

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
REVISION OF ENHANCED VEHICLE ) R12-12  
EMISSION INSPECTION AND ) (Rulemaking – Air)  
MAINTENANCE (I/M) REGULATIONS: )  
AMENDMENTS TO 35 ILL. ADM. CODE )  
240 )

NOTICE

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

Matthew Dunn, Chief  
Division of Environmental Enforcement  
Office of the Attorney General  
James R. Thompson Center  
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Virginia Yang, Deputy Legal Counsel  
Illinois Department of Natural Resources  
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Daniel Robertson  
Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the TESTIMONY OF MICHAEL HILLS of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

DATED: November 2, 2012

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TESTIMONY OF MICHAEL HILLS

My name is Michael Hills and I am an engineer with the Technical Services Section of the Illinois Vehicle Inspection and Maintenance Program (I/M Program) at the Illinois Environmental Protection Agency (Agency). After completing my bachelor's degree in Industrial Engineering with the University of Illinois in 1989, I joined the Agency. I have been employed by the Agency ever since and have been involved in the development and implementation of the I/M Program since 1994.

In July of 2011, the Illinois General Assembly amended the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005) (625 ILCS 5/13(C)) through Illinois Public Act (P.A.) No. 97-0106, which requires the Agency to optimize the I/M Program to continue to meet the Federal Clean Air Act (CAA) inspection and maintenance requirement in a more cost-effective manner. As a result, the Agency designed a test program that minimizes costs and improves consumer acceptance by focusing on the fleet of vehicles that will exist in the 2012 through 2020 time period. At this time, the Agency proposes to revise the emissions standards contained in 35 Ill. Adm. Code Part 240 to correspond with the VEIL of 2005 as amended through P.A. 97-0106.

Specifically, P.A. 97-0106 sunsets the steady-state idle mode exhaust (steady-state idle) and evaporative system integrity (gas cap) tests beginning February 1, 2012; exempts pre-2007 model year heavy-duty vehicles with gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and all heavy-duty vehicles with GVWR greater than 14,000 pounds as of February 1, 2012; and adds a visual inspection test for vehicles where on-board diagnostic (OBD) testing is not possible due to the vehicle's design.

As stated previously, the Illinois General Assembly amended the VEIL of 2005 through P.A. 97-0106, which repeals the steady-state idle and gas cap emissions tests effective February 1, 2012. Therefore, the Agency will be prohibited from using these tests after January 31, 2012. The vast majority of vehicles subject to these tests are pre-2007 model year heavy duty vehicles between 8,501 and 14,000 pound GVWR and all heavy-duty vehicles with GVWR greater than 14,000 pounds as they were not required to be equipped with OBD. Therefore, the Illinois General Assembly has exempted these vehicles from the emissions test requirement in Illinois. This rulemaking implements P.A. 97-0106 by proposing to sunset the steady-state idle and gas cap test standards. The decision to eliminate these tests was based on modeling projections showing negligible emission reduction benefits, a declining subject vehicle fleet, and significant long-term costs for continued use of these test procedures. Also, federal regulations allow states to vary the model year and vehicle type coverage in their programs.

Currently, less than 3% of the vehicle tests in Illinois are steady-state idle exhaust/gas cap tests. In addition, starting with the 2007 model year, heavy-duty vehicles with a GVWR of less than 14,000 are required to be equipped with OBD technology, and will receive the OBD test instead of the idle/gas cap test. As a result, the projected number of steady-state idle exhaust/gas cap

tests conducted in Illinois is expected to fall to less than 1% by 2015. The steady-state idle exhaust/gas cap tests and standards are no longer economically reasonable in the Illinois I/M Program given the additional capital and operating costs when only 1% of the fleet will be subject to this type of testing.

Modeling projections of the expected Illinois fleet for 2012 show that approximately 90% of the volatile organic compound (VOC) reductions would come from OBD equipped vehicles. In addition, the loss in VOC reductions will be 0.00 tons per day for the projected calendar year range of 2012 through 2020 in both the Chicago and Metro-East non-attainment areas. Given the fact that the steady-state idle exhaust/gas cap tests are only used on pre-2007 model year, non-OBD equipped vehicles (a small and diminishing portion of the vehicles subject to testing in the future), are not required by federal law or regulations where the OBD test is utilized, and that the cost was significantly higher than OBD testing, the Illinois General Assembly decided it was technically feasible and economically reasonable to eliminate the requirement for any steady-state idle exhaust/gas cap testing in the Illinois I/M Program. My Technical Support Document, filed with this rulemaking, explains the rationale to sunset the steady-state idle and gas cap emissions tests in more detail.

The main change that this rulemaking proposes to make to implement P.A. 97-0106 is to sunset all Subpart D (Steady-State Idle Mode Test Emission Standards) and Subpart F (Evaporative Test Standards) contained in 35 Ill. Adm. Code 240, beginning February 1, 2012.

The addition of the visual inspection test is necessary to handle certain vehicles that are equipped with OBD technology, but for which OBD testing is not possible due to the vehicle's design. The

new visual inspection test created and allowed by P.A. 97-0106, will provide motorists with the same flexibility they received through the steady-state idle and gas cap tests in the current Illinois I/M Program. Specifically, the visual inspection test will be used only on vehicles for which OBD testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, and on any vehicle with known OBD communications or software problems, as determined by the Agency. Without this fallback test, these vehicles would not be able to pass an OBD test and the motorist would have no means of correcting the problem and renewing the vehicle's registration. Not having this test would result in an undue burden on the motorist.

The Agency will make the determination as to which vehicles are eligible for the visual inspection test and will develop a list of such vehicles. Any vehicle that does not appear on this list will not be eligible for the visual inspection test and will need to comply with the full OBD inspection.

In order to pass the visual inspection test, the MIL must illuminate during the key-on/engine off check and not illuminate during the key-on/engine on check. Therefore, the Agency is proposing as its visual inspection test standards that vehicles shall fail the visual inspection if the MIL does not illuminate in the key-on/engine off position or continuously illuminates in the key-on/engine on position.

The visual inspection test standards are based on long-standing practice within the I/M community and federal law. The "key-on/engine off" check verifies that the malfunction

indicator lamp (MIL) bulb is functioning properly. Without a properly functioning bulb, the motorist would never be alerted when the OBD system detects potential problems with the vehicle's emissions control equipment. The "key-on/engine on" check verifies that there are no fault codes stored on the vehicle's OBD system which would require the illumination of the MIL. The OBD system stores fault codes whenever it detects possible problems with the vehicle's emissions control equipment, and are used by repair technicians to help identify areas to focus on during repairs. For the foregoing reasons, the proposed visual inspection test standards are technically feasible.

The addition of the visual inspection test will not require any new test equipment and therefore will not incur any additional costs to the State or motorists. Therefore, the proposed visual inspection test standards are economically reasonable.

In summary, with this rulemaking, the Agency is updating the vehicle emissions test standards contained in 35 Ill. Adm. Code 240 to correspond with the VEIL of 2005 as amended by the Illinois General Assembly through P.A. 97-0106. These changes will allow the State of Illinois to continue to meet the CAA I/M requirement with a modernized and streamlined I/M Program.

STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )                    SS

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served electronically the attached TESTIMONY OF MICHAEL HILLS upon the following persons:

John Therriault, Clerk  
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ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Kent E. Mohr Jr.  
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DATED: November 2, 2011

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