

AIR QUALITY BOARD

Rules and Regulations

January 1, 2010

I. AUTHORITY FOR ADOPTION

These Rules and Regulations are established by the Air Quality Board under authority of ordinances titled "Motor Vehicle Emissions Control Ordinance"

Title 6, Chapter 1-3 of the Ada County Motor Vehicle Code

City of Boise, Idaho ordinance Number 5273

Garden City Ordinance Number 558

City of Meridian Ordinance 547

City of Eagle Ordinance Number 177

II. DEFINITIONS

A. Air Quality Board (AQB): the governing body of the AIR Program.

B. AIR Program Station: an approved inspection facility which meets the licensing requirements for an initial emissions test station as outlined in these Rules and Regulations.

C. AIR Program Retest Station: an approved repair facility which meets the licensing requirements for a repair and retest station as outlined in these Rules and Regulations.

D. Audit Gas: the gas specified by the AQB to be used for AIR Program station audits.

E. Automotive Inspection and Readjustment Program (AIR): the program established by Joint Powers Agreement # 1291 between Ada County, and the cities of Boise, Meridian, Eagle, and Garden City to reduce vehicular pollution levels in Ada County.

F. Calibration Gases: gases of manufacturer's specified concentration which are used as references for establishing or verifying the calibration curve of an exhaust analyzer.

G. Certificate of Compliance: the printout from an Air Quality Board approved analyzer showing the results of an emissions inspection (failed test results are valid certificates when accompanied by a Request for Waiver form).

H. "Emissions Technician" means a person who has:

1) Qualified by passing a written and practical exam given by Air Quality Board personnel.

2) Successfully demonstrated the ability to operate, calibrate, and maintain the required analyzers.

3) Applied for and maintains a valid "Emissions Technician" license.

I. Emission Test: the analysis of the exhaust gases emitted from a motor vehicle.

J. Exempt Motor Vehicle: A vehicle which:

1) Is a 1980 or older model year vehicle.

2) Is powered by other than gasoline or diesel fuel (propane, electric, hybrid, etc.).

3) Is a manufacturer's model year vehicle which is within 4 years of the current calendar year (i.e. 2007 model year vehicles and newer would be exempt through the end of 2010).

4) Has a maximum vehicle gross weight of less than 1,500 pounds.

5) Is registered as a Motor Home.

6) Is registered as an Idaho Old Timer or Classic Vehicle.

K. Model Year: the year shown on the motor vehicle registration.

L. Motor Vehicle: as defined by the Idaho Code.

M. Non-Exempt Motor Vehicle: Any vehicle which:

1) Is a 1981 or newer model year vehicle.

2) Is powered by gasoline or diesel fuel.

3) Weighs over 1,500 pounds.

4) Is not a model year vehicle within 4 years of the current calendar year.

5) Is not registered as a Motor Home.

6) Is not registered as an Idaho Old Timer vehicle or Classic vehicle.

N. Span Gas: an authorized AIR Program gas used in weekly analyzer span procedure as described in Section IV.H.

O. Station Sign: the official public designation of an AIR Program Station.

III. EMISSIONS TECHNICIAN LICENSE

A. Applications for License

Application for a license as an Emissions Technician shall be filed with the Air Quality Board. Applications for the Emissions Technician License shall be completed on forms provided by the AQB.

B. Fees

1. The application fee for an Emissions Technician License is \$30.00, payable to the Air Quality Board (AQB). There is no fee for annual renewal.

2. Fees for an Emissions Technician License shall be due upon application for license. Payment must be made with a check or money order drawn to the Air Quality Board.

C. Requirements for Issuance of an Emissions Technician License: An applicant must demonstrate the knowledge and skill necessary to perform an emissions test of motor vehicle engines. Such knowledge and skill will be shown by passing:

1. A written or oral Emissions Technician Qualification Test that tests the applicant's knowledge of the following:

a) Operation of an exhaust gas analyzer, including the performance of a span gas procedure and;

b) Those portions of the "Rules and Regulations" with which a technician needs to be familiar in order to effectively carry out his duties.

Note: If an oral exam is given, a written list of answers must accompany the test answer sheet. Interpreters for non-English speaking applicants are to be provided by the applicants.

2. A performance test that demonstrates the applicant's skill in the performance of emissions testing. The performance test will be comprised of one or more of the following items as determined by the Air Quality Board personnel administering the evaluation.

a) Visual inspection of the required emissions control equipment for 1984 and newer vehicles.

b) Demonstration of skill in the proper analyzer use, care, maintenance, and gas spanning.

c) Demonstration of ability to conduct the emissions test.

d) Demonstration of ability to properly use AIR Program forms.

D. Approval Procedure

Applications submitted to the AQB will be reviewed for compliance with paragraph III C above. Applicants successfully meeting the requirements for Emissions Technician License will be issued an Emissions Technician License by the AQB.

E. Transfer of Emissions Technician License

1. The Emissions Technician must notify the AQB, in writing within five (5) days, when he/she begins employment at another AIR Program Station or is no longer employed as an Emissions Technician.

2. The AIR Program Station must notify the AQB in writing within five (5) days after employing an Emission Technician who is transferring his/her Emissions Technician License.

