce emissions from motor vehicles might be to adopt the California motor vehicle control program in Illinois.

Background

California has historically had stricter emission controls for mobile sources than the rest of the country. The other 49 states are all subject to the same federal standard; in fact, the Clean Air Act (CAA) preempts the states from setting emission standards for new motor vehicles. 42 USC 7543(a). The CAA also allows a waiver of that preemption for California's motor vehicle emissions standards, however, and allows other states to adopt the identical California standards. 42 USC 7507 and 7543(b). In other words, a state may choose between the federal standards and the California standards: no state can adopt a third standard. The test in deciding whether adoption of a proposed new standard complies with the CAA is whether auto manufacturers would be burdened with additional hardware requirements beyond the federal and California standards, i.e. whether a third vehicle would have to be manufactured in order to comply with the proposed standard. The eight states which belong to the Northeast States for Coordinated Air Use Management (NESCAUM) have announced that they will seek to have the California standards adopted by their states,¹ and the individual NESCAUM states are proceeding through that adoption process. No state other than California has actually adopted California's emissions standards to date.

In early 1989 NESCAUM commissioned Sierra Research Inc. to assist in an analysis of the feasibility, the air quality benefits, and the costs of adopting the California motor vehicle control program in the northeast states. The report issued by Sierra concludes that the northeast could reduce motor vehicle emissions of HC by 16%, NOx by 27%, and CO by 39% by the year 2010, when the current generation of vehicles controlled at the federal standards is replaced by lower emitting vehicles. The Sierra report found that the cost of these reductions would be about \$150 per vehicle, or about \$600 per ton of HC and NOx removed. (Ex. 2A.) A graph prepared for the American Lung Association shows that reductions in Illinois for mobile sources could be approximately 27% for HC, 25% for CO, and 39% for NOx. (Ex. 3.)

Because of the requirements of the CAA discussed above, any adoption by Illinois of the California standards would have to be made identical to the California standards which are in effect at the time of adoption. The current federal and the 1993 California

¹ The eight states which belong to NESCAUM are Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

standards² are summarized below:

	HC	CO	NOx
Federal	0.41 T*	3.4	1.0
California (1993)	0.25 N**	3.4	0.4

*T means total hydrocarbons.

**N means non-methane hydrocarbons only.

The California program also includes other provisions relating to production line testing, certification of conformity, nonconformance penalties, tampering, useful life, inspection and maintenance testing, on-board diagnostics, and recall.

INQUIRY HEARING AND PUBLIC COMMENT

The Board held an inquiry hearing in this docket in Chicago on December 12, 1989. Testimony was received from representatives of the Motor Vehicle Manufacturers Association (MVMA), Navistar International Transportation Corporation, Caterpillar, Inc., the Engine Manufacturers Association (EMA), and the Chicago Lung Association (CLA). Two private citizens and a representative of a state legislator also presented testimony. Nine written public comments were also received. The testimony and comments ranged from almost unqualified support for the adoption of California standards to concern about the effect of the California standards for heavy-duty engines to suggestions that the Board defer any action to allow the United States Congress to act on the possibility of adopting the California standards as federal standards.³ The Board has reviewed and considered all testimony and comments in deciding to proceed with this proposal.

THE PROPOSED REGULATIONS

The Board today proposes, for First Notice, adoption of parts

² The Board proposes that the California standards go into effect in Illinois for the 1993 model-year vehicles, in part because the CAA requires the states to adopt standards at least two years before those standards are effective. 42 USC 7507.

³ The Board notes that the United States Senate has passed, and the United States House of Representatives is currently considering amendments to the Clean Air Act. Among the provisions of those amendments are various proposals to adopt the California standards as nationwide requirements. However, pending any final action on those amendments, the Board will proceed with this proposal.

of the California motor vehicle control program. The proposed rules do not include adoption of the California program for heavy-duty vehicles, but do include the standards for passenger cars, light-duty trucks, and medium-duty vehicles. The proposed regulations cover testing, certification procedures, importation, tailpipe and evaporative emission standards for 1993 and subsequent model year motor vehicles, motor vehicle engines, and aftermarket parts. The bulk of the regulations proposed by the Board have been adapted from the rules proposed by the State of New York Department of Environmental Conservation. (Ex. 10.) The rules are proposed as a new Part 241 to Title 35 of the Illinois Administrative Code. The Board invites comment on any additional changes which should be made to make the New York proposal conform with Illinois law.

The Board today creates two dockets within docket R89-17, and adopts regulations in both subdockets for First Notice. Docket A contains the regulatory program discussed above. The emission standards established in this proceeding are phased in over three model years. Specifically, Docket A requires that forty percent (40%) of the 1993 model year vehicles sold in Illinois meet the "California" standards. Eighty percent (80%) of the 1994 model year vehicles must meet the California standard, and one hundred percent (100%) of 1995 and subsequent model year vehicles must attain that stricter standard. In contrast, Docket B proposes that all vehicles sold or registered in Illinois, beginning with the 1993 model year, attain the stricter standard. There would be no phase-in of the requirements. Please note that Docket B contains only the Appendix A table which sets forth the emission standards. All other provisions of this regulatory scheme are included in Docket A. In essence, the table proposed in Docket B is an alternative to the table proposed in Docket A.

Docket A

Subpart A is entitled "Applicability and Definitions". Section 241.100 "Applicability" states that the rules of this Part apply to all 1993 and subsequent model years motor vehicles, motor vehicle engines, and air contaminant emission control systems offered for sale or sold for registration in Illinois. Section 241.101 contains definitions of the terms used in proposed Part 241. Section 241.102 is a severability clause, and Section 241.103 contains incorporations by reference. Finally, Section 241.104 states that determinations made by the Agency pursuant to this Part are appealable to the Board pursuant to Sections 5(d) and 40 of the Act.

Proposed Subpart B: Certification of Conformity prohibits any person, including but not limited to, dealers registered under the Illinois Vehicle Code (Ill.Rev.Stat. 1987, ch. 95 1/2, pars. 5-101 and 5-102) from selling any new or used motor vehicle which does not conform to the requirements of this Part. The only exception to that prohibition is for vehicles sold to another

dealer, sold for the purpose of being wrecked or dismantled, sold exclusively for off-highway use, or sold for registration out of state. A seller must furnish the purchaser with a valid certificate of conformity prior to or at the time of sale.

