MEMORANDUM

TO: Board of Natural Resources

FROM: Richard E. Dunn, Director
       Environmental Protection Division

SUBJECT: Action on Proposed Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

In order for EPD to effectively regulate the vehicle emissions testing stations and vehicle emissions testing inspectors, updates of the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 are necessary to keep up with technological advancements within the vehicle emissions testing field.

I request the Board’s consideration of proposed amendments to Rules 391-3-20-.01; -.04; -.05; and -.09. The proposed amendments modify, update, or delete existing definitions and terminology to accurately reference updates to emissions testing technology and specifications, including Phase V specifications.

Please find enclosed for your review and consideration:

- Synopsis and Statement of Rationale for the proposed amendments to Rules for Enhanced Inspection and Maintenance; B-2
- Notice of Public Hearing issued September 1, 2016; B-5
- Memorandum summarizing comments on the proposed revision; B-7
- Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; B-9
- Proposed amendments to the Rules for Enhanced Inspection and Maintenance showing deletions with strikeouts and additions with underlines; and B-11
- A proposed resolution for adopting the amendments to the rules. B-26

I recommend adoption of the proposed amendments as presented.

RED:TH
Attachments
SYNOPSIS OF PROPOSED AMENDMENTS TO THE RULES OF THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION ENHANCED INSPECTION AND MAINTENANCE, CHAPTER 391-3-20

Rule 391-3-20-.01, “Definitions,” is being amended.

Purpose: The purpose of this amendment is to update the definitions by revision, deletion or addition as necessary.

Main Features: Several paragraphs are being amended to remove obsolete language, and to include new definitions consistent with the program. The definition of I/M Test Manual is being updated. References to “I/M Inspection Procedures Manual” are replaced with “Emissions Inspector Certification Training Program Manual” to be consistent with current emission testing technology and inspection procedures. The section is being re-indexed to reflect the changes.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended.

Purpose: The purpose of this amendment is to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Main Features: Paragraph (2) and (5) are revised to remove reference to an “I/M Inspection Procedures Manual” which is obsolete and being replaced with “Emissions Inspector Certification Training Program Manual.” to be consistent with current emission testing technology and inspection procedures.

Rule 391-3-20-.05, “Emission Standards,” is being amended.

Purpose: The purpose of this amendment is to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Main Features: Paragraph (2) is revised to remove reference to an “I/M Inspection Procedures Manual” which is obsolete and being replaced with “Emissions Inspector Certification Training Program Manual.”
Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended.

Purpose: The purpose of this amendment is to provide clarification by using standard terms, adding clarifying language and removing unnecessary and obsolete language.

Main Features: Subparagraph (2)(i)2., (2)(i)9. and (2)(q) are revised to remove reference to an “I/M Inspection Procedures Manual” which is obsolete and being replaced with “Emissions Inspector Certification Training Program Manual.” Subparagraph (2)(i) is being revised to remove reference to a “data transmission line” which is obsolete and being replaced with a secure internet connection.
STATEMENT OF RATIONALE
Rules for Enhanced Inspection and Maintenance

The Vehicle Inspection and Maintenance program continues to be a Clean Air Act obligation as detailed in the Atlanta maintenance state implementation plan for the 1997 8-hour ozone standard. An upgrade of the vehicle emissions testing equipment technology used by vehicle emissions testing station owners and inspectors, Phase V, is underway in Georgia. Phase V specifications are described in the I/M Test Manual, which is referenced in the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20.

In order for EPD to effectively regulate the vehicle emissions testing stations and inspectors, updates of the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 are necessary to align the Rules with the updated Phase V specifications. Accordingly, the proposed amendments modify existing definitions to reflect program changes and updates, revise or remove outdated terminology, and add clarifying requirements for inspecting vehicles.

The Phase V technology upgrade is the first upgrade since 2008, and is necessary to replace obsolete technology (dedicated phone line/dial-up modem). The upgrade will streamline testing procedures to make the test easier and quicker to perform; provide more information on reasons for vehicle failure (benefiting the inspectors and vehicle owners) and enhance detection of fraudulent inspections. The cost of the update will be assumed by the independently owned vehicle emissions testing stations and is expected to range between $3,000 and $15,000 per test lane, depending on the extent of upgrade required. Costs may be offset by the availability of leasing and rental options through the equipment vendors.

Note that the proposed amendments do not affect Rule 391-3-20-.21 “Inspection Fees” which establishes the emission inspection fee collected by the inspection station owner at no less than $10.00 and no more than $25.00. The average cost per vehicle emission test conducted in 2015 was $19.64. The Vehicle Emissions Inspection/Maintenance program is managed under a competitively awarded contract with Applus Technologies; the proposed amendments will not impact the cost of those services to EPD, which is paid as an administrative fee by station owners on a per test basis.
 Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, “EPD”) of the Georgia Department of Natural Resources proposes Amendments to Georgia’s Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 (hereinafter, “the proposed Inspection and Maintenance Rule Amendments”). The Director of EPD certifies that the revisions to rule 391-3-20-.01, 391-3-20-.04, 391-3-20-.05, and 391-3-20-.09 are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 182 of the federal Clean Air Act. The proposed Inspection and Maintenance Rule Amendments are described below:

Rule 391-3-20-.01, “Definitions,” is being amended to update the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Rule 391-3-20-.05, “Emission Standards,” is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended to provide clarification by using standard terms, adding clarifying language and removing unnecessary and obsolete language.