F. Lapse of Emissions Technician License

1. It is the responsibility of the Emissions Technician to pursue license renewal.

2. A person issued an Emissions Technician License who does not make application for renewal prior to expiration shall be deemed to have forfeited the said License and shall be required to reapply, remit the required application fee, and pass the Emissions Technician Qualification Test before a new license will be issued.

G. Re-qualification Requirements for Emissions Technician

1. Emission Technicians shall be required to re-qualify if the AQB determines it is necessary to update their technical qualifications.

2. The AQB will mail a notice to the Emissions Technician's AIR Program Station address specifying requirements for re-qualification.

H. Revocation of Emissions Technician License

1. The AQB has the authority to issue warnings, and suspend, or revoke an Emissions Technician License upon showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance employees to issue notices of alleged violation of these Rules and Regulations.

2. Upon notice of alleged violation as described in paragraph 1 above, the technician /station cited may, within three work days, notify the AQB that he requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will

be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section V.J.

3. If a hearing is not requested the Executive Director will determine the validity of the accusation and, when necessary, impose appropriate penalties.

4. Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.

IV. LICENSING OF AIR PROGRAM STATIONS AND AIR PROGRAM RETEST STATIONS

A. General

1. No person or enterprise shall in any manner represent any place as an AIR Program Station or AIR Program Retest Station unless such station is operated under a valid license issued by the Air Quality Board.

2. No license for any AIR Program Station or AIR Program Retest Station may be assigned, transferred or used by other than the original applicant for that specific station.

3. Applications for license as an AIR Program Station or AIR Program Retest Station shall be made on the forms provided by the AQB. No license shall be issued unless the AQB finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Section IV.C, Requirements for Licensing of an AIR Program Station or AIR Program Retest Station.

a) Applicants may choose to limit the performance of Emissions Tests to a particular fleet of motor vehicles, make, model, type of motor vehicle or list of customers.

b) Should the station applicant elect to limit the performance of Emissions Tests, the station representative must indicate on the application form, the type(s) of motor vehicle or fleet the station will test. The AIR Program Station may be required to furnish the AQB with special reports describing the station's operating procedures.

c) Should the AIR Program Station desire to expand the emissions testing service to include new vehicle types or additional fleets, the station must notify the AQB in writing five (5) days prior to performing emissions tests on the additional vehicles.

B. Fees

1. The fee for issuance of an initial station license is \$30.00

2. Fees for issuance of the station license shall be due upon issuance. Payment must be made with a check or money order drawn to the Air Quality Board.

C. Requirements for Licensed AIR Program Stations

In order to qualify for issuance and continuance of an AIR Program Station License, an establishment must meet the following requirements:

1. Must have a permanent location.
 2. Must sign a contract pledging the station will not make any emissions related adjustments or repairs on the vehicles it emissions tests. (AIR Program Stations limiting emissions testing to a particular fleet of vehicles are exempted from this paragraph.)
 3. Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board.
 4. Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E.
 5. Must obtain and maintain in force appropriate business liability insurance.
 6. Must have the following tools, equipment and supplies available for performance of the emissions test.
 - a. AQB approved NDIR exhaust analyzer. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
 - b. Test gas bottles, a gas pressure meter which registers calibration bottle pressure, and a pressure regulator for gas spanning of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.
 - c. Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
 - d. A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.
6. Pay to AQB the required licensing fee.

D. Requirements for Licensed AIR Program Retest Stations

In order to qualify for issuance and continuance of an AIR Program Retest Station License, an establishment must meet the following requirements:

1. Must have a permanent location.
2. Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board.
3. Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E.
4. Must obtain and maintain in force appropriate business liability insurance.
5. Must have the following tools, equipment and supplies available for performance of the emissions test.
 - a. AQB approved exhaust analyzer. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
 - b. Test gas bottles, a gas pressure meter which registers calibration bottle pressure, and a pressure regulator for gas spanning of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.
- e. Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
- f. A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.
 - e. An AIR Program Retest Station can act as a retest station for either gasoline powered vehicles, diesel powered vehicles or both. The AIR Program Retest Station must have the appropriate gas analyzer, as described above, for the type of retest being performed.
6. Pay to AQB the required licensing fee.

E. Approval Procedure

1. Applications received by the Air Quality Board will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the Air Quality Board's review.
2. Stations which meet the requirements of Section IV.C will be granted an AIR Program Station License or AIR Program Retest Station License and issued an AIR Program

Station sign. The station sign and license shall be posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the Air Quality Board.

F. Revocation of AIR Program Station or AIR Program Retest Station license. The Air Quality Board has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB may assign the authority to issue warnings, and issue a Notice of Suspension or Notice of Revocation to its designated agents.

1. The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance employees to issue notices of alleged violation of these Rules and Regulations.

2. Upon notice of alleged violation as described in paragraph 1 above, the station cited may, within three work days, notify the AQB that it requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions mechanic or station owner. Rulings of this panel will be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section VJ.

3. If a hearing is not requested the Executive Director will determine the validity of the accusation and, when necessary, impose appropriate penalties.

4. Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.