Subpart C is entitled "Importation" and establishes requirements for importing vehicles into Illinois. Sections 241.140 through 241.142 are prohibitions against the use, possession, or sale of foreign or domestic vehicles which are not certified for use in Illinois. Section 241.140 also provides for limited exceptions to allow for bonafide moves to Illinois from other states, replacement of vehicles damaged, inoperative, or stolen while an Illinois resident was out of state, vehicles transferred by inheritance, or vehicles transferred by a decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction. Subsection (b) also contains an exception for vehicles which are owned by a rental vehicle company and registered out of state, if that vehicle is operated in Illinois only on a temporary basis. The section also contains an exception for any vehicle sold after the effective date of these rules if that vehicle was registered in Illinois before the rules became effective.

Subpart D: Testing classifies motor vehicle engines and establishes the assembly-line test procedures which are required before a vehicle may be certified and sold in Illinois. Section 241.162 "Prohibitions" prohibits the sale of any new vehicle if the manufacturer has failed to obtain a valid certificate of conformity for the engine family, or has violated emission standards or test procedures and has failed to take corrective action specified by the Agency. Sections 241.164 and 241.165 set forth the certification and assembly-line test procedures for 1993 and subsequent model year motor vehicles and motor vehicle engines.

Proposed Subpart E is called "Inspection and Compliance" and establishes the reporting procedures for emissions-related defects for vehicles certified for sale in Illinois. The Board has not proposed rules which would establish a separate Illinois comprehensive assembly line testing program. Manufacturers are required to test vehicles manufactured for sale in Illinois and to certify that those vehicles meet the emission standards of this proposed Part.⁴ The manufacturer must maintain the results of actual testing and furnish those results to the Agency at the Agency's request.

Subpart F will be proposed at a later date, and will contain

⁴ The Board notes that if New York adopts rules as currently proposed in that state, New York will also conduct assembly line testing, in addition to the testing currently conducted by the federal government and by California.

warranty and recall provisions.

Subpart G is entitled "Surveillance and Standards". Sections 241.220 and 241.221 set forth the standards and requirements which dealers must meet before selling a new or used motor vehicle. The requirements include adjusting idle speed, timing, and idle mixture, as well as ensuring that the required exhaust and evaporative emission controls are operating properly. Proposed Section 241.223 requires mandatory inspection of exhaust systems for all vehicles in areas of the state which are subject to inspection pursuant to the Vehicle Emissions Inspection Law (Ill.Rev.Stat. 1987, ch. 95 1/2, pars. 13A-101 et. seq). The Board realizes that California (and the proposed New York rules) require inspection throughout the state, but believes that in Illinois only those areas currently subject to inspection programs may be included in any inspection program.

Proposed Section 241.224 and Appendix A, Table I set forth vehicle emission standards based on the California emission standards. The standards allow manufacturers to phase-in to the more stringent standards. Sections 241.229 and 241.230 require onboard diagnostic systems for motor vehicles to aid consumers in knowing when the emission control system is not functioning properly. The onboard diagnostic system will signal that repairs are necessary. Other provisions of proposed Subpart G include: 1) a requirement that manufacturers label vehicles to show that the vehicle was made for sale in Illinois (Section 241.228); 2) test procedures and standards to control fuel evaporative emissions (Section 241.231), and 3) a provision prohibiting any person from operating or leaving standing upon any highway a motor vehicle which is not in compliance with the exhaust emission standards and regulations (Section 241.233).

Proposed Subpart H is entitled "Used Motor Vehicles and Aftermarket Part Accreditation of Air Contaminant Emission Control Systems". This Subpart sets forth the requirements and test procedures for certification of aftermarket replacement parts for air contaminant emission control systems. The Subpart also prohibits the advertisement of any device which modifies a required air contaminant emissions control system unless that device has been exempted from the regulations, and prohibits the sale, installation, or use of an aftermarket part which does not meet the standards. Finally, Section 241.258 "Remedy" requires a retail seller who sells or installs an air contaminant emission control system which does not meet the standards of this Part to either install a system which complies with the regulations or reimburse the purchaser for the expense of replacement and installation of a complying system, at the purchaser's election.

Subpart I: Specification for Fill Pipes and Openings of Motor Vehicle Fuel Tanks sets forth the requirements and specifications for fill pipes and openings of motor vehicle fuel tanks.

Docket B

As stated above, Docket B contains only an alternative to Appendix A, Table I as proposed in Docket A. This Docket B alternative would require one hundred percent (100%) of 1993 and subsequent model year vehicles sold or registered in Illinois to attain the stricter emission standards. The Board notes that the United States Senate recently adopted amendments to the Clean Air Act (S. 1630) which adopt the California emission standards as federal requirements. This bill apparently uses the same "phase-in" period for implementing the stricter standards as is proposed in Docket A. If the California standards are indeed adopted on a nationwide basis, and do include the phase-in period, the Board will consider proceeding with Docket B instead of Docket A.

The Board recognizes that requiring all cars sold or registered in Illinois to immediately meet the stricter standards may initially appear to be impermissibly stricter than the California program. The Board notes, however, that the Docket B proposal would not require manufacturers to manufacture a third vehicle in order to meet the requirement, and thus does not appear to violate the Clean Air Act.⁵ The proposal would merely require manufacturers to provide Illinois only with cars that meet the stricter standard, and does not significantly change the nationwide percentage of cars which must be manufactured to those stricter standards.

ECONOMIC IMPACT STUDY DETERMINATION AND
FURTHER PROCEEDINGS

Pursuant to Section 27(a) of the Environmental Protection Act (Ill.Rev.Stat. 1987, ch. 111 1/2, par. 1027(a)), the Board will accept comments from any person that the Board determine that an economic impact study (EcIS) should or should not be prepared until May 3, 1990, which is 21 days after the date of this Order. The Board and the hearing officer will delay any decision on further hearings until after the Board makes its EcIS determination.

ORDER

The Board hereby directs the Clerk of the Board to cause publication in the Illinois Register of the First Notice of the following proposed regulations.

⁵ For example, if a state adopted the California emission standards but not the onboard diagnostic requirements, the actual vehicle manufactured in response to those rules would constitute a third vehicle.