This notice, together with an exact copy of the proposed Inspection and Maintenance Rule Amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at [http://epd.georgia.gov/chapter-391-3-20-rules-enhanced-inspection-and-maintenance](http://epd.georgia.gov/chapter-391-3-20-rules-enhanced-inspection-and-maintenance) or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting James Boylan, 404-363-7014 or Elisabeth Munsey, 404-363-7131 at the Air Protection Branch or the Environmental Protection Division Director’s Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Inspection and Maintenance Rule Amendments, a public hearing will be held at 2:30 p.m. on October 3, 2016, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Oral statements should be concise.
Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on October 4, 2016. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Inspection and Maintenance Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on October 26, 2016, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Inspection and Maintenance Rule Amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-40 et. seq.). For further information, contact Elisabeth Munsey, 404-363-7131 at the Air Protection Branch.
MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: Karen Hays, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding Proposed Revisions to Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

On September 1, 2016, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20. The proposed changes included the following rules:

- **Rule 391-3-20-.01, “Definitions,”** is being amended to update the definitions by revision, deletion or addition as necessary.

- **Rule 391-3-20-.04, “Emission Inspection Procedures,”** is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

- **Rule 391-3-20-.05, “Emission Standards,”** is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

- **Rule 391-3-20-.09, “Inspection Station Requirements,”** is being amended to provide clarification by using standard terms, adding clarifying language and removing unnecessary and obsolete language.

A public hearing was held at 2:30 p.m. on October 3, 2016, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. A representative of the Industry Advisory Board presented oral comments during the public hearing, and also submitted them in writing. No other comments were received during the comment period that ended October 4, 2016. A summary of the comments received and EPD’s responses are attached. No changes to the proposed amendments are recommended based on comments received.

KH: PTE
Comments
On September 1, 2016, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on Georgia’s proposed amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 pertaining to vehicle emissions and inspection. One comment was received from a representative of the Industry Advisory Board during the public hearing on October 3, 2016. These comments are summarized and followed by EPD’s responses below.

**Comment:** The commenter agreed with the Proposed Rule by “expressing our support for the technology improvements being brought about through the implementation of Phase V. It’s our belief that these measures will help to improve and sustain the emissions testing industry...,” while voicing concerns over the costs and profitability associated with implementing Phase V, including costs to upgrade older equipment, purchase new equipment, install internet connections, etc.

**EPD Response:** EPD agrees with the commenter that the Phase V upgrade will improve the inspection process and sustain the program into the future. This will be accomplished by using faster and more reliable internet connections, by giving EPD the ability to provide better assistance to motorists with failing inspections through more vehicle data collection, and by improving security measures for the testing community.

EPD acknowledges that while the installation of the Phase V upgrade will have varying costs for station owners, this is the first technology upgrade required in 8 years. Since Georgia’s vehicle emissions program is a decentralized program, testing stations are individually owned and operated. By law, the test fee can range from $10 up to $25. The average cost per vehicle emission test conducted in 2015 was $19.64. EPD does not determine the pricing of the inspections at individual stations; therefore, profitability in the I/M program is a function of costs versus income for individual station owners.
MEMORANDUM

TO: Richard E. Dunn, Director
    Environmental Protection Division

FROM: Karen Hays, Chief
    Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

a. Establishing different requirements or reporting requirements or timetables for small businesses;

b. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rules for small businesses;

c. Establishing performance rather than design standards for small businesses; or

d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Enhanced Inspection & Maintenance, Chapter 391-3-20 (I/M Rules). The proposed rule amendments include the following:

Rule 391-3-20-.01, “Definitions,” is being amended by updating the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.04, “Emission Inspection Procedures,” is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.
Rule 391-3-20-.05, “Emission Standards,” is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Rule 391-3-20-.09, “Inspection Station Requirements,” is being amended to provide clarification by using standard terms, adding clarifying language and removing unnecessary and obsolete language.

In consideration of the four actions required in the State statute for the proposed changes to the I/M Rules, we offer the following comments on the proposed rule amendments:

1. Different compliance or reporting requirements for small businesses:
The proposed rule amendments specify the technology required to communicate with the Vehicle Information Database. All stations that conduct vehicle emissions testing in Georgia must upgrade their software/hardware in order to continue participating in the Georgia I/M program.

2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.

3. Performance rather than design standards for small businesses:
The proposed rule amendments specify the technology required to communicate with the Vehicle Information Database. All stations that conduct vehicle emissions testing in Georgia must have the appropriate testing equipment in order to continue participating in the Georgia I/M program.

4. Exemptions for small businesses:
Most businesses that perform emissions testing are small businesses. No exemptions are provided; however, participation in the I/M program is optional. Businesses opting to perform vehicle emissions testing must have the appropriate equipment and software.

In addition, the Administrative Procedures Act requires that “...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule.”

Updates to the vehicle emissions testing technology are periodically required in order for EPD to effectively administer a vehicle emissions testing program. The Phase V technology upgrade is the first upgrade since 2008, and is necessary to replace obsolete technology. The costs of upgrading to Phase V will be assumed by the vehicle emissions testing stations and will vary from station to station. Some stations have vehicle emissions testing equipment that will require complete replacement to ensure ongoing functionality with today's technology. Stations with more recent technology may only need a software update. The software/hardware update is acquired from equipment vendors costs may be offset with leasing and rental options through the equipment vendors.

KH:PE:ABB
Chapter 391-3-20  Rules for Enhanced Inspection and Maintenance

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
ENHANCED INSPECTION AND MAINTENANCE, CHAPTER 391-3-20

The Rules of the Department of Natural Resources, Chapter 391-3-20, Enhanced Inspection and Maintenance are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-20-.01, “Definitions. Amended,” is amended to read as follows:

391-3-20-.01 Definitions. Amended.

The following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act’s definitions control; and provided that definitions within any subsequent rule or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.


(b) “ASM test” means an Acceleration Simulation Mode 2525/5015 exhaust emission test as defined in the I/M Test Manual. This test shall be conducted using a chassis dynamometer. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual as specified in the Emissions Inspector Certification Training Program Manual.