G. Analyzer Specifications

1. No emissions test of a gasoline powered vehicle shall be performed unless the type of instrument used for measuring the exhaust gases has been approved by the Air Quality Board for use in the AIR Program.
2. No emissions test of a diesel powered vehicle shall be performed unless the type of instrument used for measuring the exhaust opacity has been approved by the Air Quality Board for use in the AIR Program.

H. Test Gas Specifications

1. Test Gas Blend

a. Test gas used for spanning exhaust gas analyzers will be produced and supplied to AIR Program Stations in accordance with EPA-A-A-TSS-83-8-B. A copy of this document is available at the Air Quality Board.

b. Containers

1) Test gases shall be supplied in containers which meet all the provisions of the Occupational Safety and Health Administration (OSHA), as specified in 36 Federal Register 105, dated May 29, 1971.

2) Containers may either be low pressure, 7.5 cubic foot DOT 39 non-rechargeable bottles or high pressure, reusable cylinder type. If high pressure, reusable type they must meet the following requirements:

a) The cylinder shall meet DOT specifications for 1-A, 3-A, 3-AA, T, or equivalent cylinders.

b) The rated service pressure shall be a minimum of 1800 psi.

c) GGA-350 Diaphragm packless valves shall be installed in the cylinders.

3. Production

a) The gas blender shall produce the test gas in batch form. A batch shall be considered to be any number of cylinders of identical concentrations produced at any given blending.

b) The gas blender must follow the blending procedure listed in the technical report, "EPA Recommended Practice For Naming T/M Calibration Gas," EPA-AA-TSS-83-8-B, September 1983. The gas supplier must provide the Air Quality Board with documentation that will certify the gas was blended according to the above procedure. Copies of the procedure are available from the AQB.

4. Gas Supplier Records

a) For each batch blended, a record must be kept by the gas supplier as to the whereabouts of each bottle sold. These records must be made available to the Air Quality Board. The records must be kept for one year from the time the last bottle of the batch is sold to an AIR Program Station.

5. Batch Recall Procedure

In the event a batch of test gas is suspected a being out of the specifications listed in Section IV.H.1a. the AQB will follow the procedure below:

a) The AQB will request the gas blender to locate all of the bottles from the batch.

b) A check to verify the cylinder concentration will be made.

c. If the batch is confirmed to be out of specifications, the gas supplier will be notified in writing. The gas supplier will have 14 days from the time of notification to provide the Air Program stations new bottles of test gas.

d. The replacement test gas must be produced and undergo the same name verification and approval as specified above.

e. A count of the recalled gas bottles and any bottles which were not located or recalled, for any reason, will be provided to the AQB. This information shall be provided to the AQB within 21 days of written notice.

V. AIR PROGRAM STATION AND RETEST STATION OPERATION

A. General

1. No person shall in any manner represent any place as an AIR Program Station for the performance of emissions tests unless the station has obtained an AIR Program Station license.

2. No person shall in any manner represent any place as an AIR Program Retest Station for the performance of emissions tests unless the station has obtained an AIR Program Retest Station license.

3. No person shall perform an AIR Program vehicle exhaust emissions test unless he/she possesses a valid Emissions Technician's License.

4. The station is required to notify the AQB in writing five (5) days after employing an Emissions Technician.

4. The station is required to notify the AQB within five (5) days of terminating an Emissions Technician.

5. Citizens of Ada County are required to present their vehicles to emission testing stations and they have a right to expect courteous, professional service. Being under the influence of illegal drugs, having alcoholic beverages on the premises, and smoking or using profanity while doing an emissions test are considered inappropriate by the Air Quality Board and will not be tolerated.

a. The Air Quality Board reserves the right to require technicians appearing to be under the influence of alcohol, controlled substances and/or illegal drugs to submit to drug testing.

b. The Air Quality Board will pay for testing and results will be kept confidential except where disclosure is required for disciplinary action.

6. Noncompliance with any section of this document can be justification for denial, suspension or revocation of either the Station License, Emissions Technician's License or both.

B. Verification of Exemption

1. **Alternate Fuel Identification.** AIR Program Stations are required to identify, at no charge, motor vehicles that are electric hybrids or that do not have gasoline or diesel fueled engines. Vehicle owners may bring their motor vehicles to any AIR Program Station to have their vehicle identified. The licensed Emissions Technician will verify that the vehicle matches the information on the AQB notice form (if presented) and then enter and alternate fueled vehicle record into the analyzer.

2. **Vehicles of less than 1500 pounds gross vehicle weight.** AIR Program Stations are required to use title/registration documents, technical descriptions, etc. to identify vehicles with a gross vehicle weight of less than 1500 pounds. When documentation is inconclusive, refer customer to the Air Quality Board.

3. **Motorcycles, Farm Tractors, Classics and Idaho Old Timers.** These vehicles should be exempted by Air Quality Board staff and should not receive notifications. If vehicle owners of these vehicles receive a notice of inspection, they should be referred to the Air Quality Board.

C. Certificates of Compliance

1. General

a. No person shall willfully make, issue or knowingly use any imitation or counterfeit Certificate of Compliance that designates the motor vehicle complies with the AIR Program.

b. No person shall possess a Certificate of Compliance if he knows the same is counterfeit or was issued for another motor vehicle, or was issued without an emissions test having been made.