Docket A

PART 241
 EMISSION STANDARDS FOR MOTOR VEHICLE
 AND MOTOR VEHICLE ENGINES

SUBPART A: APPLICABILITY AND DEFINITIONS

Section
 241.100 Applicability
 241.101 Definitions
 241.102 Severability
 241.103 Incorporations By Reference
 241.104 Appeal of Agency Determinations

SUBPART B: CERTIFICATION OF CONFORMITY

241.120 Prohibitions

SUBPART C: IMPORTATION

Section
 241.140 Prohibition Against Use
 241.141 Prohibition Against Possession
 241.142 Prohibition Against Sale
 241.143 Special Test Procedures for New Modifier
 Certified Motor Vehicles
 241.144 Definitions
 245.145 Special Test Procedures for Used Modifier
 Motor Vehicles

SUBPART D: TESTING

Section
 245.160 Classification
 245.161 Plans Submitted
 241.162 Prohibitions
 241.163 Material Similarity
 241.164 Certification for 1993 and Subsequent Model Year
 Vehicles
 241.165 Assembly-line Test Procedures for 1993 and Subsequent
 Model Years

SUBPART E: INSPECTION AND COMPLIANCE

Section
 241.180 In-use Vehicle Emissions-Related Defects Reporting
 Procedures

SUBPART G: SURVEILLANCE & STANDARDS

Section	
241.220	New Motor Vehicle Dealer Surveillance
241.221	Surveillance of Used Cars at Dealerships
241.222	Reimbursement of Costs (Reserved)
241.223	Mandatory Inspection Exhaust Emissions-Light Duty and Medium-Duty Vehicles
241.224	Emission Standards
241.225	Test Procedures
241.226	Small Volume Manufacturer
241.227	Optional Nitrogen Oxide Standards
241.228	Emission Control Labels - 1993 and Subsequent Model Year Motor Vehicles
241.229	Malfunction and Diagnostic Systems - 1993 and Subsequent Model Year
241.230	Malfunction and Diagnostic Systems - 1994 and Subsequent Model Year
241.231	Fuel Evaporative Emissions
241.232	Ringlemann Chart
241.233	Prohibitions

SUBPART H: USED MOTOR VEHICLES AND AFTERMARKET PARTS
ACCREDITATION OF AIR CONTAMINANT EMISSION CONTROL SYSTEMS

Section	
241.250	Applicability
241.251	Requirements
241.252	Prohibition
241.253	Replacement Parts
241.254	Advertisement and Sale
241.255	Surveillance
241.256	Corrective Action
241.257	Business Prohibitions
241.258	Remedy
241.259	Prohibition

SUBPART I: SPECIFICATION FOR FILL PIPES AND OPENINGS OF
MOTOR VEHICLE FUEL TANKS

Section	
241.270	Requirements

PART 241
EMISSION STANDARDS FOR MOTOR VEHICLES
AND MOTOR VEHICLE ENGINES

SUBPART A: APPLICABILITY & DEFINITIONS

Section 241.100 Applicability

- a) This Part shall apply to all 1993 and subsequent model-year motor vehicles; motor vehicle engines, and air contaminant emission control systems offered for sale, or sold, for registration in this state.
- b) The provisions of this Part apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

Section 241.101 Definitions

The following definitions shall govern the provisions of this Part:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, par. 1001 et seq.)

"Add-on-part" means any aftermarket part which is not a modified part or a replacement part.

"Aftermarket part" means any part of an air contaminant emission control system sold for installation on a vehicle after the original retail sale of the vehicle.

"Agency" means the Illinois Environmental Protection Agency.

"Air contaminant emission control system" means equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine, or a system or engine modification on a motor vehicle or motor vehicle engine which causes a reduction of air contaminants emitted from the motor vehicle or motor vehicle engine, including but not limited to exhaust control systems, fuel evaporation control systems and crankcase ventilating systems.

"Certification" means a finding by the Agency that a motor vehicle, motor vehicle engine, or air contaminant emission control system has satisfied the criteria established in this Part for the control of specified air contaminants from motor vehicles.

"Certificate of conformity" means a document issued by the Agency certifying an engine family for sale in the State of Illinois.

"Certified device" means an air contaminant emission control system with a certification.

"Consolidated part" means a part which is designed to replace a group of original equipment parts.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Emissions-related-part" means any automotive part which affects any regulated emissions from a motor vehicle or motor vehicle engine which is subject to Illinois state or federal emission standards. This includes, at a minimum, those parts specified in the California "Emission-Related Part Lists," (see Section 241.103).

"Emission standards" means specified limitations on the discharge of air contaminants into the atmosphere.

"Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and in accordance with regulations promulgated by the department.

"Fuel evaporative loss emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

"Fuel system" means the combination of fuel tank, fuel lines and carburetor, or fuel injector, and includes all vents and fuel evaporative emission control systems or devices.

"Gaseous fuels" means any liquefied petroleum gas, liquefied natural gas, compressed natural gas fuels, or hydrogen fuels for use in motor vehicles.

"Identical device" means a crankcase or air contaminant emission control system or device identical in all respects, including design, materials, manufacture, installation and operation, with a device which has been certified by the Agency, but which is manufactured by a person other than the original manufacturer of the device.

"Inspection and maintenance certificate" means a document issued by the Agency certifying that a vehicle has passed the inspection and maintenance program. In areas of the state where a federally approved inspection and maintenance program has not been adopted, the inspection shall consist of the present vehicle inspection required

for that area.

"Light-duty truck" means any motor vehicle, rated at 6000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

"Medium-duty vehicle" means any motor vehicle having a manufacturer's gross vehicle weight rating of 8500 pounds or less.

"Model year" means the manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has not annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

"Modified part" means any aftermarket part intended to replace an original equipment emissions-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.

"Motor vehicle" is a vehicle which is self-propelled.

"New motor vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred to the ultimate purchaser.

"New motor vehicle engine" means a new engine in a motor vehicle.

"Passenger car" means any motor vehicle designed capability for transportation of persons and having a design capacity of twelve persons or less.

"Replacement part" means any aftermarket part intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.

"Sale" means the transfer of title to a motor vehicle or motor vehicle engine to the ultimate or subsequent purchaser, or the lease or rental of a new motor vehicle to a person.

"Subgroup" means a set of motor vehicles within an engine

family distinguishable by characteristics contained in the manufacturer's application for certification.

"Ultimate purchaser" means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

"Used motor vehicle" means any motor vehicle which is not a new motor vehicle.

"Useful life" means a period of use to be determined by the Agency consistent with section one hundred seventy-seven of the Clean Air Act (42 U.S.C. §7507).

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Section 241.102 Severability

Each Section of this Part shall be deemed severable, and in the event that any Section of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Section 241.103 Incorporations By Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) California Emissions Related Parts List (May 19, 1981).
- b) 40 CFR Part 86.
- c) California Certification and Compliance Test Procedures for New Modifier Certified Motor Vehicles (February 3, 1986).
- d) California Certification Procedures for 1975 and Later Model-Year Used Modifier-Certified Motor Vehicles (January 8, 1988).
- e) California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles (May 20, 1987).
- f) California Assembly-line Test Procedures for 1983 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles (August 21, 1984).