(c) “Calibration” means, in the case of the Georgia Analyzer System (GAS), the process of establishing or verifying that the response curve of the GAS bench using the applicable calibration gases. In the case of a dynamometer, “calibration” means the process of verifying that the horsepower absorbed are within tolerances using a coast down procedure. In the case of a fuel cap tester, “calibration” means the process of verifying that the measured pressure drop over time is between the upper and lower control limits.

(d) “Certificate” means the license issued by the Director to a person authorizing him or her to perform emission inspections in accordance with the requirements of the Act and this Chapter.

(e) “DLC” means the data link connector for a vehicle’s on-board diagnostic system.
(f) “Dedicated data transmission line” means a unique communication line identifiable by a transmitted digital identification number which allows the Vehicle Information Database or (VID) to identify the Georgia Analyzer System (GAS) unit communicating with the VID.

(g) “Department” means the Department of Natural Resources.

(h) “Diagnostic Trouble Codes (DTC)” means that for vehicles equipped with on-board diagnostic (OBD) computer systems, a five digit code that is associated with a specific test of the OBD system.

(i) “Director” means the Director of the Environmental Protection Division of the Department of Natural Resources.

(j) “E-Certs” means Electronic Certificates of Emission Inspection that are pre-purchased for the purpose of performing an emission inspection.

(k) “Emission Inspection” means all tests and inspections required by the Act, this Chapter, the I/M Inspection Procedures Manual, the Emissions Inspector Certification Training Program Manual, and the I/M Test Manual, including an exhaust emission test, a fuel cap test, a tampering inspection, and an on-board diagnostic system check where applicable.

(l) “Emissions Inspector Certification Training Program Manual”, means the manual supplied to inspectors during their initial or biennial re-certification class, or as posted on the Georgia Clean Air Force website.

(m) “Emission Recall Compliance Check” means determining whether a recall campaign has been issued by the original equipment manufacturer of a vehicles, using the procedures specified in the I/M Test Manual.

(n) “E-VIN” means the Electronic Vehicle Identification Number embedded in the OBD computer system on 1996 and later model year vehicles.

(o) “EPD” means the Environmental Protection Division of the Georgia Department of Natural Resources.

(p) “Exhaust Emission Test” means the determination of the amount of specified gases in a vehicle’s exhaust by use of the ASM test or the 2-speed idle test, as defined in the I/M Test Manual. The test procedures to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual, the Emissions Inspector Certification Training Program Manual.

(q) “Fleet Vehicle” means a motor vehicle owned or leased by a person engaged in a commercial activity, utility service, or government service; or a motor vehicle offered for sale, rent, or lease at a business which is licensed to sell, rent, or lease motor vehicles.
“Fuel Cap Test” means the determination of the ability of the fuel cap(s) to retain pressure, as defined in the I/M Test Manual. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual specified in the Emissions Inspector Certification Training Program Manual.

“Georgia Analyzer System” (GAS) means the test system which has been certified for use in performing emission inspections in Georgia in accordance with the Act and this Chapter.

“Gas Calibration” means the calibration of the Georgia Analyzer System by the use of a manufactured calibration gas.

“Grandfathered Vehicle” means a vehicle manufactured outside of the United States and certified to meet foreign emission standards, but which has subsequently been legally imported into the United States and is subject to the provisions of this Chapter. Such vehicles are approved by EPD to comply with alternative tail pipe emission standards for that Model Year vehicle as specified in the I/M Test Manual.

“Gray Market Vehicle” means vehicles which are manufactured for use outside of, and imported into, the United States.

“GVWR” means the gross vehicle weight rating, i.e., the weight of the vehicle and contents when loaded to its maximum capacity, as established by the vehicle manufacturer.

“Hot Rod” means a vehicle in which the original engine has been replaced with an engine from another manufacturer, or with a different type of engine from the same manufacturer which was never installed in that model vehicle. For the purposes of this definition, a different type of engine will include engines with a different number of cylinders from any engine which was originally installed in that make of vehicle. It will not include engines of the same family, e.g., Chevrolet V8s of 283, 305, 327, 350 and 400 cubic inch displacement, nor will it include engines different from the original, but which were also installed in that make of vehicle, e.g., gasoline for diesel engine swaps in General Motors or Volkswagen vehicles, or V8 for V6 swaps where both engines were installed in that model vehicle by the manufacturer for retail sale.

“Idle RPM” means for vehicles equipped with a manual transmission, the manufacturer’s recommended engine speed with the transmission in neutral or with the clutch disengaged. For vehicles equipped with an automatic transmission, idle revolutions per minute (RPM) means the manufacturer’s recommended engine speed with the transmission in neutral or park.

“I/M Inspection Procedures Manual” means the Georgia Department of Natural Resources— I/M Inspection Procedures Manual—Phase IV, April 1, 2009.

“I/M Test Manual” means the Georgia Department of Natural Resources Enhanced Inspection/Maintenance Test Equipment, Procedures and Specifications—Phase IV, dated September 16, 2008 Manual—Phase V, August 31, 2016, unless an alternative is approved by the Division.
(aa) “Inspector” means a person certified by the Director to perform emission inspections in accordance with the requirements of the Act and this Chapter.

(bb) “Kit Car” means a motor vehicle which does not utilize a chassis from a vehicle certified by the manufacturer to meet emission control standards or for which the original manufacturer’s identification has been eliminated due to the replacement of the vehicle’s body with one of a different make and/or style.

(cc) “Light Duty Truck” means any motor vehicle with a GVWR of 8500 pounds or less which has a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons, or

3. Available with special features enabling off-street or off-highway operation and use.

(dd) “Light Duty Vehicle” means a passenger car or passenger car derivative, capable of seating 12 passengers or less.