2. Purchase of Certificates of Compliance

a. Any person acquiring a business which has been licensed as an AIR Program Station or AIR Program Retest Station is prohibited from using the AIR Program Station License or AIR Program Retest Station License and is prohibited from using the emissions testing equipment to produce a Certificate of Compliance until a new station license has been issued.

b. The act of performing an emissions test and issuing a Certificate of Compliance constitutes the purchase of the Certificate of Compliance from the Air Quality Board. Air Quality Board personnel will periodically collect test data from all authorized emissions test analyzers. The Air Quality Board will then bill stations for the number of certificates issued. Failure of a station to pay for Certificates of Compliance when charged is grounds for suspension of the station's license.

c. Payment for Certificates of Compliance is due ten (10) days from the billing date.

d. The Air Quality Board will set the cost of Certificates of Compliance as part of its annual budgeting process. The cost will be calculated to cover all aspects of the operation of the Air Quality Board office but shall not exceed \$3.50 per Certificate of Compliance.

e. Whenever a vehicle owner does not pay for an emissions test the testing station may request the Certificate of Compliance be voided and not charged to the testing station. The AQB staff shall void the Certificate and notify the vehicle owner that the test performed is no longer valid.

D. Public Notices

1. Licensed AIR Program Stations and AIR Program Retest Stations shall post in a clearly legible fashion, in a conspicuous place inside the station:

- a. Maximum fee chargeable for the emissions test;
- b. Minimum expenditure required to qualify for waiver of emissions standards.
- c. Station license;
- d. Each Emissions Technician's License certificate;
- e. AIR Program motor vehicle model year emissions standards;

2. The station shall post in a clearly visible place outside the station the official program sign issued by the Air Quality Board. AIR Program Stations that limit the performance of Emissions Tests as described in Section IV.A.3.a through c, are not required to display the station sign along with the public notice signs listed in Section V.D.1.a through e above.

3. Mobile stations must post in a visible place, either on a sign board or the body of the motor vehicle used to transport the analyzer and supplies, the notices in Section V.D.1 and 2 above.

E. Record Keeping

The emissions analyzer maintains internal records of sufficient quality and redundancy to eliminate the need for additional record keeping by AIR Program Stations. In the event that problems develop with maintaining and transferring data from the emissions testing analyzers, the Air Quality Board Director has the authority to require stations to keep printouts of all tests conducted until the problems have been remedied.

F. Quality Control

Quality control is the responsibility of the AIR Program Station. The emissions analyzer is designed to require the accomplishment of certain quality control measures on a regular basis. Emissions inspections cannot be performed if these quality control measures are not accomplished.

G. AIR Program Station Reporting

1. Vehicles tested during registration month: The AIR Program Station will keep all Alternate Powered /New Vehicle Certifications and Waiver forms until picked up by Air Quality Board personnel.

2. Vehicles tested after their required inspection month: The AIR Program Station will keep all Alternate Powered /New Vehicle Certifications and Waiver forms until picked up by Air Quality Board personnel. In addition:

a. Individuals who have their vehicles tested after the required inspection month may be required to pay a late charge, established by the Air Quality Board. Thus far, no late charge penalty has been established. If the incidence of late inspections is great, this charge may be instituted to cover the increased workload caused by special handling required.

b. If late charges are imposed, the AIR Program Station shall collect the late charge when performing the emissions test. The AIR Program Station will be billed for all late tests accomplished.

H. Violations and Penalties

1. The complete operation of an AIR Program Station or AIR Program Retest Station shall be the responsibility of the station owner. Failure to comply with the appropriate provisions of these Rules and Regulations adopted by the Air Quality Board or the provisions of the enabling county/city ordinances will be considered sufficient cause for warning, imposing fines, and/or suspension or revocation of inspection licenses for either the station, emissions technician or both.

2. Notice of Alleged Violation. If a violation of the enabling ordinances or these rules and regulations is detected or alleged, a Notice of Alleged Violation will be issued. Once a Notice of Alleged Violation is issued, the following procedures will be followed:

a. Notice issued to Emission Technician. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will be decided by majority vote of the members. Penalties, when appropriate, will be imposed immediately upon completion of hearing. Findings of this panel may be appealed to the full AQB at its next scheduled meeting.

b. Notice issued to AIR Program Station or AIR Program Retest Station. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will complete an investigation into the alleged violation within three work days. If the violation is

validated, the Director or his representative will immediately impose appropriate penalties. Rulings by the Director may be appealed to the full AQB at its next scheduled meeting.

2. **Penalties.** Upon the determination of a violation of these Rules and Regulations or enabling ordinances, the Air Quality Board, or its designated representatives, may assess warnings, impose fines, and/or suspend or revoke the station and/or emissions technician licenses. The station owner/agent bears the burden of proving that proper supervision was provided so that the violation by employed emissions technician could have been prevented.