- g) California New Vehicle Compliance Test Procedures (May 9, 1979).
- h) California Vehicle Emissions-Related Defects Reporting Procedures for 1978 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium and Heavy-Duty Vehicles, and Motorcycles (April 25, 1986).
- i) California Motor Vehicle Emission Control Label Specifications (July 21, 1988).
- j) Malfunction and Diagnostic System Requirements - 1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles with Feedback Fuel Control Systems (September 14, 1989).
- k) California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Liquefied Petroleum Gas - or Gasoline-Powered Motor Vehicles (October 30, 1985).
- l) Criteria for Evaluation of Add-on Parts and Modified Parts (May 19, 1981).
- m) Specifications for Fill Pipes and Openings of Motor Vehicles Fuel Tanks (December 7, 1982).

Section 241.104 Appeals of Agency Determination

All determinations made by the Director or the Agency, pursuant to this Part, may be appealed to the Board within 35 days of the challenged determination, pursuant to Section 40 of the Act and 35 Ill. Adm. Code 105.

SUBPART B: CERTIFICATION OF CONFORMITY

Section 241.120 Prohibitions

- a) No dealer, or person registered as a dealer under the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 5-101 and 5-102) shall sell a 1993 or subsequent model year, new or used motor vehicle which is not in compliance with the Act and this Part, unless the vehicle is sold to another dealer, sold for the purpose of being wrecked or dismantled, sold exclusively for off-highway use, or sold for registration and use out of state.
- b) No person shall sell, offer or deliver for sale, to the ultimate purchaser or to any subsequent purchaser a 1993 or subsequent model year new or used motor vehicle for registration in this state, which is not in compliance with the rules and regulations as adopted in this Part

or any other applicable state or federal rules (40 CFR 86) on emission control standards and emission control systems and devices.

- c) Prior to or at the time of delivery for sale, the seller shall provide the purchaser a certificate of conformity with this Part.

SUBPART C: IMPORTATION

Section 241.140 Prohibition Against Use

- a) No person who is a resident of or who operates an established place of business within this state shall import, deliver, purchase, rent, lease, acquire, or receive a 1993 or subsequent model year new motor vehicle, new motor vehicle engine, or motor vehicle with a new motor vehicle engine for use, registration, or resale in this state unless such motor vehicle engine or motor vehicle has been certified pursuant to this Part.
- b) This Part does not apply to a vehicle acquired by a resident of this state for the purpose of replacing a vehicle registered to such resident which was damaged or became inoperative beyond reasonable repair or was stolen while out of this state; provided that such replacement vehicle is acquired out of state at the time the previously owned vehicle was either damaged or became inoperative or was stolen. This Part shall not apply to a vehicle transferred by inheritance, or by a decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction, or to any vehicle sold after the effective date of this Part if the vehicle was registered in this state before such effective date. This Part does not apply to vehicles owned by a rental vehicle company and registered in another state, if such vehicle is operated in Illinois on a temporary basis. "Temporary basis" means a period of 21 days or less.
- c) This Part does not apply to any motor vehicle having a certificate of conformity issued pursuant to the Clean Air Act (42 U.S.C. §7401 et seq.) and originally registered in another state by a resident of that state who subsequently establishes residence in Illinois.
- d) "Established place of business", as used in this Section, means a place actually occupied either continuously or at regular periods.

Section 241.141 Prohibition Against Possession

No person who is engaged in this state in the business of selling to an ultimate purchaser, or renting or leasing new motor vehicles or new motor vehicle engines (including, but not limited to, manufacturers, distributors, and dealers), shall import, deliver, purchase, receive, or otherwise acquire a new motor vehicle, new motor vehicle engine, or vehicle with a new motor vehicle engine which is intended for use primarily in this state, for sale or resale to an ultimate purchaser who is a resident of or doing business in this state, or for registration, leasing or rental in this state, which has not been certified.

Section 241.142 Prohibition Against Sale

No person who is engaged in this state in the business of selling to an ultimate purchaser or renting or leasing new motor vehicles or new motor vehicle engines (including but not limited to, manufacturers, distributors, and dealers), shall sell, or offer to sell, to an ultimate purchaser who is a resident of or doing business in this state, or lease, offer to lease, rent, or offer to rent, in this state a new motor vehicle, new motor vehicle engine, or vehicle with a new motor vehicle engine, which is intended primarily for use or for registration in this state, and which has not been certified.

Section 241.143 Special Test Procedures for New Modifier Certified Motor Vehicles

New modifier motor vehicles shall be certified in accordance with "California Certification and Compliance Test Procedures for New Modifier Certified Motor Vehicles" (See Section 241.103). The results of testing performed by the manufacturer pursuant to this Section shall be maintained by the manufacturer and furnished to the Agency at the Agency's request.

Section 241.144 Definitions

a) For purposes of this Subpart:

- 1) "Direct import used vehicle" means a 1993 or subsequent model-year light-duty motor vehicle not originally intended by the manufacturer for sale in the United States which is at least two years old and was not certified by the Agency.
- 2) "New direct import vehicle" means any light-duty motor vehicle manufactured outside of the United States and not intended by the manufacturer for sale in the United States which is less than two years

old and was not certified by the Agency.

- b) For purposes of this Subpart, it is conclusively presumed that:
- 1) the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser, except as provided in subdivision (c), and that the equitable or legal title to any motor vehicle with an odometer reading of less than 7,500 miles has not been transferred to an ultimate purchaser.
 - 2) The equitable or legal title to any new direct import vehicle which is less than two years old, has not been transferred to an ultimate purchaser and that the equitable or legal title to any new direct import vehicle, which is at least two years old, has been transferred to an ultimate purchaser.
- c) For purposes of this Section, the age of a motor vehicle shall be determined by the following, in descending order of preference.
- 1) From the first calendar day of the model year as indicated in the vehicle identification number.
 - 2) From the last calendar day of the month the vehicle was delivered by the manufacturer as shown on the foreign title document.
 - 3) From January 1 of the same calendar year as the model year shown on the foreign title document.
 - 4) From the last calendar day of the month the foreign title document was issued.

Section 245.145 Special Test Procedures for Used Modifier
 Motor Vehicles

Used modifier motor vehicles shall be certified in accordance with "California Certification Procedures for 1975 and Later Model-Year Used Modifier-Certified Motor Vehicles" (see Section 241.103). The results of testing performed pursuant to this Section shall be maintained by the person who caused the testing and furnished to the Agency at the Agency's request.