(ee) “Management Contractor” means the person, corporation or entity under contract to design and operate the data management system and to perform certain other functions for the State Inspection.

(ff) “Malfunction Indicator Light (MIL)” means a light on the dashboard of newer vehicles that notifies the driver that an emission related fault has been detected and the vehicle should be repaired as soon as possible.

(gg) “Newer Vehicles” means vehicles with a designated model year of 1996 and newer.

(hh) “Non-conforming Vehicle” means vehicles that were not built to standards set by the U.S. EPA.

(ii) “Older Vehicles” means vehicles with a designated model year of 1995 and older.

(jj) “On-Board Diagnostic (OBD) System” means a computer system installed on 1996 or later model year vehicles as required by Section 202(m) of the Clean Air Act (42 U.S.C. 7521) which is designed to identify engine or primary emission control component problems which cause excess emissions.

(kk) “On-Board Diagnostic (OBD) System Check” means the determination of readiness codes and diagnostic trouble codes stored within the memory of the on-board diagnostic system, as specified in the I/M Test Manual. The test procedure to be performed by certified inspectors

(ll) “Primary Emission Control Component” means the catalytic converter, air injection system, exhaust gas recirculation system or other major component, as determined by the Director, which is installed on a vehicle primarily for the purpose of emission control.

(mm) “Public Vehicle” means a motor vehicle that is not a fleet vehicle.

(nn) “Recognized Repair Technician” means any person professionally engaged in vehicle repair, employed by an ongoing business whose purpose is vehicle repair or possessing a nationally recognized certification for vehicle emission related diagnosis and repair.

(oo) “State Inspection Program” means the program of vehicle emission inspections as required by the Act and this Chapter.

(pp) “Station Owner” means the individual, partnership, firm, corporation, association, municipality, governmental agency, lessee, or other entity having control of the daily operation of an inspection station and having responsibility for the emission inspections.

(qq) “Tampering Inspection” means the determination of whether the catalytic converter(s) as installed by the original manufacturer has been removed from the vehicle or modified. The test procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual specified in the Emissions Inspector Certification Training Program Manual.

(rr) “Time Extension” means any time extension as defined in section “Extensions and Reciprocal Inspections.” of these rules and issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for extending the time to comply with the emission inspection requirement.

(ss) “Vehicle” means a motor vehicle.

(tt) Vehicle Information Database (VID) means the data collection and management system for Georgia’s Enhanced Motor Vehicle Emission Inspection and Maintenance Program (I/M Program) that contains current and historical program data. The VID is comprised of data collection tables, including the table of inspection records. The term “VID” is used to refer to the VID as a whole or to any part, e.g., Enforcement database, Audit database, Emission Inspections database, and Waiver database.

(uu) “Waiver” means the official form issued by EPD, the Management Contractor or an authorized agent of EPD to the owner of a responsible motor vehicle certifying that such owner and vehicle have met the requirements in the Act and this Chapter for obtaining a waiver of the emission inspection requirement.
Rule 391-3-20-.04, “Emission Inspection Procedures. Amended,” is amended to read as follows:

**391-3-20-.04 Emission Inspection Procedures. Amended.**

(1) Prior to performing an emission inspection, the inspector shall determine whether the vehicle has leaking fluids, tires with cords exposed, is overheating, or is otherwise unsafe to inspect. The inspector shall not perform an emission inspection on any vehicle which is unsafe to inspect.

(2) Inspectors shall perform a complete emission inspection on any covered vehicle presented for an inspection, in accordance with the requirements of the Act, this Chapter and the procedures established in the Emissions Inspector Certification Training Program Manual, I/M Inspection Procedures Manual, including the following:

(a) For newer vehicles.

1. A tampering inspection.

2. An OBD system check. On occasion, when activated by EPD, the Georgia Analyzer System will prompt the inspector at the conclusion of the OBD system check to perform the 2-speed idle test to collect exhaust emission data. The exhaust emission data will not be used to determine Pass/Fail results of the vehicle.

3. A fuel cap test.

(b) For older vehicles.

1. A tampering inspection.

2. An exhaust emission test. The inspector shall perform an ASM test on all older vehicles unless otherwise provided in this Rule. The inspector shall perform a 2-speed idle test on all full-time all-wheel drive vehicles and all full-time four-wheel-drive vehicles. The inspector may perform a 2-speed idle test on vehicles equipped with traction control systems that cannot be disengaged or deactivated as identified in the EPD approved “Traction Control Chart”. Inspectors shall not perform 2-speed idle tests on vehicles that have modified suspensions or are equipped with after-market tires or wheels that prevent the inspector from performing the ASM test.

3. A fuel cap test.

(c) For grandfathered vehicles.
1. A tampering inspection. The inspector shall perform a tampering inspection only for those vehicles given grandfathered status by EPD that were originally equipped with a catalytic converter by the vehicle manufacturer or that have been subsequently equipped with a catalytic converter.

2. An exhaust emission test. The inspector shall perform a 2-speed idle test on all vehicles that have been given grandfathered status by EPD.

3. A fuel cap test.

3(3) The station owner and inspector shall take all reasonable precautions to avoid damage to vehicles during the emission inspection.

3(4) EPD may require alternate procedures for certain types or classes of vehicles when it determines that such alternate procedures are necessary to safely and effectively inspect such vehicles.

3(5) Emission inspections may be performed on any vehicle when done “at motorist’s request”, for reasons such as performing a reciprocal inspection for a motorist to meet the emission inspection requirements in his or her state of residence, as allowed by the Georgia Analyzer System software. The inspection procedure to be performed by certified inspectors shall be as defined in the I/M Inspection Procedures Manual specified in the Emissions Inspector Certification Training Program Manual.