3. **Application.** Violation numbers 1.0 through and including 11.0 are of such serious nature that they jeopardize the integrity of the AIR Program. As such, penalties for these may be imposed without prior warning, either verbal or written. The following list of violations and penalties is a guideline. It is not mandatory that these guidelines be followed, however, in the interest of promoting a strong AIR program, it is highly recommended that penalties be enforced as shown.

4. **Definitions:**

a. **Notice of Alleged Violation.** Notice given to station or technician that a violation of enabling ordinances or rules and regulations is alleged and disciplinary action may result.

b. **Warning.** A written warning advising the AIR Program Station and/or licensed Emissions Technician of the violation and the corrective action to eliminate the violation. The original copy of the warning will be placed in the station's audit history file. A copy will also be delivered to the station and/or technician to whom the warning was issued.

c. **Suspension.** A specified period of time, during which the license of an AIR Program Station and/or Emissions Technician is withheld by the Air Quality Board. All official AQB documents and materials may be retained by the Air Quality Board until the suspension period is completed and any reapplication requirements are fulfilled.

d. **Revocation.** A permanent forfeiture of license and privileges as an AIR Program Station and/or Emissions Technician. All official documents and material will be confiscated by the AQB.

e. **Notice of Suspension or Revocation.** A written notification issued by the Air Quality Board or its agents indicating that there are sufficient grounds to require a license suspension or revocation subject to the right of appeal. The notice shall further specify the action being taken and its effective dates.

f. **Fine.** Monetary penalty imposed for violations of these Rules and Regulations.

5. **Recommended penalties for violations:**

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
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1.0 Issuance or possession of altered, forged, stolen, or counterfeit compliance certificates.	1 Year Suspension and/or \$500 Fine	Revocation	
2.0 Furnish, lend, give, sell, or receive a certificate of compliance without an emission inspection.	1 Year Suspension and/or \$500 Fine	Revocation	
3.0 Unnecessary or unauthorized repairs for purpose of inspection.	1 Year Suspension and/or \$500 Fine	Revocation	
4.0 Fraudulent record keeping.	1 Year Suspension and/or \$500 Fine	Revocation	

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
5.0 Working while under the influence of illegal drugs or alcohol.	1 Year Suspension and/or \$500 Fine	Revocation	
6.0 Inappropriate conduct in the presence of a customer to include smoking or the use of profanity.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation
7.0 Inspection by unlicensed emission technician.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation
8.0 Failure to perform quality control procedures in accordance with manufacturer's specifications.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation
9.0 Failure to produce records upon demand by quality assurance inspector.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation
10.0 Intentional misstatement of fact.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation
11.0 Improper assigning of certificate of compliance.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	1 Year Suspension and/or \$500 Fine
12.0 Failure to keep records in accordance with the Rules and Regulations.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	1 Year Suspension and/or \$500 Fine
13.0 Failure to inspect vehicles in accordance with the Rules and Regulations.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	1 Year Suspension and/or \$500 Fine
14.0 Failure to report an unscheduled	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine

discontinuance of inspections for a period of more than 24 hours.			
15.0 Failure to notify the Air Quality Board within five days of changes of ownership, location, technician status or other changes affecting the AIR Program Station operation.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine
16.0 Failure to maintain certificate of compliance security.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
17.0 Failure to return AQB copy's of Alternate Powered Certification, New Car Exemption or Waiver form in accordance with these Rules and Regulations.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine
18.0 Failure to maintain exhaust analyzer operating environment according to manufacture specifications.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine
19.0 Required tools, equipment, or supplies missing or broken.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine

5. Official documents and materials. Whenever an AIR Program Station, AIR Program Retest Station or Emission Technician License is suspended or revoked, the Air Quality Board or its agents may order the surrender to the Air Quality Board of the following items (as appropriate):

- a. Inspection records.
- b. Air Station license and sign.
- c. Unused AQB certificate of compliance
- d. Technician license.
- e. Blank data forms.

6. Subsequent violations. Determination of second or subsequent violations is made on the basis of previous violations in the same category within a three (3) year period.

7. Multiple violations. In the case of multiple violations considered at one time, the Air Quality Board or its agents will impose separate penalties for each violation. The Air Quality Board or its agents, at their discretion, may direct that suspensions run concurrently.

8. Voluntary discontinuance. An Air Station License shall be canceled by the Air Quality Board or its agents whenever the owner voluntarily discontinues the operation of an AIR Program Station. Remaining emission inspection materials shall be returned to the air Quality Board or its agents immediately.

9. Abandonment. An Air Station License shall be canceled by the Air Quality Board or its agents, and inspection materials confiscated when the owner of record abandons the place of business and cannot be located within ninety (90) days.

10. Sale of business. If an AIR Program Station is sold or leased to a new owner, an application will not be considered while the station is suspended, or restored pending an appeal of suspension.

11. Confiscated materials. Certificates of compliance and records confiscated as the result of a suspension or revocation will be retained by the Air Quality Board or its agents. They shall be returned to the AIR Program Station if inspection privileges are restored or the station is re-licensed.

12. Remedial Training. Following any suspension, a licensed technician will not be allowed to return to emissions testing duties until he has successfully completed a remedial training course taught by the Air Quality Board or their designated representative.