SUBPART D: TESTING

Section 245.160 Classification

Motor vehicles and portable or mobile internal combustion engines for which air contaminant emission control systems will be certified or accredited are divided into the following classifications:

- a) Under 50 cubic inches engine displacement.
- b) 50 through 100 cubic inches engine displacement.
- c) Over 100 through 140 cubic inches engine displacement.
- d) Over 140 through 200 cubic inches engine displacement.
- e) Over 200 through 250 cubic inches engine displacement.
- f) Over 250 through 300 cubic inches engine displacement.
- g) Over 300 through 375 cubic inches engine displacement.
- h) Over 375 cubic inches engine displacement.
- i) Motor vehicles which because of unusual engine design cannot be classified, for purposes of emissions control, by engine displacement.

Section 241.161 Plans Submitted

Any person seeking approval, accreditation, or certification by the Agency for any device to control emissions from motor vehicles shall submit plans thereof to the Agency. Such plans shall be accompanied by reliable test data indicating compliance with the appropriate emission standards and test procedures established by this Part.

Section 241.162 Prohibitions

No new motor vehicle, new motor vehicle engine, or motor vehicle with a new motor vehicle engine required to meet the emission standards established pursuant to this Part shall be sold to the ultimate purchaser, offered or delivered for sale to the ultimate purchaser, or registered in this state if:

- a) the manufacturer has failed to provide a valid certificate of conformity for the engine family, or
- b) the manufacturer has violated emission standards or test

procedures and has failed to take corrective action specified by the Agency.

Section 241.163 Material Similarity

Each new motor vehicle or engine required pursuant to this Part to meet the emission standards shall be, in all material respects, substantially the same in construction as the test motor vehicle or engine, as the case may be, which has been certified by the Agency in accordance with this Part. However, changes with respect to new motor vehicles or engines previously certified may be made if such changes do not increase emissions above the standards under which those motor vehicles or engines, as the case may be, were certified and the changes are approved in advance by the Agency.

Section 241.164 Certification for 1993 and Subsequent Model Year Vehicles.

No new motor vehicle or new motor vehicle engine shall be certified by the Agency, unless the vehicle or engine meets the emission standards established by this Part, and passes the test procedures for certification set forth in Section 241.225.

Section 241.165 Assembly-line Test Procedures for 1993 and Subsequent Model Years

New 1993 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles subject to certification and manufactured for sale in Illinois shall be tested by the manufacturer in accordance with the "California Assembly-Line Test Procedures for 1983 and Subsequent Model-Year Passenger cars, Light-Duty Trucks and Medium-Duty Vehicles" (see Section 241.103). The results of actual testing pursuant to this Section shall be maintained by the manufacturer and furnished to the Agency at the Agency's request.

SUBPART E: INSPECTION AND COMPLIANCE

Section 241.180 In-use Vehicle Emissions-Related Defects Reporting Procedures

All 1993 and subsequent model-year passenger cars, light-duty trucks, and medium-duty vehicles certified for sale and registered in Illinois shall be subject to the "California Vehicle Emissions-Related Defects Reporting Procedures for 1978 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium and Heavy-Duty Vehicles, and Motorcycles" (see Section 241.103).

SUBPART G: SURVEILLANCE AND STANDARDS

Section 241.220 New Motor Vehicle Dealer Surveillance

No dealer shall sell, or offer or deliver for sale a new passenger car, light-duty truck or medium-duty vehicle which is required to meet emission standards of this Part unless such vehicle conforms to the following standards and requirements:

- a) Ignition timing shall be set to manufacturer's specification with an allowable tolerance of $\pm 3^\circ$;
- b) Idle speed shall be set to manufacturer's specification with an allowable tolerance of ± 100 rpm;
- c) Required exhaust and evaporative emission controls, such as Emission Gas Recirculator (EGR) valves, are operating properly;
- d) Vacuum hoses and electrical wiring for emission controls are correctly routed; and
- e) Idle mixture is set to manufacturer's specification or according to manufacturer's recommended service procedure.

Section 241.221 Surveillance of Used Cars at Dealerships

- a) No dealer shall sell, or offer or deliver for sale a used passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards unless such vehicle conforms to the following requirements:
 - 1) Ignition timing shall be set to retrofit device or vehicle manufacturer's specification with an allowable tolerance of $\pm 3^\circ$;
 - 2) Idle speed shall be set to retrofit device or vehicle manufacturer's specifications with an allowable tolerance of ± 100 rpm;
 - 3) Required exhaust and evaporative emission controls, such as EGR valves, are operating properly;
 - 4) Vacuum hoses and electrical wiring for emission controls are correctly routed connected and;
 - 5) Idle mixture shall be set to retrofit device or vehicle manufacturer's specification or according to manufacturer's recommended service procedure.

- b) The requirements set forth in subparagraphs (a)(1) through (a)(5) shall also apply to a dealer when servicing emission related components. However, only that requirement(s) appropriate to the service performed shall apply.

Section 241.222 Reimbursement of Costs (Reserved)

Section 241.223 Mandatory Inspection Exhaust Emissions-Light Duty and Medium-Duty Vehicles.

- a) Exhaust emissions from light-duty (6000 pounds or less gross vehicle weight) and medium-duty (8500 pounds or less gross vehicle weight) vehicles subject to inspection shall not exceed the standards set forth in this Subpart by vehicle class as shown in Table I of Appendix A . "Vehicles subject to inspection" shall mean every motor vehicle owned by a resident of an affected county.
- b) For purposes of this Section, "affected counties" shall mean COOK COUNTY; AND THOSE PARTS OF DUPAGE COUNTY WHICH ARE NOT INCLUDED WITHIN ANY OF THE FOLLOWING ZIP CODE AREAS, AS DESIGNATED BY THE U.S. POSTAL SERVICE: 60103, 60120, 60174, 60184, 60185, 60187, 60188, 60189, 60190, 60504, 60505, 60519, 60540, 60555 AND 60565; AND THOSE PARTS OF LAKE COUNTY WHICH ARE NOT INCLUDED WITHIN ANY OF THE FOLLOWING ZIP CODE AREAS, AS DESIGNATED BY THE U.S. POSTAL SERVICE: 60002, 60010, 60013, 60020, 60021, 60030, 60041, 60042, 60046, 60047, 60050, 60060, 60073, 60075, 60081, 60083 AND 60084; AND THOSE PARTS OF MADISON COUNTY WHICH ARE NOT INCLUDED WITHIN ANY OF THE FOLLOWING ZIP CODE AREAS, AS DESIGNATED BY THE U.S. POSTAL SERVICE: 62001, 62012, 62021, 62025, 62026, 62034, 62035, 62046, 62058, 62061, 62062, 62067, 62074, 62088, 62097, 62234, 62249, 62269, 62275, 62281 and 62294; AND THOSE PARTS OF ST. CLAIR COUNTY WHICH ARE NOT INCLUDED WITHIN ANY OF THE FOLLOWING ZIP CODE AREAS, AS DESIGNATED BY THE U.S. POSTAL SERVICE: 62208, 62220, 62221, 62222, 62223, 62225, 62232, 62234, 62236, 62243, 62248, 62254, 62254, 62255, 62257, 62258, 62260, 62264, 62269, 62278, 62282, 62285, 62289 AND 62298. (Ill. Rev. Stat. 1987, ch. 95½, par. 13A-102(a).)