**Rule 391-3-20-.05, “Emission Standards. Amended,”** is amended to read as follows:

**391-3-20-.05 Emission Standards. Amended.**

(1) An inspector shall not perform a tampering inspection, an exhaust emission test, a fuel cap test, or an OBD system check on a vehicle which:

(a) has a missing exhaust system, or

(b) is unsafe to inspect.

(2) The inspector shall not issue a Certificate of Emission Inspection indicating an overall passing result for the emission inspection unless the inspector has inspected the vehicle in accordance with the requirements of the Act, this Chapter and the Emissions Inspector Certification Training Program I/M Inspection Procedures Manual and the vehicle has passed the tampering inspection, the exhaust emission test, the fuel cap test, and the OBD system check where applicable.

(a) The vehicle shall pass the tampering inspection if:

1. the catalytic converter(s) has not been removed or disconnected;
2. no catalytic converter was installed by the original equipment manufacturer as determined from the vehicle emission control label;

3. in the case of a vehicle which has been converted from a single exhaust system to a dual exhaust system and a catalytic converter(s) was part of the original single exhaust system configuration, a catalytic converter has been installed in each pipe of the dual exhaust system;

4. in the case of a hot rod for which either the original vehicle or the replacement engine was equipped with a catalytic converter(s), a catalytic converter(s) has been installed; or

5. a catalytic converter(s) installed by the original equipment manufacturer has been removed and replaced with another catalytic converter(s).

(b) The vehicle shall pass the exhaust emission test if:

1. in the case of a vehicle subject to a 2-speed idle test any simultaneous pair of values for hydrocarbons and carbon monoxide, in each mode, do not exceed the exhaust levels established in the I/M Test Manual, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual;

2. in the case of a vehicle subject to an ASM exhaust emissions test any simultaneous set of values for hydrocarbons, nitrogen oxide, and carbon monoxide do not exceed those established in the I/M Test Manual, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual; or

3. in the case of a gray market vehicle, kit car, hot rod, or non-conforming vehicle that has been given grandfathered status by EPD under this Chapter, any simultaneous pair of values for hydrocarbon and carbon monoxide, in each mode of the 2-speed idle test, do not exceed the exhaust levels established in the I/M Test Manual for 1975 model year vehicles, or for the model year of the vehicle, and the combined value for carbon monoxide and carbon dioxide is equal to or more than the minimum combined value established in the I/M Test Manual.

(c) The vehicle shall pass the fuel cap test if:

1. the vehicle’s primary fuel cap and, when equipped, one secondary fuel cap, holds pressure in accordance with the standard established by the I/M Test Manual; and

2. where a vehicle has two or more fuel caps, each fuel cap is present.

(d) The vehicles shall pass the OBD system check if:

1. the Georgia Analyzer System is able to communicate with the vehicle’s OBD system;

2. the MIL illuminates with the ignition key in the “on” position and the engine not running, which is known as Key On Engine Off (KOEO);
3. the OBD system does not command the MIL to illuminate with the ignition key in the on position with the engine running;

4. all nonexempt OBD system monitors, as specified in the I/M Test Manual, are set to “ready”;

5. the OBD system does not contain any fault codes which command the MIL to illuminate, as specified in the I/M Test Manual, indicating problems with the emissions control parameters monitored by the OBD system; and

6. the MIL does not illuminate with the ignition key in the “on” position and the engine running, which is known as Key On Engine Running (KOER).

**Rule 391-3-20-.09, “Inspection Station Requirements. Amended,”** is amended to read as follows:

**391-3-20-.09 Inspection Station Requirements. Amended.**

(1) Classes of stations - There shall be three classes of inspection stations: regular inspection stations, newer-vehicle-only inspection stations, and fleet inspection stations. Regular inspection stations and newer-vehicle-only inspection stations shall be public inspection stations and may inspect no more than ten (10) vehicles per year which are owned incidental to the operation of the business.

(a) Newer-Vehicle-Only Inspection Stations

1. A newer-vehicle-only inspection station is only authorized to inspect newer vehicles.

2. The newer-vehicle-only inspection station owner shall post the vehicle model years the inspection station is authorized to inspect on the inspection station’s State Emission Inspection Station sign.

(b) Regular Inspection Stations

1. A regular inspection station is authorized to inspect any vehicle subject to the State Inspection Program.

(c) Fleet Inspection Stations

1. Vehicle owners who operate a fleet vehicle may apply for a Certificate of Authorization under this Chapter to inspect their own fleet vehicles, but must meet certain additional requirements beyond those established for public regular or newer-vehicle-only inspection stations. Fleet inspection stations are only allowed to inspect fleet vehicles that they own or operate. No inspection of public vehicles is allowed by a fleet inspection station.
2. Fleet inspection station owners may choose to inspect only “newer vehicles” or both “newer vehicles” and “older vehicles” depending on the composition of their fleet, and shall acquire the appropriate Georgia Analyzer System(s).

(2) General Requirements for Inspection Stations

(a) Persons wishing to obtain or renew a Certificate of Authorization to operate one or more inspection stations shall apply to EPD in a format established by EPD. One application must be submitted for each inspection station. Each application shall include all information required by the Director to determine that the proposed inspection station will meet the requirements of the Act and this Chapter and shall identify all persons having any ownership, financial and/or operational interest in the station. Additional information that may be requested includes, but is not limited to:

1. Explicit permission of all persons having any financial or operational interest in the station, as named in the application, authorizing the director to conduct a background check, including criminal history, on the named individuals;

2. Facility purchase or lease agreement(s);

3. Georgia Analyzer System purchase or lease agreement(s);

4. Proof of a filed bond or a copy of accepted certificate of liability insurance;

5. Copy of approved business license or application for same showing signature(s) of the business owner(s); and

6. Other documents as deemed necessary by EPD to determine all persons having any ownership, financial and/or operational interest in the inspection station.