I. Reapplication

1. If an AIR Program Station, AIR Program Retest Station or Emissions Technician license expires during a suspension period, inspection privileges shall not be restored until an application and fees for relicensing have been received and reviewed by the Air Quality Board.

2. Following a suspension of three months or more, a complete and thorough investigation by quality assurance personnel will be conducted to determine if the applicant qualifies for relicensing under the requirements of the Air Quality Board. Other applications for relicensing are subject to investigation at the discretion of the Air Quality Board.

J. Appeal for Hearing

1. Requests for an Air Quality Board hearing following a notice of suspension or revocation of license must be made in writing to the Air Quality Board within five (5) days of the date of the notice. The right to appeal and a hearing shall be considered relinquished if the request is not made within the above allotted time period.

2. Upon receipt of an appeal, a Hearing Committee consisting of at least three members will be selected from regular members of the Air Quality Board.

a. Notice of hearing will be furnished to the appellant in writing within five (5) working days of receipt of the request. The Hearing Committee will normally meet within five (5) working days of the notice, at which time the parties may present evidence, cross-examination or argument. The Hearing Committee, after considering all evidence, will determine if sufficient grounds for suspension or revocation exists, and if so, the Hearing Committee will evaluate the imposed penalty. The Hearing Committee shall have the authority to approve, amend, delete, or otherwise change the imposed penalty as they see fit. The decision of the Hearing Committee is final.

b. Notice of decision will be made to the appellant in writing within five (5) working days of the hearing. The notice will include the findings of fact that form the basis for

the Hearing Committee's decision. A record of the hearing shall be maintained for a period of one year.

c. The Air Quality Board or its agents shall not be held liable for any loss of revenue as the result of a suspension or revocation.

VI. EMISSIONS TEST PROCEDURE

A. General

1. The Emissions Test must be performed by a licensed Emissions Technician.
2. The Emissions Test must be performed at a licensed AIR Program Station or AIR Program Retest Station, as described in Section IV, and operated in accordance with procedures established in Section V, "Air Program Station Operation".
3. The maximum test charge, including the cost of the Certificate of Compliance, shall be fifteen dollars (\$20.00).
4. The Air Quality Board will set the cost of Certificates of Compliance as part of its annual budgeting process. The cost will be calculated to cover all aspects of the operation of the Air Quality Board office but shall not exceed \$3.50 per Certificate of Compliance.
5. The maximum a station can charge for a failed emissions test is \$20.00 minus the currently established cost of Certificates of Compliance.
6. No repairs or adjustments will be done at AIR Program Stations. (Stations may do air conditioning service if they meet Federal and State equipment requirements for repairs on such systems.)
7. AIR Program Retest Stations can only test vehicles which have failed an emissions test at a licensed AIR Program Station.
8. AIR Program Retest Stations can only charge for Certificates of Compliance. (It may not charge the emissions test labor charge.)

B. Applicability

All nonexempt motor vehicles must be inspected biennially on or before the end of its AIR Program required inspection month and year. The purpose of this inspection is to verify compliance with the emission standards established by the Air Quality Board and published in paragraph VI.D below. Non-exempt vehicles will have their required inspection month established as the second month following the month in which the vehicle is registered/re-registered. The established inspection year will be even calendar years for even model year vehicles and odd calendar years for odd model year vehicles. Once the AIR Program required inspection month is established, it will not normally be changed unless the vehicle registration is allowed to expire (in which case a new AIR Program required inspection month may be

established when the vehicle is again re-registered as a non-exempt vehicle.) In cases where the inspection has been delayed for any reason, the test will not satisfy the next appropriate test cycle requirement unless it is performed within six months of that cycle's due month.

C. Identification of Motor Vehicles Complying With the Automotive Inspection and Readjustment Program.

Motor vehicles that are required to comply with the AIR Program will be identified by review of Idaho Transportation Department motor vehicle registration records and tracked for compliance by the Air Quality Board. Vehicle owners will be given a Certificate of Compliance when their vehicle is emissions tested. It is recommended, though not required, that the owner keep the Certificate of Compliance with the vehicle as proof of compliance with emissions testing requirements.

D. Standards

1. Tampering: Motor vehicles of the model years 1984 and newer are to be inspected for the presence of the catalytic converter, and air injection system. Motor vehicles which have had those systems removed or defeated are to be denied a Certificate of Compliance until the motor vehicle owner restores them to their original or operating condition. (The systems are not required to be installed on motor vehicles which at the time of production did not have the system installed by the manufacturer.) WAIVERS UNDER SECTION VI.F. DO NOT APPLY. However, the cost of repairs to vehicle emission systems may be included for waiver requirements for additional repairs after the tampered emissions system is fully functional.