Section 241.224 Emission Standards

The emission standards for 1993, 1994, 1995, and subsequent model year vehicles subject to this Part are set forth in Appendix A, Table I.

Section 241.225 Test Procedures

All vehicles required to meet the standards as set forth in Section 241.224 and Appendix A are subject to the "California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" (see Section 241.103).

Section 241.226 Small Volume Manufacturer

For the purposes of this Subpart, "small volume manufacturer" is any vehicle manufacturer which was subject to "in lieu" standards pursuant to Section 202(b)(1)(B) of the Federal Clean Air Act (42 U.S.C. Section 7521(b)(1)(B), as amended November 16, 1977) or a vehicle manufacturer with Illinois sales not exceeding 3,000 new motor vehicles per model year based on previous model-year sales; however, for manufacturers certifying for the first time in Illinois, model year sales shall be based on projected Illinois sales.

Section 241.227 Optional Nitrogen Oxide Standards

Optional nitrogen oxide (NOx) standards for 1993 and later model passenger cars, and light-duty trucks and medium-duty vehicles less than 4000 lbs, equivalent inertia weight (EIW) or 3751 lbs, loaded vehicle weight (LVW) are as follows:

- a) Notwithstanding any other provision of this subpart, a vehicle manufacturer may certify 1993 model vehicles to optional NOx standards as follows:
 - 1) 1993 Model year passenger cars weighing more than 5000 lbs. EIW may be certified to the 0.7 gm/mile NOx standard.
 - 2) For the 1993 model year, a vehicle manufacturer may certify passenger cars, light-duty trucks (0-3999 lbs. EIW), and medium-duty vehicles (0-3999 lbs. EIW) to the optional 0.7 gm/mile NOx standard subject to the following limitations:
 - a) The total number of passenger cars (0-5000 lbs. EIW) each manufacturer may certify at 0.7 gm/mile NOx shall be limited to a maximum of 10% of the total previous Illinois model-year sales of these vehicles.
 - b) The total number of light-duty trucks (0-3999 lbs. EIW) and medium-duty vehicles (0-3999 lbs. EIW) each manufacturer may certify at 0.7

gm/mile NOX shall be limited to a maximum of 15% of the combined total previous Illinois model-year sales of these vehicles.

- c) For manufacturers certifying for the first time in Illinois, "previous Illinois model-year sales" shall mean projected Illinois model-year sales.
- b) Notwithstanding any other provisions of this Subpart, a small volume manufacturer may certify 1993 through 1995 model year passenger cars, light-duty trucks (0-3999 lbs. EIW) and medium-duty vehicles (0-3999 lbs. EIW) to the optional 0.7 gm/mile NOx standard subject to the following limitations:
 - 1) For each model year, the total number of passenger cars (0-5000 lbs. EIW) each manufacturer may certify at 0.7 gm/mile NOx shall be limited to a maximum of 10% of the total previous Illinois model-year sales of these vehicles.
 - 2) For each model year, the total number of light duty trucks (0-3999 lbs. EIW) each manufacturer may certify at 0.7 gm/mile NOx shall be limited to a maximum of 15% of the combined total previous Illinois model-year sales of these vehicles.
 - 3) For manufacturers certifying for the first time in Illinois "previous Illinois model-year sales" shall mean projected Illinois model-year sales.
 - c) Testing of vehicles certified under this section shall be conducted in accordance with the "Illinois Exhaust Emission Test Procedures" applicable to 1993 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles certified to the primary Illinois standards for 50,000 miles.

Section 241.228 Emission Control Labels - 1993 and Subsequent
Model Year Motor Vehicles

In addition to all other requirements, emission control labels required by Illinois certification procedures shall conform to the "California Motor Vehicle Emission Control Label Specifications" (see Section 241.103).

Section 241.229 Malfunction and Diagnostic Systems - 1993 and Subsequent Model Year

- a) All 1993 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles equipped with a three-way catalyst system and feedback control shall be equipped with a means of informing the vehicle operator of the malfunction of the computer-sensed emission-related components, and of the on-board computer processor, and of the malfunction of the emission-related functioning of the fuel metering device and EGR system on vehicles so equipped, and which provides for on-board diagnosis of the likely area of the malfunction without the aid of any external device. The system shall include a means of informing the vehicle operator, upon initiation of engine starting, that it is functioning properly. No malfunction and diagnostic system shall be required for malfunction which would significantly impair vehicle driveability or prevent engine starting.
- b) This Section shall be implemented as specified in this subsection. The vehicles shall be equipped with a malfunction indicator light and an on-board self-diagnostic system. The on-board computer processor shall interrogate input parameters from computer-sensed emission-related components and shall also interrogate the functioning of the fuel metering device and of the EGR system on vehicles so equipped. Upon detection of a malfunction of any such component, device, or system, the computer processor shall cause the malfunction indicator light to illuminate. An on-board computer processor malfunction shall also cause the malfunction indicator light to illuminate. In the case of any such component, device or system whose malfunction would significantly impair vehicle driveability or prevent engine starting, no malfunction indication or diagnostic code shall be required. The indicator light shall also illuminate in the engine-run key position before cranking to indicate that the malfunction indication is functioning. The self-diagnostic system shall provide an on-board means of identifying, without the aid of any external device, the likely area responsible for the detected malfunction when the vehicle is serviced. The malfunction indicator light shall be located on the instrument panel and shall when illuminated, display the phrase "Check Engine" or "Service Engine Soon" or may display such other phrases determined by the Director to be likely to cause a vehicle owner to seek corrective action.
- c) For purposes of this Section:

- 1) A "computer-sensed emissions-related component of the three-way catalyst emission control system" means a component which provides emission control system input to the on-board computer processor.
- 2) "Malfunction" means the partial or total failure of one or more computer-sensed emission-related components or the on-board computer processor, or of the emission-related functioning of a fuel metering device or EGR system to a degree which would likely cause the emissions of an average certification vehicle with the failure or failures, individually or in combination, to exceed the applicable emissions standards.

Section 241.230 Malfunction and Diagnostic Systems - 1994 and Subsequent Model Year

All 1994 and subsequent model-year passenger cars, light-duty trucks, and medium-duty vehicles with feedback fuel control systems shall be equipped with a malfunction and diagnostic system that conforms to the proposed California "Malfunction and Diagnostic System Requirements-1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles with Feedback Control Systems" (see Section 241.103).