(b) A station owner shall obtain all permits and licenses necessary for the establishment of each inspection station. The station shall conform to all applicable federal, state and local code requirements including, but not limited to, planning and building codes, carbon monoxide levels, ventilation, safety, and fire regulations. All permits, licenses, leases, and/or other requirements for the station shall be maintained for the duration of the Certificate of Authorization. An update shall be filed with the Management Contractor, in a format approved by EPD, no later than the next business day for any change in the information in or submitted with the application and/or any change in the permits, licenses and/or other requirements for the station.

(c) Mobile Georgia Analyzer Systems

1. EPD may approve a station owner to operate a mobile Georgia Analyzer System only at a fleet or car dealer location for the purpose of performing emission inspections only on fleet vehicles subject to the State Inspection Program that are owned or operated by that fleet or car dealer. A public inspection station owner with an approved mobile test system shall make all
invoices submitted to fleet owners and/or car dealers for emission inspections using a mobile test system available to EPD or the Management Contractor.

2. A station owner that has been approved to operate a mobile Georgia Analyzer System at a fleet or car dealer location shall comply with all requirements for mobile inspecting as established in these rules. A station owner that has been approved to operate a mobile Georgia Analyzer System shall provide the Management Contractor and EPD, if directed to do so by EPD, with advance notice of scheduled emission inspections of fleet or car dealer locations by 2 PM of the previous business day and shall update such notice as the schedule is changed. The station owner may delete locations from the schedule of fleet or car dealer locations after 2 PM of the previous business day, but may not add fleet or car dealer locations to the schedule. EPD may approve an alternate procedure that provides equivalent quality assurance in lieu of a submitted schedule.

3. A public inspection station owner that has received an approval to operate a mobile Georgia Analyzer System shall not perform emission inspections on public vehicles at a location other than at the public inspection station location identified on the Certificate of Authorization.

4. The Director may suspend or revoke the station's Certificate of Authorization if the station owner fails to comply with the requirements of subparagraph (2)(c).

(d) Public inspection station owners shall provide an area adequate to allow four (4) vehicles per inspection lane to wait for an emissions inspection.

(e) A public inspection station owner shall display a sign approved by EPD that indicates that the facility is a State Emission Inspection Station and that shows the fee charged for performing the emission inspection. The station owner shall erect the sign in a location visible to the motoring public. All sign locations must meet State and local code requirements. Signs that are illegible, damaged or contain unapproved modifications shall be replaced with an approved sign.

(f) Lanes at each inspection station must be of adequate length, width, and height to accommodate all normal-sized vehicles which are presented for inspection.

(g) A station owner shall provide adequate protection for the Georgia Analyzer System to allow it to operate within specifications in all weather conditions. Any component of the Georgia Analyzer System, which could affect the emission inspection results, shall not be subjected to temperatures outside the manufacturer’s specifications. The air intakes on the ASM Georgia Analyzer System and the vehicle being inspected shall at all times during the inspection be exposed to the same ambient temperature, pressure and humidity conditions. The station owner shall maintain all Georgia Analyzer Systems in fully operational condition.

(h) A public inspection station owner shall provide to its customers:

1. a public waiting area, which will allow the motorist to observe the emissions inspection of his or her vehicle;
2. a response to inquiries and complaints in person and over the telephone during business hours;

3. EPD public information materials:

   (i) The current RepairWatch Public Report provided by EPD or the Management Contractor on repair facilities that have a documented history of emission related repairs on vehicles which have failed the emission inspection; and

   (ii) The program provided Motorist Rights Poster.

   (iii) The station owner shall maintain such item(s) in legible condition and either posted or made available for motorists’ uninhibited viewing.

   (i) A station owner shall:

1. be responsible for all emission inspections conducted at the inspection station(s);

2. be responsible for providing adequate oversight to ensure the station and station personnel comply with the requirements of the Act, this Chapter, and the Emissions Inspector Certification Training Program I/M Inspection Procedures Manual;

3. obtain a dedicated data transmission line secure static internet connection for each Georgia Analyzer System at the station to tie into the VID and a regular phone line for other station business;

   (i) The dedicated data transmission line(s) secure static internet connection shall be maintained in working order to provide a connection(s) to the VID.

   (ii) The dedicated data transmission line(s) shall be independent of other telecommunication lines at the station.

4. transmit all vehicle inspection data and quality assurance data that is collected to the VID;

5. ensure that the Georgia Analyzer System is connected to the data transmission line secure static internet connection at all times, except in the case of a mobile or mobile capable Georgia Analyzer System operating offsite at a fleet or car dealer location which shall be connected to the data transmission line within 72 hours of any emission inspection;

   (i) Mobile capable Georgia Analyzer Systems shall have the Georgia Analyzer System connected at all times to a secure static internet connection while being used as a non-mobile Georgia Analyzer System. The mobile capable Georgia Analyzer System shall be the sole communication device connected to the dedicated data transmission line while being used as a non-mobile Georgia Analyzer System.
(ii) Mobile Georgia Analyzer Systems shall have a separate data transmission line for each Georgia Analyzer System. However, when the mobile Georgia Analyzer System is not located at the inspection station location, the separate data transmission line may be used for normal telephony purposes. When the mobile Georgia Analyzer System is located at the inspection station location, it must be connected to the dedicated data transmission line and remain the sole communication device connected to the dedicated transmission line until a successful data file refresh is completed.