2. Emissions Standards:

<u>LIGHT DUTY GASOLINE VEHICLES</u>	<u>CO</u>	<u>HC</u>
Model Years 1981 to 1995	1.2%	220 ppm
Model Years 1996 & Newer	must meet OBDII test requirements	

<u>HEAVY DUTY GASOLINE VEHICLES</u>	<u>(over 8,500 lbs GVW)</u>	
Model Years 1981 to 1995	3.0%	500 ppm
Model Years 1996 & Newer	must meet OBDII test requirements	

DIESEL FUELED VEHICLES

55% opacity for 1981 to 1991 vehicles

40% opacity for 1992 and newer

E. Emissions Test Procedure

1. General

a. The inspections are to be performed at licensed AIR Program Station or AIR Program Retest Station by licensed Emissions Technician.

b. Emissions test will be performed using the approved analyzer's emissions test sequence. This is a menu driven, step by step procedure insuring proper procedures are followed. The 30 second preconditioning is intended to assure that the vehicle is warmed up, however, a cold vehicle may require additional warm-up for proper testing. If a vehicle engine appears to be cold, have the owner drive the vehicle around for 2 to 5 minutes to adequately warm up the engine.

c. AIR Program Stations will record and charge the appropriate emissions test fee for all tests performed including vehicles failing visual checks.

d. AIR Program Retest Stations cannot perform initial emissions tests on vehicles, i.e. they can only perform emissions tests on vehicles which have failed (either gas check or visual check) an emissions test at a licensed test only station.

2. First Test Procedure

a. Select the appropriate menu item to begin a certified emissions inspection and type in the identifying vehicle information.

b. Follow the step by step test procedures established by the analyzer.

c. If the motor vehicle is of the model year 1984 or newer a visual inspection will have to be performed. Open the motor vehicle hood and check for the presence and operation of the air injection system. Examine the exhaust system for the presence of the catalytic converter. If any of the systems have been tampered with, the inspection station will take the following actions:

1) Select "F" in the appropriate blank on the "visual inspection" screen during the test sequence.

2) Complete the test, sign the printout from the analyzer and give it to the motor vehicle owner. (Stations may, at their option, keep a copy of the test data printout.) Inform the vehicle owner he/she has thirty (30) days to restore the emission systems to the original operating condition and comply with the AIR Program model year CO and/or HC standards. (If additional time is required, contact the AQB.)

d. Complete the test in accordance with the computer directed test sequence. (If the exhaust pipe is baffled, a tailpipe probe extender at least 12 inches long must be inserted in the exhaust prior to the emissions test.)

e. At the completion of the test sequence the analyzer will print a result of the test. The emissions technician will sign the printout and give it to the motor vehicle owner. If the vehicle fails the first test, the vehicle owner has thirty (30) days to perform or have performed adjustments/repairs. If the vehicle is brought back within the thirty (30) days, it must be given another emissions test without charging an additional labor charge. (The only additional charge allowed is the Certificate of Compliance fee for a completed test.)

f. Should the motor vehicle owner wish to challenge the analyzer readings, the motor vehicle owner must notify the AQB within 72 hours. The Board will either immediately perform an audit of the analyzer or arrange for an audit in the presence of the motor vehicle owner, station representative and AQB auditor according to the procedure described in Section VII, "Air Station Audit Procedure".

3. Repair Procedures

a. Vehicles exceeding the model year CO and/or HC standards have thirty (30) days to have adjustments and/or repairs performed and return for a free re-inspection at original place of inspection. Vehicle owners of vehicles which fail an emissions test will be given a list of AIR Program Retest Stations where the vehicle can be repaired and receive a free retest.

b. Failed vehicles covered by 2 year/24,000 mile, Section 207(b) "Performance Warranty" provisions of the Federal Clean Air Act.

1) Vehicles covered by the 207(b) warranty should be repaired or adjusted by an authorized warranty repair facility to protect the entitlements granted by the motor vehicle warranty and to protect the motor vehicle owner from any charges that may be covered by the 207(b) warranty.

2) The only fees that the motor vehicle owner is required to pay are the maximum Emissions Test fee and the Certificate of Compliance fee as specified in paragraph VI.A.

3) The warranty provisions of Section 207(b) of the Clean Air Act specify that the repairs or adjustments are to be performed at no cost to the vehicle owner and must lower the CO percentage emission level to the specified model year CO percentage standard.

c. Failed motor vehicles covered by the 5 year/50,000 mile Section 207(a), "Defect Warranty Provisions" of the federal Clean Air Act.

1) The motor vehicle owner may have to pay a diagnostic fee to identify faulty emissions control components in addition to the maximum Emissions Test fee and Certificate of Compliance fee as specified in paragraph VI.A. If the faulty component is covered under the 207(a) Warranty provision and the diagnosis was performed at an authorized warranty repair facility, the diagnosis fee is to be refunded or not charged to the motor vehicle owner.

2) If the component(s) are not covered under the Section 207(a) warranty, the vehicle owner is required to have repairs or adjustments performed until either the vehicle is in compliance with emission standards or the repair costs have met or exceeded the maintenance waiver amounts shown in Section VI.F.

d. Vehicles that fail the emissions standards and do not qualify for warranty repairs must receive repairs until either the vehicle is in compliance with inspection standards or the applicable waiver amount has been exceeded (see paragraph VI.F.).

4. Retest Procedures

a. Test Only Station - re-analyze the motor vehicle's exhaust gas according to the procedures specified in Section VI.E.2, "First Test Procedures" and proceed according to the results of the retest as follows:

1) Vehicle passes retest. Sign test results and give copy to vehicle owner. Charge Certificate of Compliance fee.