Section 241.231 Fuel Evaporative Emissions

- a) Evaporative emissions for 1993 and subsequent model year gasoline-powered or liquefied petroleum gas-powered motor vehicles shall not exceed:

<u>Hydrocarbons</u> <u>Vehicle Type</u>	<u>Model Year</u>	<u>(grams per test)</u>
Passenger cars	1993 and subsequent	2.0

Light-duty trucks

Medium-duty vehicles

The standards set forth above shall apply only to those liquefied petroleum gas or gasoline-powered motor vehicles which are subject to exhaust emission standards under this Subpart.

- b) The procedure for determining compliance with these standards is set forth in the "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Liquefied Petroleum Gas- or Gasoline-Powered Motor Vehicles" (See Section 241.103).

Section 241.232 Ringlemann Chart

No motor vehicle covered by this Subpart shall discharge into the atmosphere at elevation of less than 4,000 feet any air contaminant for a period of more than 10 seconds which is;

- a) As dark or darker in shade at that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
- b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a).

Section 241.233 Prohibitions

No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with an air contaminant emission control system under this Part [or any other certified air contaminant emission control system required by any other state law or any rule or regulation adopted pursuant to such law], or required to be equipped with an air contaminant emission control system pursuant to the Clean Air Act (42 U.S.C., Sec. 7401 et seq.) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required air contaminant emission control system which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

SUBPART H: USED MOTOR VEHICLES & AFTERMARKET PARTS
ACCREDITATION OF AIR CONTAMINANT EMISSION CONTROL SYSTEMS

Section 241.250 Applicability

This Subpart shall apply to all aftermarket parts which are sold, offered for sale, or advertised for sale or use on 1993 and subsequent model-year vehicles subject to Illinois state or federal emission standards.

Section 241.251 Requirements

No air contaminant emission control system shall be accredited unless such device meets the standards set forth in this Subpart.

Section 241.252 Prohibition

No air contaminant emission control system intended for installation on used motor vehicles shall receive accreditation

from the Agency unless it meets the following criteria:

- a) Such system shall be designed so as to have no adverse effect on engine operation or vehicle performance, unless a test procedure otherwise specifies.
- b) The adequacy of methods of distribution, the financial responsibility of the applicant, and other factors affecting the economic interests of the motoring public shall be satisfactory to protect the motorist.

Section 241.253 Replacement Parts

- a) Any replacement part subject to the provisions of this Subpart shall be presumed to be in compliance with this Subpart unless the Director makes a finding to the contrary pursuant to Section 241.255.
- b) The manufacturer of any replacement part subject to the provisions of this Subpart shall maintain sufficient records, such as performance specifications, test data, or other information, to substantiate that such a replacement part is in compliance with this Subpart. Such records shall be open for reasonable inspection by the Agency. All such records shall be maintained for four years from the year of manufacture of the replacement part.

Section 241.254 Advertisement and Sale

- a) As used in this section, the terms "advertise" and "advertisement" include, but are not limited to, any notice, announcement, information, publication, catalog, listing for sale, or other statement concerning a product or service communicated to the public for the purpose of furthering the sale of the product or service.
- b) No person or company doing business solely in Illinois or advertising only in Illinois shall advertise any device, apparatus, or mechanism which alters or modifies the original design or performance of any required air contaminant emission control system unless such part, apparatus, or mechanism has been exempted from Section 241.259, and the limitations of the exemption, if any, are contained within the advertisement in type size to give notice of such limitations.
 - 1) No person shall advertise, offer for sale, or install a part as an air contaminant emission control system or as an approved or certified device, when in fact such part is not an air contaminant emission control system or is not

approved or certified by the Agency.

- 2) No person shall advertise, offer for sale, sell or install an add-on or modified part as a replacement part.
- 3) The Director may exempt add-on and modified parts based on an evaluation conducted in accordance with the California "Criteria for Evaluation of Add-on Parts and Modified Parts" (see Section 241.103).
- 4) Each person engaged in the business of retail sale or installation of an add-on or modified part which has not been exempted from Section 241.259 shall maintain records of such activity which indicate date of sale, purchaser name and address, vehicle model and work performed if applicable. Such records shall be open for inspection by the Agency. All such records shall be maintained for four years from the date of sale or installation.

Section 241.255 Surveillance

- a) Replacement parts. The Director may require the manufacturer of any replacement part subject to the provisions of this Subpart to submit any records relating to such part which are maintained pursuant to Section 241.254(b). The Director may require the manufacturer of any replacement part subject to the provisions of this Subpart to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. If after a review of all records submitted by the manufacturer and of the results of any tests conducted by the manufacturer or the Agency, the Director finds that such part is not in fact a replacement part, the Director may invoke Section 241.256. Replacement parts evaluated pursuant to this section shall be compared with the specifications contained in the applicable vehicle manufacturer's application for certification.
- b) Add-on parts and modified parts. The Director may require the manufacturer of any add-on or modified part subject to the provisions of this Subpart to submit a reasonable number of parts typical of the manufacturer's production for testing and evaluation. If after review of the results of any test or evaluations conducted by the manufacturer or the Agency and of any information submitted by the manufacturer, the Director finds that an add-on part or a modified part does not conform to the California "Criteria for Evaluation of Add-on Parts and Modified Parts" (see Section 241.103), the Director may

invoke Section 241.256.

Section 241.256 Corrective Action

- a) When this Section is invoked pursuant to other sections of this Subpart, the Director may require the manufacturer to submit a plan for correcting any deficiencies found by the Agency. The manufacturer shall submit the plan within 30 calendar days after notification. The Director may require any of the actions contained in the plan, and/or may declare a part of the plan to be not in compliance with Section 241.259 unless he or she finds the plan adequate to correct the deficiencies found by the Agency. The plan may be required to include such corrective actions as the cessation of sale of non-complying parts and corrective advertising to correct misleading information regarding the emission control capabilities of the device and to ensure compliance with Illinois laws. Nothing in this Section shall prevent the Director from also seeking fines for violations of Section 241.259 or other laws or regulations.

- b) The manufacturer may, within 15 calendar days of its receipt of the Director's demand for corrective action, request a public hearing on the necessity for or scope of any corrective action required by the Director.

Section 241.257 Business Prohibitions

No person engaged in a business which involves the selling of air contaminant emission control systems shall offer for sale, sell, or install, an air contaminant emission control system, or part thereof, unless it meets the regulations and standards as set forth in this Subpart.