6. collect, store and submit to the Management Contractor all repair information forms for each reinspection performed at the inspection station;

7. obtain and maintain in legible condition an EPD-approved “Traction Control Chart” at each Georgia Analyzer System capable of performing the ASM test;

8. obtain and maintain in legible condition an EPD-approved “OBD DLC Location Chart” at each Georgia Analyzer System capable of performing OBD system checks;

9. obtain and maintain at all times in legible condition a current copy of the I/M Inspection Procedures ManualEmissions Inspector Certification Training Program Manual, at each Georgia Analyzer System; and

10. obtain and maintain in good working order a portable external cooling fan to be used for the vehicle’s radiator when inspectors conduct the ASM test. The cooling fan shall produce at least 3,000 cubic feet per minute (CFM) measured at no less than one (1) foot from the fan blade or fan cage/grill.

(j) The station owner shall pay a per-paid-inspection program administration fee. This fee will be collected through the sale of E-Certs or other method determined by the Director. This fee will cover the cost to administer the program, including:

1. the services of the Management Contractor,
2. the cost of EPD administration,
3. the cost to affected county tax offices of monitoring vehicle registrations, and
4. any other costs allowed by the Act.

(k) Liability Insurance

1. Inspection station owners, except fleet inspection station owners, conducting inspections only on newer vehicles as defined in this Chapter shall provide proof of $100,000 bond or liability insurance for the period of the Certificate of Authorization.

2. Inspection station owners, except fleet inspection station owners, conducting inspections at all vehicles welcome stations as defined in this Chapter shall provide proof of a bond or garage
owner’s liability insurance, with a garage keeper’s endorsement, or equivalent liability coverage in the form and amount satisfactory to the Director to ensure compensation for any damage to a vehicle during an inspection or adjustment caused by the negligence of the station or station personnel, for the period of the Certificate of Authorization.

3. Inspection station owners shall notify the Management Contractor no later than the next business day upon termination of or any change in insurance coverage.

(l) Hours of Operation

1. Public inspection station owners shall post the inspection station hours of operation, including hours regularly closed for meals if applicable, on the inspection station’s State Emissions Inspection Station sign. Inspection station owners shall provide emissions inspections at all times during the posted hours. Public inspection station owners may provide inspections by appointment only but shall notify the Management Contractor and indicate such on the station’s State Emissions Inspection Station sign.

2. The station owner shall post a “Closed” sign over the station’s State Emissions Inspection Station sign when the inspection station is closed and unstaffed during posted hours.

(m) A public inspection station owner shall display the Certificate of Authorization issued to the inspection station pursuant to this Chapter at said inspection station in a convenient location visible to the public.

(n) Whenever an inspector ceases employment with an inspection station, either through resignation, termination, or by other means, the station owner shall notify the Management Contractor, in a format approved by EPD, within three (3) business days of the inspector ceasing employment.

(o) No station owner, facility owner, station personnel, or facility personnel shall interfere with EPD or the Management Contractor when they are conducting an audit of the inspection station or Georgia Analyzer System(s), or when they are conducting an investigation of the emission inspection activities at a station or at any facility claiming or appearing to be an emission inspection station.

(p) During an audit of the inspection station or Georgia Analyzer System(s) by EPD or the Management Contractor, or during an investigation of the emission inspection activities at a station, the station owner shall:

1. provide prompt access to the premises, at reasonable times, where inspections are performed and to the Georgia Analyzer System(s);

2. provide prompt access to all station related documents and materials necessary to complete the audit or investigation; and
3. provide prompt assistance in operating and calibrating the Georgia Analyzer System(s) as necessary to facilitate the audit or investigation, or sign a release of liability that allows EPD or the Management Contractor to operate and calibrate the Georgia Analyzer System(s) during the audit or investigation.

(q) The station owner shall maintain a current mailing address, telephone number and other contact information (e.g., an e-mail address) on file with EPD so that EPD may communicate with the owner on all matters regarding the station, including compliance and enforcement issues. The station owner may designate, in the station application or a written update thereto, another person to receive such communication from EPD. In that case, the station owner shall also provide that person’s contact information, will be presumed to have received all communications from EPD to the person he or she has designated, and remains responsible for compliance with the requirements of the Act, this Chapter, the I/M Test Manual, and the Emissions Inspector Certification Training Program I/M Inspection Procedures Manual.

(3) Additional Requirements for Fleet Inspection Stations.

(a) The administrative fee charged to fleet inspection stations shall be at least as much as the fee charged to public inspection stations. This fee may be increased to cover any additional cost of increased monitoring requirements for fleet inspection stations.

(b) For fleets engaged in commercial activity, utility service or government service, maintenance and repair technicians employed by the fleet inspection station owner shall be certified in the area of Advanced Automotive Engine Diagnostic and Repair.

(4) Quality Assurance for Fleet Vehicles.

(a) EPD or the Management Contractor may require fleet inspection stations and mobile inspection stations while on-site to re-inspect randomly selected fleet or car dealer vehicles to verify that emissions inspections are being performed properly.

(b) EPD may require fleet inspection stations and mobile inspection stations to install a video camera surveillance system on the Georgia Analyzer System to record all emissions inspections.

Authority: O.C.G.A. Section 12-9-40 et seq., as amended.
A RESOLUTION

Adopting Amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

WHEREAS, the Board adopted, under the authority of The Georgia Motor Vehicle Emissions Inspection and Maintenance Act, O.C.G.A. 12-9-40, et seq., the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, which became effective on November 21, 1993, and were last amended effective on June 19, 2014; and

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and

WHEREAS, the proposal for the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, has been prepared by staff of the Environmental Protection Division and presented to this Board; and

WHEREAS, amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, will revise various portions of Rule .01, “Definitions”, Rule .04, “Emission Inspection Procedures”, Rule .05, “Emission Standards”, and Rule .09, “Inspection Station Requirements”; and

WHEREAS, on September 1, 2016, a public notice for the proposed rule amendments was posted on EPD’s website and sent to individuals on EPD’s mailing list and to Govdelivery.com subscribers, which invited public comment, announced a public hearing to be held on October 3, 2016, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and

WHEREAS, public comments received in response to the notice and the hearing have been considered; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, as attached hereto and incorporated herein by reference.