2) Vehicle fails retest and maintenance costs have exceeded maintenance waiver amount.

Fill out the data blocks for Name, VIN and License on the Request for Waiver form and have the vehicle owner sign the form. Give the long copy of the form to the vehicle owner and hold the short copy until picked up by Air Quality Board personnel. Charge the vehicle owner for the completed test including the Certificate of Compliance fee. (The test data results page and Request for Waiver together comprise the Certificate of Compliance.)

3) Vehicle fails retest but repair costs have not exceeded maintenance waiver amounts.

The owner must seek additional repairs and adjustments and retest, however, the station is only required to give one free retest. DO NOT collect the Certificate of Compliance fee.

b. Repair and Retest Station

1) Before performing any retest, be sure the vehicle has failed an emissions test at a licensed AIR Program "test only" station.

2) After repairs have been performed, re-analyze the motor vehicle's exhaust in accordance with paragraph E.4.a. above.

3) Do not charge for the emissions test itself. If the vehicle passes the retest or a waiver is granted collect the Certificate of Compliance fee and remit the fee to the AQB.

F. Waiver of AIR Program Emission Standards

1. Any vehicle which fails to pass an emissions test must receive repairs in a sincere effort to fix whatever malfunction(s) are causing the high level(s) of pollutants. It is recognized that some mechanical problems may be difficult to diagnose and fix and that open ended, expensive repairs could pose a hardship. Therefore, provisions for granting a waiver of the AIR Program emission standards are established in the following paragraphs. In all cases where a waiver is granted, the Emissions Technician will explain to the vehicle owner that failure of the

emissions test means the vehicle is not running properly, excess fuel is being burned, and, in the worst case, damage may occur to engine components.

2. Procedures

a. The owner of a vehicle which fails its emissions test must show proof that a minimum of \$300.00 has been spent on emissions related repairs subsequent to the failure of the emissions test.

b. A vehicle whose owner has spent in excess of the above amount in attempting to adjust and repair the emissions system of a vehicle qualifies for a waiver to the AIR Program emissions standards.

c. The Emissions Technician will fill out a Request for Waiver form and have the vehicle owner sign it. The vehicle owner will be given the long copy of the form (which explains the waiver policy) and the short copy will be held until picked up by Air Quality Board personnel.

d. The Emissions Technician will collect copies of receipts for parts and repairs which demonstrate that the required minimum amount has been spent attempting to fix the vehicles problems. The copies of the receipts will be submitted to the Air Quality Board with the short copy of the Request for Waiver form.

3. A vehicle which has had its emissions system tampered with (parts missing or intentionally defeated) will not be granted a waiver under this paragraph unless the emissions equipment has been made fully functional. If, after repairing the tampered emissions equipment, the vehicle requires further repairs to be brought within emissions standards, the cost required to repair the emissions equipment can be considered for waiving further repairs.

4. All cases where the technician is uncertain as to whether the repairs qualify towards the waiver minimums should be referred to the Air Quality Board Quality Assurance office.

5. The intent of the waiver provisions of this section is to avoid financial hardship on vehicle owners who would otherwise have to spend excessive amounts in order to bring their vehicles into AIR Program compliance. If repairs required under this paragraph pose a financial hardship on a vehicle owner(s), the Air Quality Board shall have the authority to issue waivers without requiring the expenditure of the amounts listed in paragraph VI.F. 1 above. Such determination of hardship shall be made on a case-by-case basis by the Air Quality Board staff.

6. A waiver under this paragraph is only valid until the vehicle's next required inspection cycle.

VII. AIR PROGRAM STATION AUDIT PROCEDURE

A. Applicability

1. Each AIR Program Station and AIR Program Retest Station is required to follow the Quality Control Procedures described in Section V.F. "Quality Control".

2. The AQB will perform a monthly audit of each AIR Program Station and AIR Program Retest Station to certify that the quality assurance procedures are being followed.

3. Should a test given by the station be challenged, the AQB will resolve the complaint using the procedure in paragraph B below.

B. Audit Procedure

1. Analyzer Audit - The Air Quality Board's auditor will review the current analyzer calibration data stored in the computer and may ask to observe the station's Emissions Technician perform a three day calibration and/or a leak check on the station's analyzer. The computer keeps a record of all calibrations done and these will be reviewed for any developing trends.

2. Emissions Test Audit Procedures

a. The Air Quality Board's auditor may, during the monthly station audit, observe one or all of the station's Emissions Technicians perform either the Automotive Emissions Procedure, First Test Procedure Section VI E.2. or the Retest Procedure Section VI E.4.

b. Should a vehicle owner request a challenge test, the Air Quality Board's auditor will arrange a time for performance of both the station Audit Procedure (Section VII B) and the Automotive Exhaust Emissions Test Audit.

If it is determined that the station's analyzer is out of calibration or if the exhaust emission analysis was not performed in accordance with the requirements of Section VI, the station will be required to refund to the vehicle owner any collected moneys and have the analyzer repaired or the procedure corrected. A summary report describing the result of the challenge test and audits along with the audit checklist will be prepared for AQB review.