Section 241.258 Remedy

Any person holding a retail seller's permit who sells or installs an air contaminant emission control system, or part thereof, in violation of Section 241.257 shall thereafter be required to install an air contaminant emission control system, or part thereof, which is in compliance with the provisions of this Subpart upon demand of the purchaser or registered owner of the vehicle concerned or to reimburse the purchaser or registered owner for the expense of replacement and installation of an air contaminant emission control system, or part thereof, which is in compliance, at the election of such purchaser or registered owner.

Section 241.259 Prohibition

No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required air contaminant emission control system which alters or modifies the original design or performance of any such air contaminant emission control system. This Section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by the Agency to either:

- a) Not reduce the effectiveness of any required air contaminant emission control system; or
- b) Result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of vehicle being modified or converted.

SUBPART: I SPECIFICATION FOR FILL PIPES AND OPENINGS OF
MOTOR VEHICLE FUEL TANKS

Section 241.270 Requirements

New 1993 and subsequent model-year fuel-powered motor vehicles shall not be sold, offered for sale or registered in Illinois unless such vehicles comply with the California "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" (see Section 241.103.)

Appendix A Table I

Vehicle Emission Standards for Non-Methane Hydrocarbons (NMHC),
Carbon Monoxide (CO) and Oxides of Nitrogen (NO_x)

Vehicle Type ¹	Loaded weight (lbs)	% vehicles meeting standard for model years			Emissions in grams per mile of				
		'93	'94	>'95	NMHC upto 50K Miles	NMHC upto 100K Miles	CO upto 50K Miles	CO upto 100K Miles	NOx upto 50K Miles ^{2,3}
PC	All	60	20	0	0.39	--	7.0	--	0.4(0.7) ^{4,6}
	All ^{4,5,6}	40	80	100	0.25	0.31	3.4	4.2	
LDT	0 to 3750	60	20	0	0.39	--	9.0 ⁷	--	0.4(0.7) ^{4,6}
	^{4,5,6}	40	80	100	0.25	0.31	3.4	4.2	
&	3750 to 5730	60	20	0	0.50	--	9.0	--	1.0 ⁶
		40	80	100	0.32	0.4	4.4	5.5	1.0 ^{5,6}
MDV	5751 to 8500	100	100	100	0.6	--	9.0	--	1.5 ⁶

¹ "PC" means passenger cars.
"LDT" means light-duty trucks.
"MDV" means medium-duty vehicles.

² The maximum projected emissions of oxides of nitrogen measured on the federal Highway Fuel Economy Test (HWFET; 40 CFR Part 600, Subpart B) shall not be greater than 1.33 times the applicable passenger car standards and 2.00 times the applicable light-duty truck and medium-duty vehicle standards shown in the table. Both the projected emissions and HWFET standard shall be rounded in accordance with ASTM E29-67 to the nearest 0.1 g/mile before being compared.

³ This provision of the optional NOx standard (0.7 g/mile) is applicable to the 1993 model year and for small volume manufacturers to the 1994 and 1995 model years pursuant to the provisions of Section 241.228. The optional NOx standards will not be available for subsequent (to 1995) model years.

⁴ A maximum of 10% of PC (all PC over 5000 lbs) may be certified and 15% of LDT and MDV may be certified to the optional 0.7 g/mile NOx standard pursuant to the provisions of Section 241.228.

⁵ The emissions standards are phase-in standards. Each manufacturer

- must certify a minimum of 40% of vehicles for 1993; 80% for 1994; and 100% for 1995 and subsequent model years to the phase-in standards. The percentages are determined from the total previous Illinois model-year production of these vehicles. For manufacturers certifying for the first time in Illinois, "previous Illinois model-year production" shall mean projected Illinois production.
- ⁶ Diesel passenger cars, light-duty trucks and medium-duty vehicles are subject to a 50,000 mile particulate exhaust emissions standard of 0.08 g/mile for 1993 and subsequent model years.
- ⁷ The applicable CO standard for the 1994 model year LDT and MDV with a loaded weight between 0 and 3750 pounds is 7.0 g/mile.

Docket B

PART 241
EMISSION STANDARDS FOR MOTOR VEHICLE
AND MOTOR VEHICLE ENGINES

Appendix A, Table I

Vehicle Emission Standards for Non-Methane Hydrocarbons (NMHC),
Carbon Monoxide (CO) and Oxides of Nitrogen (NO_x)

Vehicle Type ¹	Loaded weight (lbs)	% vehicles meeting standard for model years			Emissions in grams per mile of				
		'93	'94	>'95	NMHC upto 50K Miles	NMHC upto 100K Miles	CO upto 50K Miles	CO upto 100K Miles	NOx upto 50K Miles ^{2,3}
PC	All	100	100	100	0.25	0.31	3.4	4.2	0.4(0.7) ^{4,5}
LDT	0 to 3750	100	100	100	0.25	0.31	3.4	4.2	0.4(0.7) ^{4,5}
&	3750 to 5730	100	100	100	0.32	0.4	4.4	5.5	1.0 ⁵
MDV	5751 to 8500	100	100	100	0.6	--	9.0	--	1.5 ⁵

¹ "PC" means passenger cars.
"LDT" means light-duty trucks.
"MDV" means medium-duty vehicles.

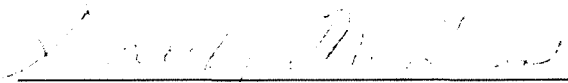
² The maximum projected emissions of oxides of nitrogen measured on

the federal Highway Fuel Economy Test (HWFET; 40 CFR Part 600, Subpart B) shall not be greater than 1.33 times the applicable passenger car standards and 2.00 times the applicable light-duty truck and medium-duty vehicle standards shown in the table. Both the projected emissions and HWFET standard shall be rounded in accordance with ASTM E29-67 to the nearest 0.1 g/mile before being compared.

- ³ This provision of the optional NOx standard (0.7 g/mile) is applicable to the 1993 model year and for small volume manufacturers to the 1994 and 1995 model years pursuant to the provisions of Section 241.228. The optional NOx standards will not be available for subsequent (to 1995) model years.
- ⁴ A maximum of 10% of PC (all PC over 5000 lbs) may be certified and 15% of LDT and MDV may be certified to the optional 0.7 g/mile NOx standard pursuant to the provisions of Section 241.228.
- ⁵ Diesel passenger cars, light-duty trucks and medium-duty vehicles are subject to a 50,000 mile particulate exhaust emissions standard of 0.08 g/mile for 1993 and subsequent model years.

IT IS SO ORDERED.

I, Dorothy M. Gunn, hereby certify that the above Opinion and Order was adopted on the 18th day of October, 1990, by a vote of 7-3.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board