Adopted this 26th day of October 2016.

Respectfully submitted by:                  ATTEST:

William Bagwell, Jr., Chairman             Jeff Bodine Sinyard, Secretary
Georgia Board of Natural Resources         Georgia Board of Natural Resources
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS
TO GEORGIA’S RULES FOR ENHANCED INSPECTION AND MAINTENANCE
CHAPTER 391-3-20

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20 (hereinafter, "the proposed Inspection and Maintenance Rule Amendments"). The Director of EPD certifies that the revisions to rule 391-3-20-.01, 391-3-20-.04, 391-3-20-.05, and 391-3-20-.09 are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 182 of the federal Clean Air Act. The proposed Inspection and Maintenance Rule Amendments are described below:

Rule 391-3-20-.01, "Definitions," is being amended to update the definitions by revision, deletion or addition as necessary.

Rule 391-3-20-.04, "Emission Inspection Procedures," is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Rule 391-3-20-.05, "Emission Standards," is being amended to modify this section to use standard terminology, remove obsolete language, and add new terminology due to advances in the emission testing industry.

Rule 391-3-20-.09, "Inspection Station Requirements," is being amended to provide clarification by using standard terms, adding clarifying language and removing unnecessary and obsolete language.

This notice, together with an exact copy of the proposed Inspection and Maintenance Rule Amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at http://epd.georgia.gov/chapter-391-3-20-rules-enhanced-inspection-and-maintenance or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting James Boylan, 404-363-7014 or Elisabeth Munsey, 404-363-7131 at the Air Protection Branch or the Environmental Protection Division Director's Office at 1-888-373-5947.
To provide the public an opportunity to comment upon and provide input into the proposed Inspection and Maintenance Rule Amendments, a public hearing will be held at 2:30 p.m. on October 3, 2016, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Oral statements should be concise. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on October 4, 2016. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Inspection and Maintenance Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on October 26, 2016, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Inspection and Maintenance Rule Amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-40 et. seq.). For further information, contact Elisabeth Munsey, 404-363-7131 at the Air Protection Branch.
A RESOLUTION

Adopting Amendments to the
Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20

WHEREAS, the Board adopted, under the authority of The Georgia Motor Vehicle Emissions Inspection and Maintenance Act, O.C.G.A. 12-9-40, et seq., the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, which became effective on November 21, 1993, and were last amended effective on June 19, 2014; and

WHEREAS, revisions to Rules 391-3-20-.01, 391-3-20-.04, 391-3-20-.05, and 391-3-20-.09 are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 182 of the federal Clean Air Act; and

WHEREAS, the proposal for the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, has been prepared by staff of the Environmental Protection Division and presented to this Board; and

WHEREAS, amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, will revise various portions of Rule .01, “Definitions”, Rule .04, “Emission Inspection Procedures”, Rule .05, “Emission Standards”, and Rule .09, “Inspection Station Requirements”; and

WHEREAS, on September 1, 2016, a public notice for the proposed rule amendments was posted on EPD’s website and sent to individuals on EPD’s mailing list and to Govdelivery.com subscribers, which invited public comment, announced a public hearing to be held on October 3, 2016, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and

WHEREAS, public comments received in response to the notice and the hearing have been considered; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or greater than minimal, unavoidable due to federal requirements and appropriately minimized; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Motor Vehicle Emissions Inspection and Maintenance Act.
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Enhanced Inspection and Maintenance, Chapter 391-3-20, as attached hereto and incorporated herein by reference.

Adopted this 26th day of October 2016.

Respectfully submitted by:

______________________________
William Bagwell, Jr., Chairman
Georgia Board of Natural Resources

ATTEST:

______________________________
Jeff Bodine Sinyard, Secretary
Georgia Board of Natural Resources
Hamby, Terri

From: Munsey, Elisabeth
Sent: Wednesday, November 16, 2016 9:43 AM
To: Hamby, Terri
Subject: FW: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources
Importance: High

From: Hays, Karen
Sent: Tuesday, November 15, 2016 12:53 PM
To: Kuoh, Dika; Boylan, James; Munsey, Elisabeth; Earl, Pam
Subject: FW: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources
Importance: High

From: Kirkland, Doralyn
Sent: Tuesday, November 15, 2016 12:35 PM
To: Hays, Karen
Subject: Fwd: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources

Pls print and retain for your official rule making files

Sent from my iPhone

Begin forwarded message:

From: "Carter, Amber" <amber.carter@dnr.ga.gov>
Date: November 15, 2016 at 9:32:16 AM PST
To: "Kirkland, Doralyn" <Doralyn.Kirkland@dnr.ga.gov>
Subject: FW: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources

From: Cooley, Doris [mailto:dcrooley@sos.ga.gov]
Sent: Tuesday, November 15, 2016 12:23 PM
To: Carter, Amber <amber.carter@dnr.ga.gov>
Subject: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources

RE: Chapter 391-3-20, Enhanced Inspection and Maintenance, amended by the following actions, Georgia Department of Natural Resources

Rule 391-3-20-.01, Definitions, amended
Rule 391-3-20-.04, Emission Inspection Procedures, amended

Rule 391-3-20-.05, Emission Standards, amended

Rule 391-3-20-.09, Inspection Station Requirements, amended

We acknowledge receipt of your transmittal of the referenced amendments.

We have recorded said amendments as having been received and filed on November 2, 2016, to become effective on November 22, 2016.

Sincerely,

Doris Cooley
Administrative Procedure Division